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**Descriptive Representation and Equal Access to the Law: Race, Representation, and Crime
Policy in America**

by

Laurel Eckhouse

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Political Science

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Associate Professor Amy Lerman, Chair

Professor Sean Gailmard

Associate Professor Gabriel Lenz

Professor Jack Glaser

Summer 2017

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Policy in America**

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Laurel Eckhouse

Abstract

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Doctor of Philosophy in Political Science

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Associate Professor Amy Lerman, Chair

This dissertation investigates the origins of inequalities in the application of state power. When do democratic institutions produce egalitarian outcomes, and when do they reinforce existing inequalities? How and when does descriptive representation change policy outcomes? I examine these questions in the context of a key point of contact between American citizens and the state: interactions with police. Previous work has shown that people of color are both more likely than whites to be arrested for similar behaviors, and less likely to receive aid from the criminal justice system in dealing with violence. In this dissertation, I argue that inequalities in the application of police power result from differences in local political representation.

The first section of my dissertation develops my theory of representation. I argue that descriptive representation has especially important consequences when intra-party differences between groups are high. Using national survey data, I show that black Democrats are far more concerned about both crime and police violence than white Democrats or Republicans. Historical case studies from both national and local policy-making suggest that when black Democrats cannot rely on their co-partisans to support their policy interests, descriptive representation plays a critical role in linking elite and mass interests.

Subsequent chapters develop and test a framework for understanding how institutions mediate political representation. While existing work has assessed how small numbers of black or female legislators engage in advocacy within legislative bodies, I find that subordinate groups can improve policy outcomes most effectively by *holding* political power – that is, by changing the composition of city councils. Using genetic matching on a national data set of cities, I find that majority minority city councils reduce racial disparities in police enforcement by more than half. Majority power is key to changing policy outcomes.

Drawing on observations of neighborhood councils and primary source documents in rapidly gentrifying, racially mixed East Bay neighborhoods, I challenge the conventional wisdom that local participatory democracy improves accountability and police-community relationships. Instead, I find that these institutions enhance the power of neighborhood networks, which use the meetings to deploy police against members of the community they regard as dangerous. *Divided* communities

with two major groups are particularly prone to capture by local elites; *diverse* or fragmented communities have more broadly representative institutions.

The final section examines the consequences of intensive policing for the distribution of police violence. Using a unique data set on police shootings from South Carolina, combined with a natural experiment on use of force in New York City, I show that racial disparities in police shootings owe more to racial differences in exposure to arrest than to differences in the risk of violence conditional on arrest.

These findings cast light on the conditions under which democratic institutions lead to inegalitarian outcomes. I argue that, when parties do not effectively represent the policy positions of racial minorities, minority groups need independent access to political power. Moreover, participatory democratic institutions often reflect and exacerbate existing political inequalities.

To Ruth Eva Strauss Eckhouse

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Chapter 1

Introduction

On August 9, 2014, an unarmed black teenager was shot and killed by a white police officer in Ferguson, Missouri. I was two years into the project that would become this dissertation. Over the following months and years, protests sparked wherever police killings occurred: Minneapolis, Baton Rouge, New York, Cleveland, Chicago, Baltimore. The officer who killed Michael Brown was not indicted; protests flared in Ferguson again.

The Department of Justice investigated Ferguson's police department, finding a long-standing pattern of aggressive enforcement against African American residents. The fines and fees paid largely by black Fergusonians – for tickets, court costs, and other criminal justice tickets – funded the city's everyday operations (cite DOJ report). Ferguson became a byword for racial inequality in policing.

And yet, as this book reveals, Ferguson is ordinary. Much of the criticism of Ferguson's policing focused on the tremendous inequalities in minor arrests between black and white Fergusonians. Black residents of Ferguson were 2.67 times as likely to be arrested as white residents. This ratio puts Ferguson squarely in the middle of the US cities – a little above the median, but not much. Baltimore's ratio is worse. So are the inequalities in Seattle, Minneapolis, Oakland, San Francisco, Berkeley, and Seattle.

Where do these inequalities come from? My dissertation traces the origins of unequal policing in local politics. Most scholarship on the carceral state focuses on large historical patterns, national or state policy changes, or racism by individual police officers. These issues are important. Police, like other Americans, show racial bias in their decisions to use force under experimental conditions and in their evaluations of behavior as suspicious or not.

And yet, focusing on individuals – or on history – omits a key aspect of policing. Police are embedded in explicitly political institutions. They are bureaucrats answerable to elected officials. These political institutions make direct demands

1.1 Chapter 2: Race, Party, and Representation

Descriptive representation has especially important consequences when intra-party differences between groups are high. Even in an era of intense polarization, many issues remain outside the set of issues incorporated into party conflict. Using data from the General Social Survey, the African American Men Survey, and recent polls on crime, I show that black Democrats are far more concerned about both crime and police violence than white Democrats or Republicans. Historical case studies from both national and local policy-making show the consequences of these divisions for representation: when black Democrats cannot rely on their co-partisans to support their policy interests, black representatives play a critical role in advocating for black interests. This helps make sense of existing findings about descriptive representation.

1.2 Chapter 3: City Councils and Inequality in Policing

Descriptive representation can improve policy outcomes most effectively not through constituent service or advocacy, but by *holding* political power – that is, by maintaining majorities. Using a combined data set of over 3000 cities in the United States, I find that majority minority city councils reduce racial disparities in police enforcement by more than half. Smaller levels of descriptive representation do not change racial disparities in policing. These results are robust to a variety of tests, from simple difference in means to genetic matching, and to a variety of alternative explanations.

1.3 Chapter 4: Local Governance and Elite Capture

In Chapter 4, I turn to local, participatory institutions: neighborhood police-community councils. My observations in rapidly gentrifying, racially mixed East Bay neighborhoods lead me to challenge the conventional wisdom that these institutions improve accountability and police-community relationships. Instead, I find that these institutions enhance the power of neighborhood networks, which use the meetings to deploy police against members of the community they regard as dangerous. *Divided* communities with two major groups are particularly prone to capture by local elites; *diverse* or fragmented communities have more broadly representative institutions.

1.4 Chapter 5: Everyday Risk: How Unequal Contact drives Police Violence

In the final empirical chapter, Chapter 5, I investigate the consequences of intensive policing for the distribution of police violence. Scholarship on police violence has focused largely on the moment of decision, identifying cognitive and psychological causes of implicit bias among police officers. This research strategy poses both analytical and policy problems: it separates police violence from the remainder of the carceral state and identifies causes of racial inequality with no

well-substantiated remedies. I argue that what I call *exposure disproportion* is a more significant cause of racial disparities in police violence. Using national data on police killings, I show that racial differences in exposure to police contact produce larger racial differences in police killings. I examine a novel data set in South Carolina which shows that this is also true for non-lethal shootings.

Finally, using an interrupted time series from New York City, in which a procedural change reduced the exposure of black civilians to casual stops, I show that reductions in exposure can diminish racial disparities in police violence *even when* the probability of violence within a stop rises. Reductions in Stop, Question, and Frisk eliminated 50 incidents of use of force against African Americans *per day* in a 30-day bandwidth; estimates on the full data set show a reduction of as many as 185 uses of force against black civilians *each day* from stopping fewer civilians.

1.5 Conclusion

The last two years have brought national attention to racial inequalities in policing, and their deadly consequences. Policing is not only the central expression of the state's monopoly on the use of force, but also plays a central role in racial inequality in the United States, affecting civic engagement, labor market outcomes, community ties, urban development, and educational inequality. My dissertation reveals that these inequalities are fundamentally political in nature: they originate in differences in political power and representation. My research thus contrasts with previous findings, which explain these inequalities as the product of either legal institutions or the biases of individual officers. I show that when racial minorities have effective political representation, racial inequality in policing declines.

The consequences of these inequalities in policing are profound. An extensive literature in political science and sociology documents the consequences of intensive policing, especially for race-class subjugated communities. The pervasive intervention of police leads to social disconnection, job loss, eviction and instability, civic disengagement, declines in political participation,

These consequences are political, not just in their distributive consequences, but in their origins. A full reckoning with the origins of racial inequality in policing requires an assessment of the ways that representative politics shape the law on the ground.

Chapter 2

Party, Race, and Representation

2.1 Summary

In this chapter, I argue that party conflict, the key to collective representation, leaves major representational gaps in American politics, even in a hyperpolarized era. These gaps arise when party conflict cannot: either because of substantial intra-party divisions or because parties play little role in those specific electoral institutions, as with local politics.

The representational failings of parties are especially significant in their consequences for racial minorities: despite the growth of polarization, there are issues where intra-party opinion differences across racial lines dwarf differences between white Republicans and white Democrats.

I illustrate this problem using the case of criminal justice politics. I argue that party conflict has not adequately represented the political views of black Americans on criminal justice. Though African Americans overwhelmingly vote for Democrats, the Democratic Party has often pursued the support of white voters by distancing themselves from African Americans (Frymer 2010). On issues where white and black Democrats are aligned, the Democratic Party can provide representation for African American interests I show, however, that on criminal justice issues, intra-party gaps between black and white Democrats dwarf differences between white Democrats and white Republicans.

This problem is particularly acute for policing and other issues regulated at the local level: there, electorates are homogeneous and elections are typically non-partisan. I use both national and local survey data to show that attitudes and preferences about policing – that is, local demand – vary across racial lines. Without effective party representation, descriptive representation plays a critical role in bringing the views of people of color into organized political conflict.

In the remainder of the dissertation, I show how community divisions play out in political life, and how institutions effectively represent citizens – and how they do not.

2.2 Introduction

Political parties are the engine of American political change. From the Civil War to Reconstruction to the New Deal to the Civil Rights movement to Reagan-era retrenchment, major political change has come from the work of party organizations in political mobilization, Congress, state legislatures, and the presidency. In an era of hyperpolarization, parties seem even more central to policy-making and representation.

And yet, as decades of research shows, party representation has serious limits. African Americans and other racial minorities face challenges in securing representation from political parties. Examining critical moments in political history – from the anti-lynching movement to civil rights to the retrenchment of the 1980s on employment/affirmative action and criminal justice – shows that black voters and political leaders have met both success and setbacks in seeking representation of their interests. Even after the consolidation of African Americans in the Democratic Party’s coalition, white Democrats have often intentionally distanced themselves from black interests, as when Bill Clinton “publicly dismissed [Jesse] Jackson in what would forever become known as the ‘Sister Souljah moment,’ a term that has come to constitute and signify when a candidate attacks a friendly constituent group in an effort to appeal to a broader base of American voters” (Frymer 2010). Black Democrats, too, use explicit racial appeals to generate support from white voters (Stephens-Dougan 2017).

When do parties represent the interests of particular subgroups? When does party representation fail, and what alternatives do minoritized constituents have? I argue that party representation depends on both issue and venue. The structure of public opinion on an issue affects the incentives of national parties to take up the preferences of racial minorities. On issues where African Americans have support from their white co-partisans – or even a subset of those co-partisans – parties are more likely to advocate for their interests.

When issue differences between co-partisans across racial subgroups are large, however, parties are unlikely to provide representation to subordinate groups. In such cases, descriptive representation – black elected officials who represent black constituents – play a critical role in securing representation. Descriptive representation (and direct power for subordinate groups) is especially important when intra-party differences across descriptive subgroups are high.

By tracing the development of political coalitions from civil rights to criminal justice, I show that the Democratic Party’s responsiveness to black interests has been facilitated or blocked by the structure of white public opinion. When differences between white and black Democrats are large, descriptive representatives – black legislators and elected officials – play a particularly crucial role in articulating and advocating for black interests.

I use examples from the 1994 Violent Crime Control and Law Enforcement Act and from studies of Congressional behavior to show the central role black politicians play in articulating alternatives to white Democrats’ positions on crime. On criminal justice, white and black Americans hold starkly different views, in ways not easily reduced to a single measure of punitiveness. As I show later in this chapter, black Americans define the problem of crime differently, identify different causes of crime, have different concerns about policy options, and, indeed, have different preferences about punitiveness.

And yet, black advocacy in national politics often has limited results when white legislators push back, as with the 1994 crime bill. At the local level, the story is different: legislators of color often hold majorities or executive power within city institutions. In addition, party representation is typically unavailable in local venues. By holding political power – changing the composition of elected bodies, not merely including a small number of representatives to provide voice – local descriptive representatives can play a major role in changing political outcomes. In the remainder of the dissertation, I focus on the consequences of local political institutions for the interests of black Americans. Local political institutions offer scholars a chance to identify the consequences of direct power for subordinate groups.

2.3 Partisanship in the Civil Rights Movement

Between the 1930s and the 1960s, civil rights became a partisan issue. The conventional story of party realignment is that Democrats adopted civil rights as a political issue in the 1960s. In this story, elites – especially Barry Goldwater on the Republican side and Lyndon Baines Johnson on the Democratic side – staked out positions for their respective parties. Leaders of the civil rights movement pushed civil rights to the top of the agenda, but the key move in obtaining partisan representation for civil rights came from elite actors. In this story, realignment occurred quite suddenly in the 1960s: before that, scholars often argue, neither party was a clear leader on civil rights. Indeed, considering the obstinate, violent opposition of white southern Democrats to any progress on civil rights, many argue that the Republican Party was “far and away more progressive on civil rights” (McAdam and Kloos 2014, see also Schickler 2016; Carmines and Stimson 1989; T. B. Edsall and M. D. Edsall 1992).

As Schickler shows, though, this story obscures major regional divisions in the Democratic Party. In fact, mass public transformations that began in the 1930s set the stage for elite leadership. In the north, white Democrats joined economic liberalism with racial liberalism, building a coalition in the mass public that precedes support from national Democrats by several decades. This alliance emerged from the connections of the Congress of Industrial Organizations with African Americans in northern industrial cities, and influenced racial attitudes among white northern Democrats (Schickler 2016).

Schickler documents transformations in mass public opinion, as well as in the positions of key coalition partners in the northern Democratic coalition, which began in the 1930s and ultimately put pressure on elected officials to incorporate civil rights into the Democratic platform. This pressure came in part from the growing black communities in northern cities, but Schickler documents more widespread support for civil rights among northern Democrats, including whites. Alliances between black leaders and the Congress of Industrial Organizations, a key Democratic pressure group which *also* brought white support, meant that northern Democrats were under pressure to support civil not only to win black votes, but also from white constituents (Schickler 2016).

As a result, “when the African American-led civil rights movement mobilized sufficiently to force civil rights to the top of the agenda, northern Democratic voters (and politicians) were the most likely to be responsive”(Schickler 2016). This support became explicitly partisan as state

parties adopted planks supporting fair employment legislation, the abolition of the poll tax, and other key civil rights issues related to voting and employment. Despite the steadfast opposition of southern Democrats to anything that might help black Southerners, northern Democrats explicitly mobilized party institutions to support civil rights.

State and local partisan representation created opportunities for northern Democrats to capture national party institutions. Writing of the Democratic Party's initial adoption of a civil rights plank, "while Humphrey's speech at the [1948 Democratic] convention is rightly remembered as a key turning point, its success depended not just on the delegates' sentiment in favor of civil rights but also on the shifting calculus among city bosses.... The liberal journalist Robert Bendiner writes that 'to delegates with large labor and Negro constituencies the dilemma was sharp: go along with the party leadership and risk reprisals at home, or break ranks and hope for the best in November'"(Schickler 2016).

"Far from spearheading the realignment, national party elites – that is, the leaders of political institutions of national scope, such as the president, top congressional leaders, and national party chairmen – feared the disruptive potential of civil rights issues for their respective party coalitions" (Schickler 2016). Despite national party leaders' reluctance to advocate for civil rights legislation, many state parties were under pressure from their mass base to provide effective representation on certain aspects of civil rights – pressure which ultimately led the national party to adopt a civil rights plank and, later, to spearhead legislation that addressed critical civil rights issues. Voting pressure from northern African Americans and, crucially, their labor and urban machine allies pushed the national party to advocate for fair employment practices and voting rights.

It may seem strange to describe the civil rights movement as an example of party representation for black Americans, considering that southern Democrats constituted the most effective impediment to adopting national legislation to guarantee fair employment, voting rights, and protection from the terrors of lynching. And yet, as Schickler shows, state parties explicitly took up civil rights concerns and racial equality as elements of their party platforms as early as the 1930s. For northern Democrats, including whites, racial equality was a *party* concern, and they pushed the national party to reject southern Democrats' position.

Black leaders organized the black public in the north and, later, in the south, built alliances with union leaders and the Congress of Industrial Organizations, elicited support from Catholic and Jewish immigrants, and solidified a connection between racial liberalism and economic liberalism that persists to this day. The result of these alliances – and the resulting support for civil rights among white liberals in the North – led liberal white Democrats to provide explicitly *partisan* representation for civil rights, mediated through first state and then national party institutions, and culminating in the wholesale realignment of the Democratic Party on racial issues.

2.4 Affirmative Action, Criminal Justice, and other Failures of Party Representation

And yet, on many issues, party support was not forthcoming. Desegregation and affirmative action stalled. As early as the 1930s, “There were... important limitations to the alignment of civil rights and partisanship: the tie between racial liberalism and Democratic partisanship in the North is less clear when it comes to racial prejudice and politics touching on social segregation than when it comes to lynching, the poll tax, fair employment practices, and the more general idea of government action to counter discrimination against African Americans and other minorities. Northern Democrats’ views in the 1930s-1950s – more supportive than Republicans when it comes to many civil rights policies but not when it comes to policies that encourage more intimate social mixing – presage the ambivalence that northern Democrats would exhibit toward busing and related measures in the 1970s and beyond. Rather than viewing these later troubles as a backlash against new civil rights demands, they reflected enduring tensions in the Democratic Party with respect to elements of the civil rights agenda” (Schickler 2016).

Consider the politics of affirmative action. Writing in 1998, Gilens, Sniderman, and Kuklinski find that opposition to affirmative action is as strong among white Democrats – even self-identified liberals – as among white Republicans (Gilens, Sniderman, and Kuklinski 1998). Data from the General Social Survey, which uses a different question wording, shows differences between white Democrats and Republicans, but they are small in comparison to the intra-party differences by race.

In the civil rights issues ultimately championed by the national Democratic Party, including voting and fair employment, intra-party differences by race were relatively small. In contrast, on segregation and affirmative action, intra-party differences by race were large. Here, partisan representation failed, and descriptive representation played a central role: black elected officials represented the preferences of black constituents, advocating for positions that party institutions would not fully embrace.

Criminal justice policy is a critical example of the representational consequences of within-party opinion divisions by race. Later in this chapter, I unpack the differences between black and white assessments of criminal justice policy. For now, consider one simple question: support for capital punishment. The General Social Survey has asked Americans whether they support capital punishment every year since the 1970s. This measure correlates at .95 with the overall measure of punitiveness developed by Enns (Enns 2014), and thus indicates not only preferences about capital punishment, but the overall punitiveness of black and white Democrats. While the opinions of white Democrats and Republicans diverge over time, throughout the entire period from 1974 to 2014, there were very large differences between white and black Democrats. Even on this simplified measure, it is clear that there were large intra-party gaps between descriptive subgroups.

Despite the crucial contributions of black constituents to the Democratic Party’s electoral strength during this period, national Democrats experienced precisely the conflict Frymer describes in *Uneasy Alliances*: faced with an asymmetrical distribution of preferences, national Democrats moved towards the center of the *white* preference distribution, relying on the fact that black Amer-

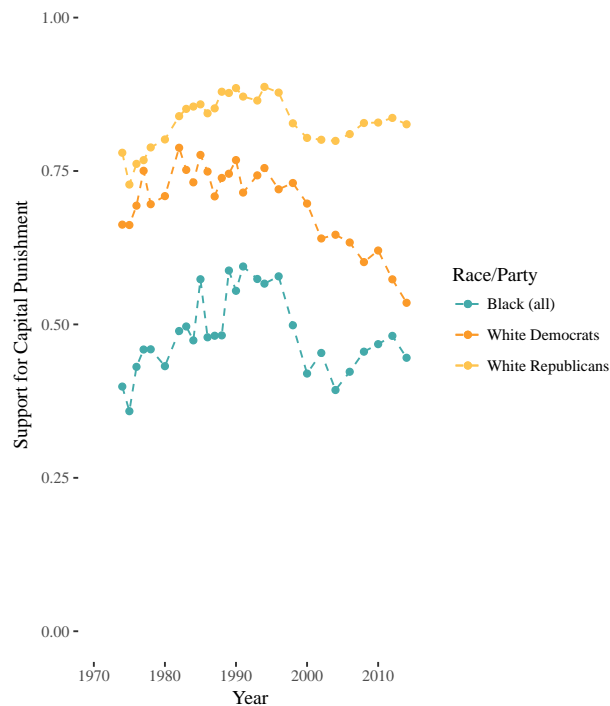


Figure 2.1: Race and party differences on capital punishment

icans could not defect to the Republican Party (Frymer 2010). In this context, the gap between the positions advocated by representatives of national Democratic institutions – partisan representation – and the positions advocated by black politicians grew large.

The Congressional debate over the 1994 Violent Crime and Law Enforcement Act of 1994, commonly known as the 1994 crime bill, exemplifies the chasm between the positions of descriptive representatives and party representatives. The crime bill marked a substantial expansion of the modern carceral state. The Democratic and Republican proposals had differences, but they were fundamentally similar in their orientation: “The only meaningful differences between the two parties’ proposals were their positions on gun control, crime prevention programs, and the requirement that federal aid to local law enforcement be used to bolster community policing efforts, all of which the Democrats favored and the Republicans opposed... Although these differences are not insignificant, both parties overwhelmingly emphasized the need to spend more on police and prisons” (Beckett and Sasson 2003). These positions among Democrats mirrored the punitive stance of the white public (Enns 2014), and worked to distance national Democrats from the specter of “black criminality” (V. M. Weaver 2007).

In contrast, “while supporting the idea of addressing crime, members of the Congressional Black Caucus criticized the bill itself and introduced an alternative bill that included investments in prevention and alternatives to incarceration, devoted \$2 billion more to drug treatment and \$3

billion more to early intervention programs. The caucus also put forward the Racial Justice Act, which would have made it possible to use statistical evidence of racial bias to challenge death sentences” (Beckett and Sasson 2003). Again, these positions mirrored strands of activism and public opinion among black voters.

Because the capital punishment graph above correlates so strongly with Enns’s punitiveness scale, it gives strong evidence that white and black Democrats had different levels of punitive sentiment (Enns 2014). However, this single dimension does not fully describe intra-party differences by race. As Weaver and Decker, among others, show, black communities and organizations advocated for a broader definition of the problem of crime, one which did not draw a sharp divide between citizens to be protected and criminals to be punished (Vesla M. Weaver and Decker 2014). Instead, the problem of crime was defined as a violation of community norms and needs *by a member of the community*. In many cases, punitive strategies were *one part* of this vision (Fortner 2015), but black-led organizations also advocated for community control, anti-poverty action, and other alternatives to punishment for dealing with the consequences of crime. In addition, black Americans were simultaneously concerned about crime *and* concerned about the dangers of intensive policing and police violence – unsurprisingly, considering the long history of police violence against African Americans (Baldwin 1966).

The congressional conflict over the bill reflected these differences: white Democrats and Republicans advocated for similar bills, while black Democrats advanced a different set of issues and concerns. Black Americans secured *descriptive* representation, but party institutions were captured by white Democrats. Those leaders engaged in “selective hearing” of the Congressional Black Caucus’s concerns: incorporating punitive positions that *also* met with approval from white Democrats, while ignoring the ways that members of the Congressional Black Caucus bundled multiple issues together (Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016). This split between Congressional Democrats and the Congressional Black Caucus highlights the importance of descriptive representation when intra-party divisions are high.

2.5 Partisan Representation, Descriptive Representation, and Agenda Control

Thus, the Congressional Black Caucus put forward major revisions of the bill. These measures were largely not adopted. However, by the time the bill reached the House floor, however, 26 of 38 members of the Congressional Black Caucus voted for it. The bill had gained some elements supported by CBC members, and they feared that if they managed to torpedo this version, they might face an even more draconian bill later.

Examining this incident sheds light on a puzzle in the literature on descriptive representation. Scholars often argue that there are important tradeoffs between descriptive and substantive representation: when black Democrats are understood as a particularly liberal Democratic constituency, drawing a district with enough African American voters to influence elections means concentrating Democratic voters, and makes adjacent districts more likely to elect Republicans. Thus, facilitating

descriptive representation for racial minorities in specific districts can lead to policy outcomes that are further from those voters' preferences (E. Washington et al. 2012; Grose 2011). This places individual and collective representation in conflict: for black voters to have individual representatives linked to their communities, in this view, they must give up some of the partisan strength that would benefit them legislatively.

Scholars have noted that black members of Congress make similar roll call votes to similarly situated white representatives. Conceptualizing *partisan* representation separately from *descriptive* representation helps explain when and how descriptive representation is critical to providing advocacy for the interests of descriptive subgroups. Grose argues that black members of the US House of Representatives do not vote differently from their white co-partisans on floor votes (Grose 2011). Considering the 1994 crime bill helps explain why. Floor votes are over-determined, the result of extensive partisan negotiation. When parties are divided internally by descriptive subgroups, minoritized groups are unlikely to control the party institutions that provide partisan representation.

In contrast, black representatives provide notably different forms of constituent service and resource allocation. These functions are the purview of individual members, and allow members of Congress to draw on their own problem definitions, sense of how issues are connected, and preferences about providing constituent service and policymaking. When representatives can define problems in their own ways, as they can with constituent service, white Democrats and Republicans behave quite differently from black Democrats (Grose 2011).

This account of the passage of the 1994 crime bill – especially in contrast with the passage of civil rights legislation in the 1960s – helps show the consequences of intra-party divisions by race. Partisan institutions can represent descriptive subgroups when they have support from allies within the party, but when parties are fractured, subordinate groups find their concerns ignored.

Foundations of Partisan Representation

In this section, I discuss the conditions under which political parties provide representation, and the ways that voter coalitions influence them. Partisan representation is available to minoritized groups under two circumstances: in venues where parties are a salient axis of division, and on issues where intra-party divisions by subgroup are low. When these conditions do not hold, descriptive representation becomes essential. In policing and other criminal justice policies at the local level, parties are not a salient form of division and intra-party differences are high. As the remainder of my dissertation shows, descriptive representation – and especially political power for racial minorities – has profound consequences for local criminal justice policy.

Parties are so central to representation that Mansbridge, defining “uncrystallized interests”, treats party positioning as a central criterion: uncrystallized interests are those where “the issues have not been on the political agenda long, candidates have not taken public positions on them, and political parties are not organized around them” (Mansbridge 1999)

Parties come to represent the interests of voters via two processes. First, of course, parties compete for voters (Schattschneider 1942; Downs 1957), adopting policy positions that will lead voters to support them and portraying themselves as the types of competent candidates that voters would like to support. In Schattschneider's words, “the parties do not need laws to make them

sensitive to the wishes of the voters any more than we need laws compelling merchants to please their customers. The sovereignty of the voter consists in his freedom to trade in a competitive market” (Schattschneider 1942).

Second, parties are not merely electoral coalitions: as Bawn et al argue, they are also coalitions of interest groups. “The coalition of policy-demanding groups develops an agenda of mutually acceptable policies, insists on the nomination of candidates with a demonstrated commitment to its program, and works to elect these candidates to office. In this group-centric view of parties, candidates will, if the coalition has selected them well, have as their paramount goal the advancement of the party program” (Bawn et al. 2012). This group-centric theory of parties conflicts with popular sovereignty, but in many ways it provides more opportunities for organized minorities to influence political outcomes. Thus, in Frymer’s summary, scholars argue that “two-party competition ensures the representation of a wide variety of groups, both the ‘advantaged’ and the ‘disadvantaged,’ in national politics. Not only does competition between the parties provide voters with the opportunity to alter the power balance, but the opposition party ought to have an incentive to incorporate groups that find themselves excluded or disaffected from the party in power” (Frymer 2010).

These two processes invite questions about the structure of the competitive market for votes – especially given the very high barriers to entry for new political parties – and about the conditions under which minorities are able to achieve representation. In particular, when and how do majoritarian political institutions allow for the representation of political minorities? When are minorities systematically shut out? Focusing on racial minorities provides crucial leverage on this question, because racial divisions are among the most politically salient and substantively significant issues in American politics. Frymer argues that when voters are not distributed symmetrically across the spectrum – for example, if white voters are clustered around one ideal point while black voters are clustered at a distance – politicians will have incentives to compete for the majority’s votes, while treating the minority as a captured interest (Frymer 2010).

Thus, the structure of divisions in public opinion can create or prevent effective partisan representation for racial minorities. Mansbridge’s concept of uncrystallized interests provides a key to understanding *when* political parties do and do not provide effective representation (Mansbridge 1999). In practice, many issues remain uncrystallized even when they are not new on the political agenda. As Hajnal and Lee show, party competition simply does not capture many issues (Z. L. Hajnal and Lee 2011). That is to say, the parties do not take clear positions on them. For example, what is the Republican (or Democratic) position on mixed use versus single zoning? How do the parties stand on building new apartment buildings in major cities? These issues are consequential for the lives of citizens, but they are not crystallized in partisan conflict. Even more often, the specific perspective and concerns of racial minorities does not find an effective voice in either party. Why?

I argue that we can identify political contexts where party representation is likely to fail minorities using two criteria. First, when issues are governed at the local level, partisan conflict does not incorporate positions on those issues. They remain uncrystallized. Second, when there are intra-party divisions by race, political parties will have incentives to focus on the majority group, unless political (and racial) minorities are able to use group organizing to increase their leverage.

This expands the universe of representational failure for people of color beyond explicitly racial issues, and produces a theory that helps explain when and how non-party forms of representation are crucial.

Venue

Many substantively important political issues in the United States are decided at the local level, where party cues are weak and electorates are less divided by party. Only 16.8% of cities include partisan identifications for city council candidates on ballots (International City/County Managers Association 2011). Where elections are partisan, homogeneous electorates – as in Philadelphia, Baltimore, and many other cities – mean that the Democratic Party primary effectively plays the deciding role in selecting city officials. When competition is largely within rather than between parties, parties no longer provide information about policy positions.

Thus, in local venues, parties cannot effectively incorporate and advocate for group interests as they do in contested national elections. When party membership does not effectively provide this information – because parties have not taken up a particular issue, or because the venue makes party cues ineffective – partisan theories of collective representation do not adequately describe the representational linkages between the mass public and elite politics.

Consider: what is the Republican position on multi-use zoning? The Democratic position? Even though policing has recently drawn national political attention and become more polarized, in 2012 the Republican Party platform made no mention of police, while the Democratic platform discussed policing only briefly, focusing on expanding funding for technology and community policing. Despite the expansion of federal funding for local services like education and policing over the course of the 20th and 21st centuries (cite Weaver, someone about education), local governments are the primary venues for consequential police decisions about police hiring practices, policies on the use of force, accountability, and deployment.

Thus, local politics needs separate theories of representation. Below, I describe one common linkage: descriptive representation. Because group membership cannot easily be changed, it serves as a credible signal that someone is likely to assess and address policy issues in ways that accord with their group's preferences.

Issue

Local venues with low partisan salience pose an institutional challenge to partisan representation. But the structure of public opinion can also make partisan representation ineffective.

One of the most common analytic frames for understanding electoral competition in political science is the spatial model, in which voters' positions are distributed along a continuum. In competing for votes, parties seek to capture the median voter, and thus target moderate swing voters.¹ When voters are distributed symmetrically along the distribution, parties have incentives

¹Polarization in American politics casts serious doubt on the accuracy of the spatial model as a summary of political behavior, and indeed institutions such as primary elections can have major consequences for the theoretical

to converge at the middle, targeting moderate ‘swing’ voters, especially with their most visible public statements (cite Bawn et al).

However, “when race is a salient aspect of electoral conflict, national party leaders rarely face a public aligned along a bell curve... Instead, party leaders generally face a distribution that is skewed quite strongly to the right, with the bulk of white voters on the conservative end of the continuum and the bulk of black voters on the liberal end” (Frymer 2010). In an asymmetrically distributed electorate, parties and candidates have incentives to converge on the median voter from the majority group, leaving the minority group captured.

How can we tell when asymmetrical preference distributions are likely to be a concern? One diagnostic criterion is to examine the distribution of policy preferences among important subgroups. On criminal justice policy issues, there are large differences in specific policy preferences, problem definition, and overall issue assessment between white and black Democrats. These intra-party divisions are often as large or larger than the differences between white Democrats and white Republicans.

Moreover, while scholarly discussion of representation is largely focused on *policy preferences* (Grose 2011; Frymer 2010), racial groups can share some preferences while preferring substantively very different sets of overall policies. Politicians frequently point to the support of the Congressional Black Caucus for the 1994 crime bill as evidence that African Americans wanted punitive criminal justice policies. Although the Congressional Black Caucus supported the bill once it reached the floor, members of the CBC were sharply critical of many aspects of the bill (Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016).

Two factors come into play here: problem definition and issue bundling. First, African Americans understand and describe the causes, consequences, and pathologies of crime, criminal justice policy, and policing differently from whites. That is, they have a different *problem definition* which they draw on in making decisions about criminal justice policy. Second, and relatedly, African Americans and white Democrats pair policies differently. For example, African Americans are both more likely than white Democrats to want more resources devoted to fighting crime, and more likely to be concerned about police violence and racism. Using a unidimensional scale on criminal justice policies, or, even more broadly, for ideology, flattens subgroup differences (**hajnal2011why**).

Differences in issue bundling contribute to the phenomenon Hinton, Weaver, and Kohler-Hausmann call *selective hearing*: “When blacks ask for *better* policing, legislators tend to hear *more* instead” (Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016). That is, when African Americans prefer a different bundle of policies, parties have incentives to focus on those preferences where black and white partisans agree. The example of the 1994 Violent Crime and Law Enforcement Act, where descriptive representation played a key roles in intra-party debates, shows the limits of partisan representation for racial minorities.

and empirical incentives of politicians (Bawn et al. 2012; Grofman 2004). Moreover, recent research suggests that many apparently moderate voters actually hold views that are extreme, but are incompatible on standard ideological scales and thus yield an average position that appears moderate (Ahler and Broockman 2015). I use the spatial model not because it is a fully accurate representation of American politics, but because it provides an analytically interesting starting point for thinking about how the distribution of public opinion shapes representation.

2.6 Descriptive Representation: an Alternative Linkage

When parties do not effectively represent the interests racial minorities, how can voters ensure that their substantive interests are represented in policy-making? Descriptive characteristics, like party membership, solve a delegation problem. Ethnoracial identity signals that a person is in and of a particular community; gender conveys information about a person's likely experiences within a gendered world. Even when members of a group have heterogeneous policy preferences, they may have a shared problem definition (Vesla M. Weaver and Decker 2014). White Democrats' and Republicans' assessments of the role of racism in US politics are for more similar to each other than they are to the assessments of African Americans (Hutchings and Valentino 2004; Fiorina and Levendusky 2006; Mangum 2013). In this context, descriptive characteristics – especially ones like race, which typically embeds individuals in a community of others who share both identities and interests – might be not the distraction that Achen and Bartels argue, but a valuable mechanism for identifying people who have a credible, irrevocable connection to a particular community (Achen and Bartels 2016).

Elite politics suggest that black politicians have played distinctive roles in the development of criminal justice policy. Weaver and Decker argue that, during the development of the war on crime, “black leaders... attempted to shift the problem definition, arguing that ‘the victims are us’” and advocating policies to “empower community members to confront crime by strengthening and creating indigenous institutions and... to redirect the overwhelming focus on enlarging criminal justice agencies to supporting community-based, grassroots anti-crime initiatives” (Vesla M. Weaver and Decker 2014). Similarly, during the debate over the Violent Crime Control and Law Enforcement Act of 1994, “members of the Congressional Black Caucus criticized the bill itself and introduced an alternative bill” which reflected an analysis of the crime problem distinctly different from that of both white liberals and white conservatives (Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016). Black representatives articulated important black interests, in disagreement with their white co-partisans, but were outnumbered in Congress. As I show later on, black elites in these cases are providing substantive representation to black voters, who assess criminal justice politics quite differently from their white co-partisans.

The distinctive problem definition, issue bundling, and policy preferences of racial minority voters helps explain Grose's finding that black members of the US House of Representatives provide different constituent services from similarly situated white representatives, even though their roll call voting is similar (Grose 2011). By the time bills reach the House floor, partisan conflict is a primary factor shaping the bill. The compromise position includes some positions white and black voters share, so black and white Democrats vote similarly – though, as we see with the 1994 crime bill, they may accept the particular bundle of policies reluctantly. When black legislators get to make their own decisions about which problems to address and how, as with constituent service, their activities are quite different from those of white Democrats, who look quite a bit like white Republicans (Grose 2011).

Descriptive representation – and race in particular – is an especially critical representational linkage at the local level for two reasons. First, racial conflict is a particularly salient political cleavage in American politics, and many important local issues are heavily racialized: education,

crime, housing.² Second, the difference in racial composition between major cities and the states that surround them leads to different political incentives for members of different racial groups. People of color are perceived as further left and less likely to be credible candidates for statewide office. Because white candidates can credibly run for statewide office, they have reasons to balance between their current constituents and their potential future constituents (Grofman 2004).

These dynamics are quite different at the national and local levels. While there will not be a majority of US Senators of color in the near future, many cities can plausibly elect majority minority city councils. Since partisan strength is less important, and ethnoracial cues more salient, the tradeoff between descriptive and partisan representation is less significant at the local level.

These challenges to partisan representation – and the role of descriptive representation in creating political accountability – play a key role in US criminal justice policy. As I argue in Chapter 1, policing is central to US criminal justice, and to racial inequality within the criminal justice system. In the rest of the chapter, I show that we would expect policing to be a policy domain where parties are ineffective at providing representation. I document the substantial differences between black and white Democrats in the United States on criminal justice broadly and policing in particular. Using the 1994 crime bill as a case study, I show the consequences of elite differences between black and white Democrats for national policy-making.

Examining national policy-making shows the differences in the positions black and white Democrats support. However, it still understates the centrality of descriptive representation in situations where partisan representation fails. Black legislators make up a very small portion of the national legislative assembly, so the best place to look to understand the consequences of descriptive representation is at the local level, where a meaningful number of cities have a black majority in their legislative bodies. Because local venues undermine partisan representation through their non-partisan elections and their homogeneous electorates, we would also expect descriptive representation to play an especially important role in local policy making.

2.7 Public Opinion on Criminal Justice

Theories of descriptive representation have largely avoided examining policy outcomes, focusing instead on either legislator behavior – for example, voting – or constituent services (Grose 2011; Cameron, Epstein, and O'halloran 1996; Lublin 1999) . Here, I examine the role of descriptive representation in advocating for criminal justice policy. A robust body of evidence shows that

²Familial and spatial segregation means that ethnoracial divisions lead to especially distinct political and economic interests. Most people share households and family ties with members of their own racial group (cite massey1993american), in contrast to gendered political cleavages. Women typically live in mixed-gender households, and most members of gender/sexual minorities have familial ties to people outside the LGBTQ community. They therefore share political and economic interests with members of the dominant group in their communities. In contrast The fact that women and sexual minorities can be born into any household means that even heterosexual Republicans may change their views on issues relevant to gay Americans when their children come out. Rob Portman and Dick Cheney are prominent examples of Republicans with gay children who support same-sex marriage (Cooper 2009). Similarly, there is some evidence that legislators with daughters take more liberal positions on women's issues, especially reproductive rights (E. L. Washington 2008)

Democrats in national office supported institutions that contributed to mass incarceration (Hinton 2016; Murakawa 2014). Yet at key policy-making junctures, we see black elected representatives advocating for community control, social support, and other programs that treat criminal justice broadly, *as well as* resources for criminal enforcement. Historical evidence suggests that more complex approaches with contributions from black-led organizations were more effective at the local level, where parties are not as relevant (Lisa L Miller 2008; Vesla M. Weaver and Decker 2014; Lisa Lynn Miller 2016).

On the one hand, scholars like Michael Javen Fortner argue that black Americans supported the expansion of criminal enforcement. As Fortner argues, liberal white groups like the New York Civil Liberties Union strongly opposed the punitive Rockefeller drug laws, while black New Yorkers supported them (**fortner2016black**). On the other, scholars like Vesla Weaver identify the roots of the carceral state in anti-black politics, the “frontlash” by which the defeated opponents of the civil rights movement found alternative venues for their racial animus (Vesla M. Weaver and Decker 2014; V. M. Weaver 2007). How do we understand the relationship between these two patterns?

Expanding our perspective from the single dimension of punitiveness helps complicate this picture. First, black Americans do, in fact, have significant preference differences from white Americans, including white Democrats. Intra-party divisions by race are high. But these policy and preference differences originate in different problem definitions and ways of bundling issues, not merely in different levels of a single variable such as punitiveness.

In this section, I use data on public opinion to show that there are substantial opinion differences on criminal justice policy between black and white Democrats. In many cases, the differences between black and white Democrats are larger than the differences between white Democrats and white Republicans. These divisions are not the result of more liberal views on social spending among African Americans. Many scholars have noted the contributions of nationally elected Democrats to the problem of mass incarceration (Lisa L Miller 2008; Lisa Lynn Miller 2016; Hinton 2016; Murakawa 2014). These public opinion divisions, and the incentives of Democrats to pursue white voters, help explain the mass underpinnings of this elite behavior.

This section draws from three surveys conducted in the United States. The first, the General Social Survey, is a nationally representative survey that has been fielded at least every two years since 1972 (the survey was nearly annual from 1972 to 1993, and biennial since 1994). The survey’s great strengths are its long-running repeated questions and its large sample size, which allow me to assess public opinion on criminal justice, policing, and crime over a long period.

The second, the African American Men Survey, “was conducted by telephone from March 20 to April 29, 2006 among 2,864 randomly selected adults nationwide,” and included large oversamples of African American adults. Finally, in the summer of 2015, the Associated Press-NORC Center for Public Affairs Research conducted a survey on Law Enforcement and Violence which included an oversample of black respondents.

Preference differences

These surveys reveal substantial differences between white and black Democrats. Figures 2.1 to 2.11 show the preferences of black Democrats, white Democrats, and white Republicans on a variety of spending issues. The first three show substantial racial differences among Democrats: black Democrats want much more spending on “halting the rising crime rate,” “improving the conditions of blacks”, and, to a lesser extent, “solving the problems of big cities.” These are highly racialized problems in the public discourse. However, the following three make clear that these gaps do not arise from more liberal general opinions among black Democrats. Indeed, on health care, education, and environmental spending – three pillars of liberal policy-making – white and black Democrats hold similar spending opinions. Interestingly, black and white Democrats’ opinions on welfare (figure 2.9) were quite different in the 1970s, but have more recently converged.

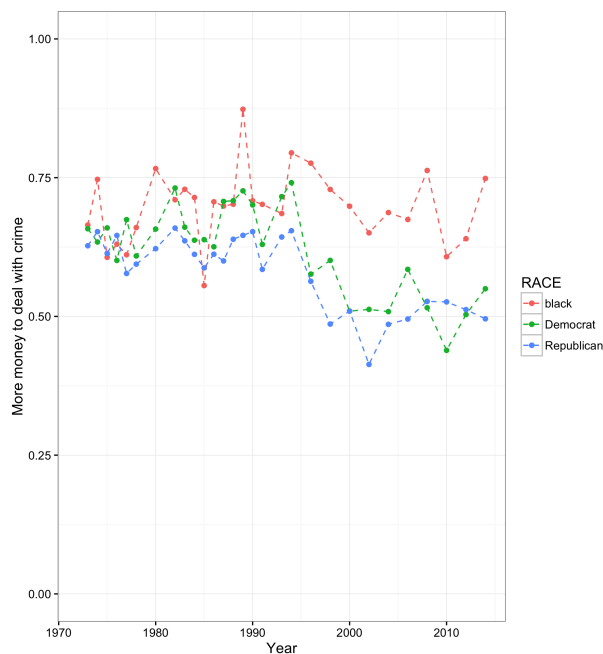


Figure 2.2: Race and party differences on crime spending

For context, figure 2.10 shows support for affirmative action, a strongly racialized policy. It appears similar in its divisions to questions about criminal justice.

Two additional questions about criminal justice add important nuance. First, differences between black and white Democrats in a question measuring concern about police violence are much stronger than those between white Democrats and white Republicans. African Americans are both more concerned about crime, and more concerned about police violence. I explore this combination further in the section about problem definition and issue bundling.

Second, Enns argues that public punitiveness rose in the 1980s and 1990s, helping to explain the rise in incarceration. Enns’s index of punitive sentiment correlates with support for capital

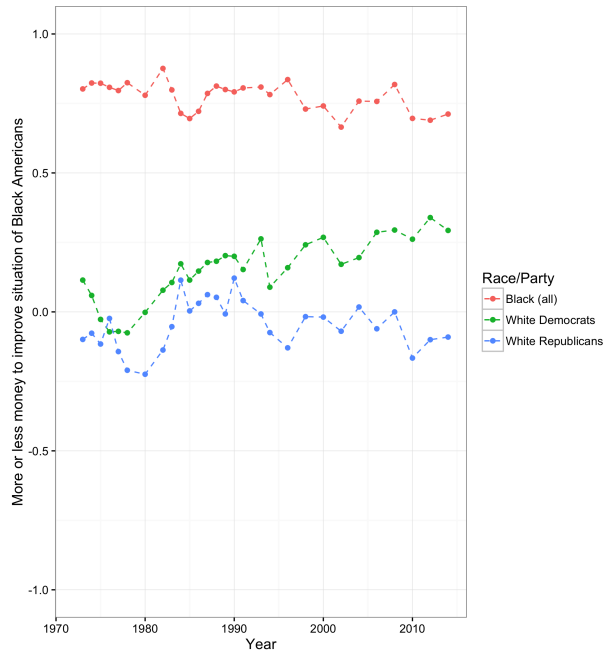


Figure 2.3: Race and party differences on “improving the condition of blacks”

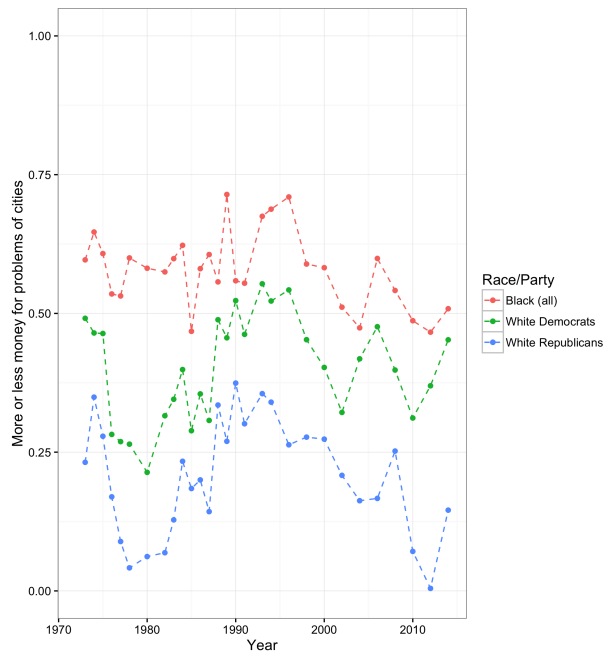


Figure 2.4: Race and party differences on spending for cities

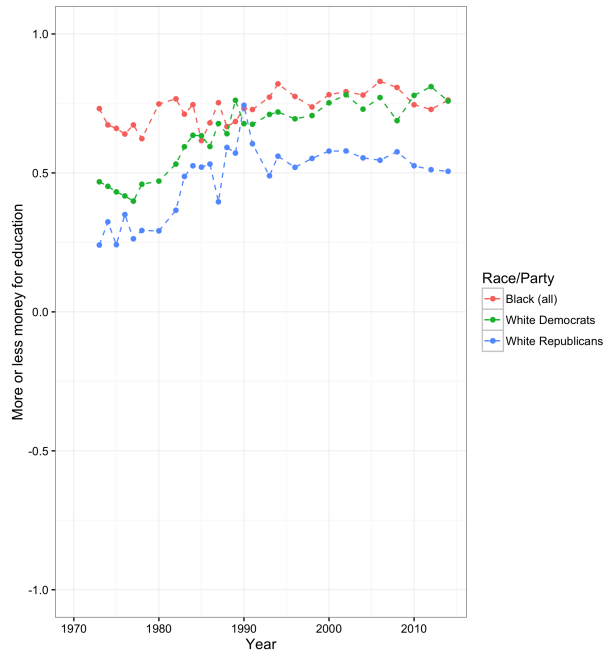


Figure 2.5: Race and party differences on education spending

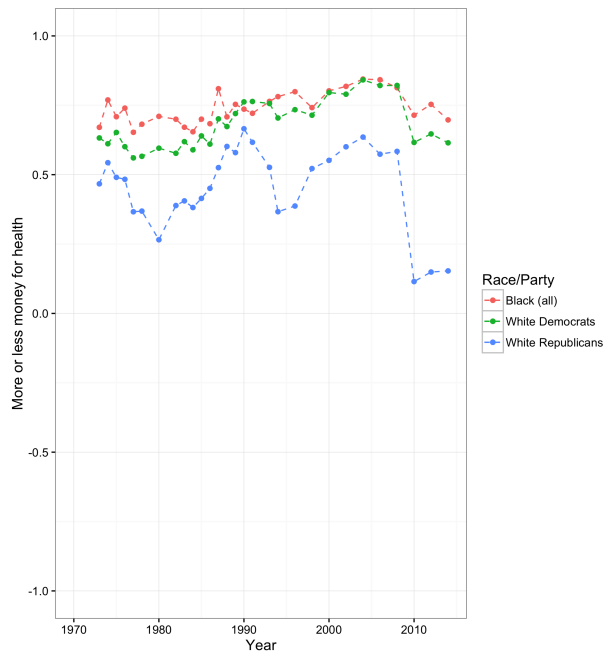


Figure 2.6: Race and party differences on health spending

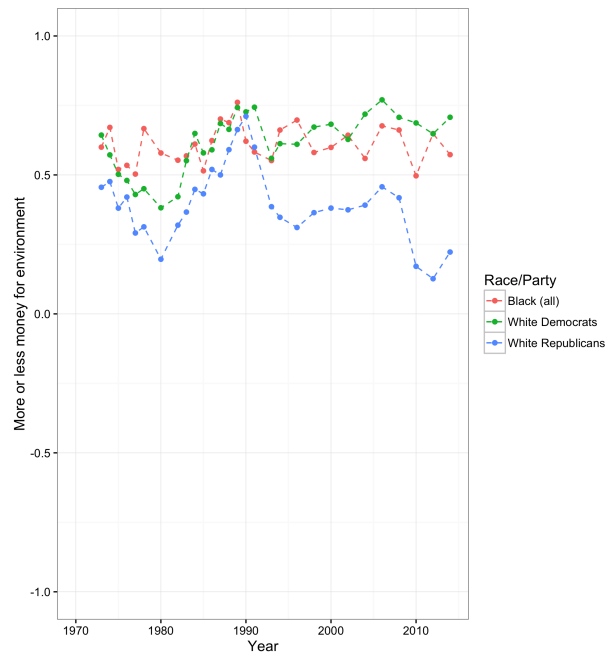


Figure 2.7: Race and party differences on environmental spending

punishment at $> .95$ (Enns 2014). As a proxy for punitive sentiment in figure 2.1 I report public opinion by race and party on capital punishment. Over much of the period between 1980 and 2000, black and white Democrats held very different views on capital punishment. In the last decade and a half, both black and white Democrats have become less punitive, but white Democrats have become *much* less punitive, to the point where black and white opinion among Democrats has converged. Indeed, over this period, white Democratic leaders at the national level have begun speaking, at least occasionally, about racial inequality in criminal justice.

The details of these opinion divisions are not surprising in some ways. Both crime and incarceration are among the most racially asymmetrically distributed experiences in American public life. Black Americans have very different experiences from white Democrats: they are both more likely to report unfair treatment by police and more likely to have been victims of a violent crime, or had a victim of a violent crime in their immediate family (cite AAMS, NORC). These asymmetrical experiences of criminal justice produce racially asymmetrical preferences and levels of concern about criminal justice policy.

The AP-NORC poll also shows substantial intra-party divisions on policies aimed at reducing “tension between minority communities and the police.” In fact, black Democrats are closer to white Republicans in their evaluations of the likely effect of these policies, because white Democrats are much more optimistic about the likely effects of most of these policies than either black Democrats or white Republicans. The exception is that black Democrats are much more confident about the effectiveness of “requiring police departments to recruit additional qualified

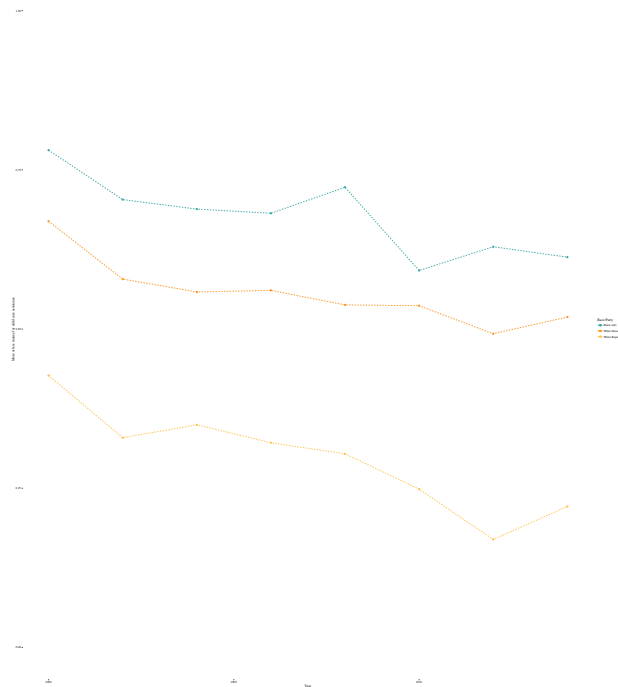


Figure 2.8: Race and party differences on childcare spending

minority officers.’’

In contrast, party is the key mediator of policies designed to “help prevent police violence against civilians,’’ and in fact black Democrats are most enthusiastic about these policies (with the exception of “making it more difficult to put people in jail for minor violations like failing to pay a traffic ticket.’’) This poll took place in 2015, at a time when police violence was a major issue on the national agenda. This suggests that despite underlying racial differences, mass opinion responds to partisan cues when issues become more saliently partisan.

Problem Definition and Issue Bundling

Since 1984, the GSS has asked two different versions of the question about spending on crime. While the GSS codes these questions as “NATCRIME’’ and “NATCRIMY’’, they actually invoke very different definitions of the problem of crime. The first question asks whether we are spending too much, too little, or the right amount on “halting the rising crime rate.’’ The second asks whether the respondent would like more spending on “law enforcement.’’

Weaver and Decker argue that during the development of the War on Crime, a distinctive approach to fighting crime arose within black communities: one rooted in community control and social justice, which saw law enforcement as only a small piece of what was needed to reduce the impact of crime on communities of color (Vesla M. Weaver and Decker 2014). Black respondents’

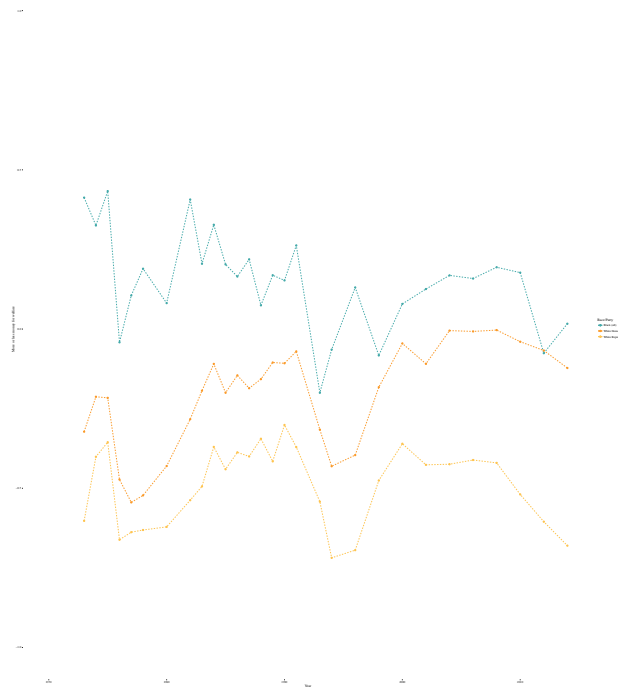


Figure 2.9: Race and party differences on welfare spending

reactions to the GSS reflect this problem definition. Both black and white Democrats are less likely to think spending on “law enforcement” should be increased than spending on “halting the rising crime rate”, but there are two important differences. First, the gap is much larger for African Americans than for white Democrats. Second, in general, black and white Democrats have fairly similar preferences about spending for law enforcement, despite their very different preferences about spending for “halting the rising crime rate.”

Among African American respondents to the AP-NORC poll, 71% think “Problems with race relations in our society cause police to treat minorities unjustly” is a major reason for police violence against civilians, compared to 42% of white Democrats and 21% of white Republicans. Here, again, the gap between white and black Democrats is larger than the gap between white Democrats and white Republicans. That is, black Democrats define the problem of police violence quite different from white Democrats.

Finally, in the AAMS, several questions ask about the causes of mass incarceration and other social phenomena. Black Democrats are more likely than white Democrats or white Republicans to name all of the listed factors as causes of the disproportionate incarceration of young black men. But this gap is smallest on socioeconomic factors, and largest on the role of racism in the criminal justice system. Black Democrats are much more likely than white Democrats to say that mass incarceration arises from racial inequality: 72% of black Democrats say “police are more likely to target black men than whites” is a big reason that young black men are jailed dispro-

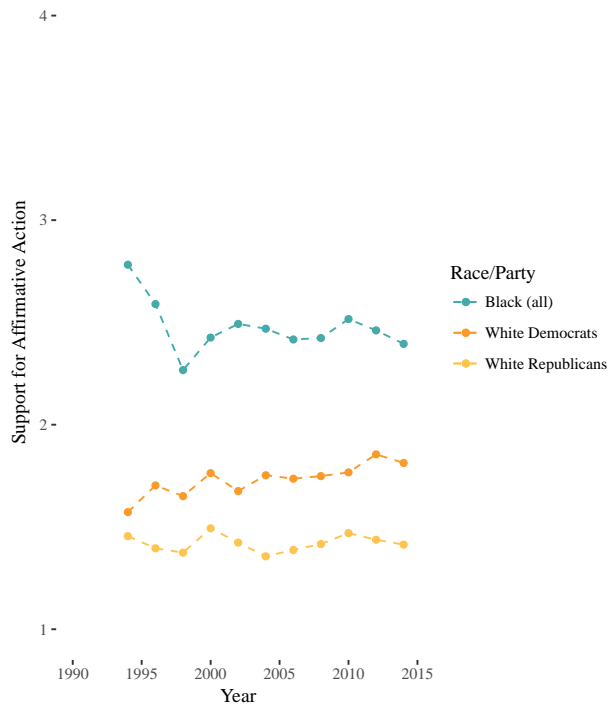


Figure 2.10: Race and party differences on affirmative action

tionately, compared to 41% of white Democrats and 27% of white Republicans. However, black respondents are also more likely to identify factors related to “personal responsibility” as reasons for incarceration.

Table 2.1: As you may know, young black men have a higher chance than most people of winding up in jail. For each please tell me whether you think it is big reason, a small reason, or not a reason why this is true:

<i>Category</i>	<i>Reason</i>
Socioeconomic	More black men grow up in poverty Black men have fewer job opportunities Schools are failing black men
Racial Bias	Police are more likely to target black men than whites Courts are more likely to convict black men than whites
Personal Responsibility	Black men are less likely to think committing crimes is wrong Many black parents aren’t teaching their children right from wrong

Using the AAMS questions about reasons for the incarceration of young black men, I iden-

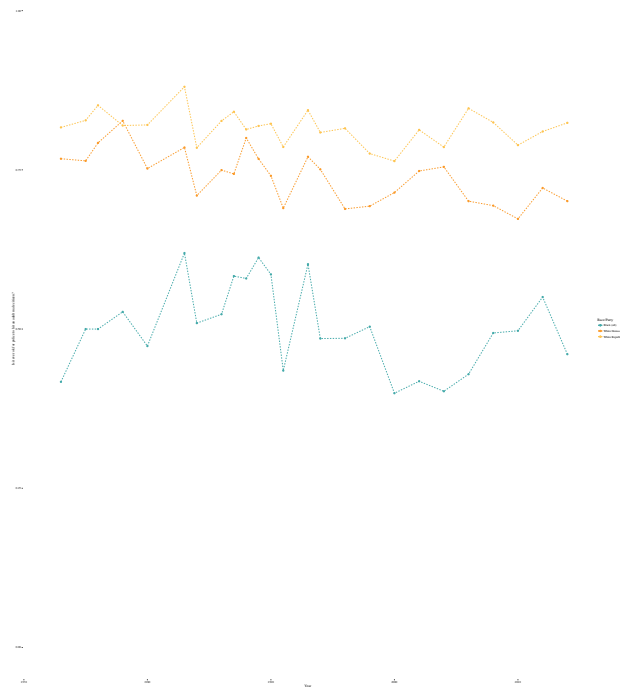


Figure 2.11: Race and party differences on police violence

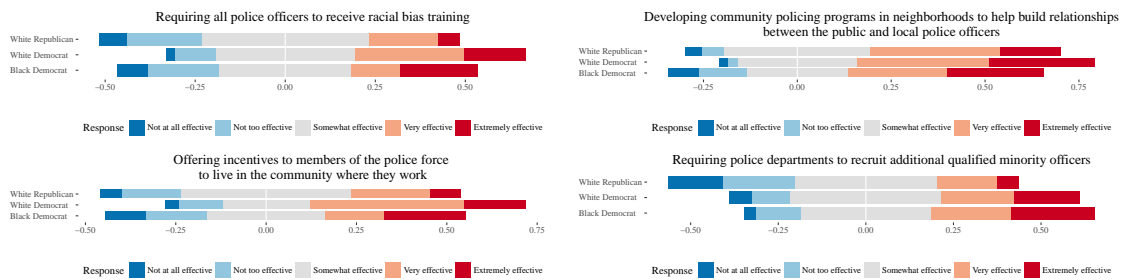


Figure 2.12: Evaluations of policies to “reduce tension between minority communities and the police”

tify the extent of individuals’ agreement with “personal responsibility” factors, “socioeconomic inequality” factors, and “racism in the criminal justice system” factors. Table 2.x shows the question wording involved. I create an index for each type of factor: identifying a “social inequality” factor as a “big reason” is worth 2 points, identifying it as a small reason is worth 1 point. These are divided by the total possible score in each category (6 for social inequality, 4 for personal responsibility, 4 for criminal justice racism.)

Table 2.x shows these indices for black Democrats, white Democrats, and white Republicans.

This question, with its opportunity to assess from multiple directions the ways that race and

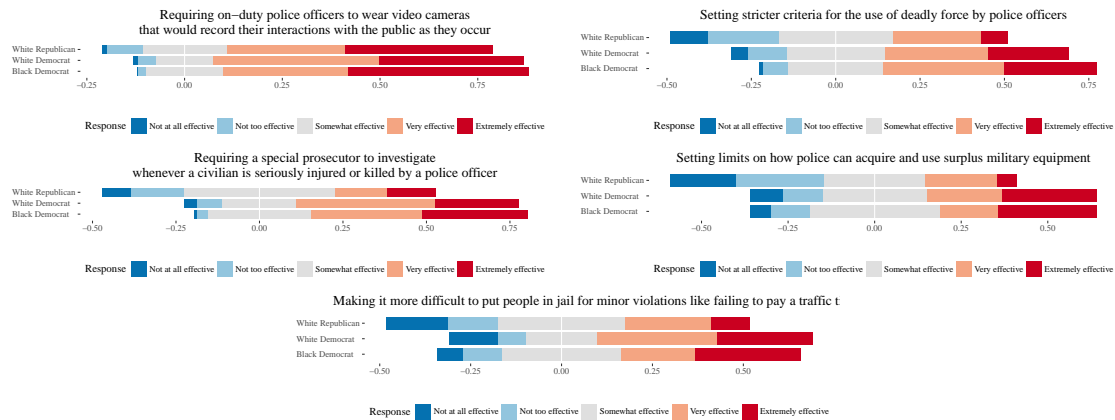


Figure 2.13: Evaluations of policies to “help prevent police violence against civilians”

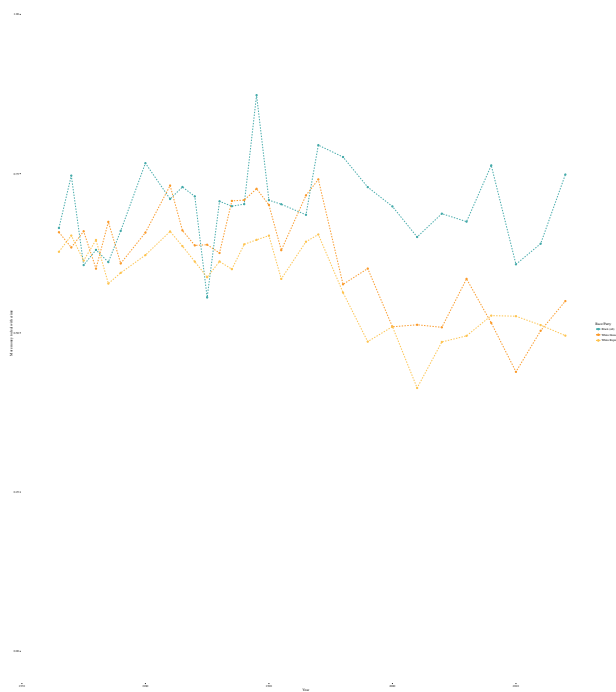


Figure 2.14: Race and party differences on affirmative action

party interact to determine how different groups define the problem of mass incarceration, also allows us to understand how respondents connect these definitions. When respondents identify socioeconomic factors or racial inequality as major causes of racially disparate incarceration, do those same people identify personal responsibility as a key factor, or are these separate populations? Figure 2.17 shows the relationships among these indices.

White and black Democrats, by and large, show similar relationships between the socioeco-

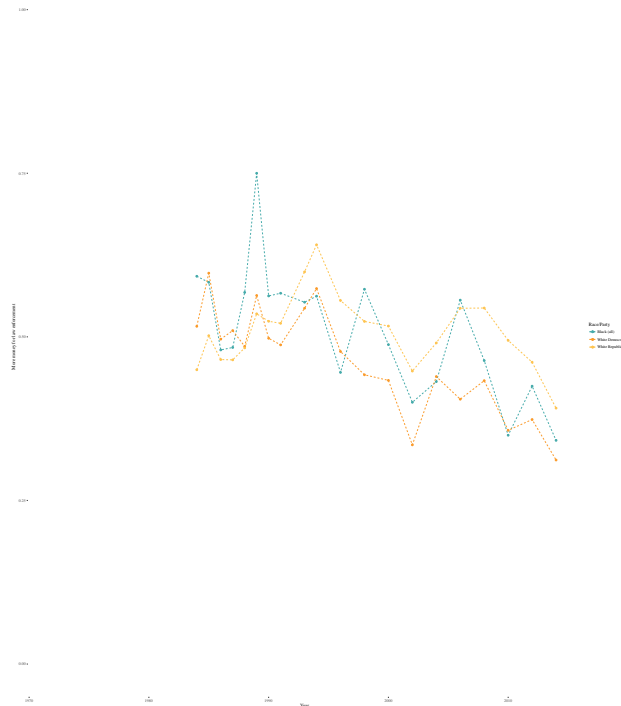


Figure 2.15: Race and party differences on affirmative action

Table 2.2: Problem Definition by Race and Party

	Index		
	Socioeconomic	Personal Responsibility	Racial Bias
Black Democrats <i>n</i> = 1180	.70 (.011)	.60 (.013)	.78 (.013)
White Democrats <i>n</i> = 406	.62 (.018)	.46 (.023)	.56 (.022)
White Republicans <i>n</i> = 380	.52 (.017)	.55 (.022)	.43 (.022)

Note: standard errors in parentheses

conomic index and the personal responsibility index. Those who rate personal responsibility highly are slightly more likely to rate socioeconomic factors as major reasons. Conversely, the socioeconomic index is highly correlated with the racial bias index for all groups. African Americans at all levels of the socioeconomic index are much more likely than white Democrats or white Republi-

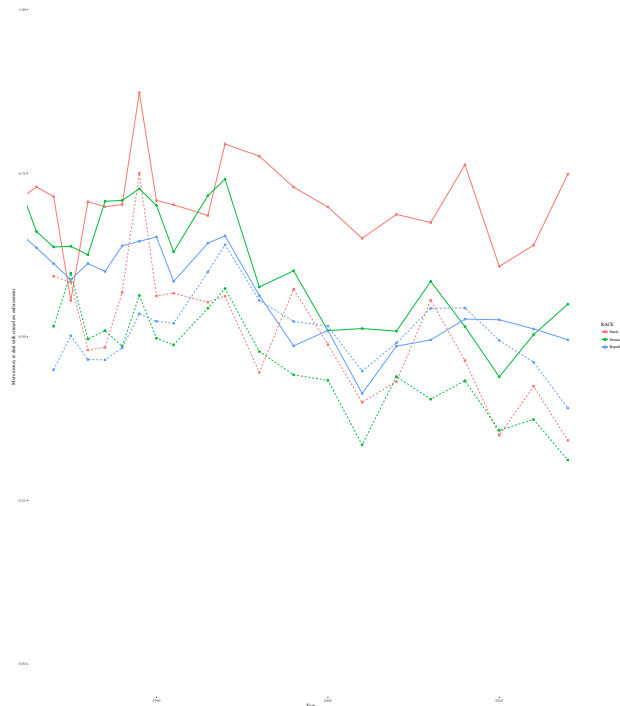


Figure 2.16: Race and party differences on affirmative action

cans to describe racial bias as a big reason for racial disparities in incarceration – suggesting that black respondents view racial bias as something closely connected to other issues.³

When the racial bias index is plotted against the personal responsibility index, however, important differences in the patterns of issue bundling emerge. For black respondents, as agreement with the personal responsibility index rises, so does agreement with the bias index – increasing from .65 to nearly .85, and rising with every increase in support for the personal responsibility index. For white Democrats, in contrast, the relationship is much flatter, and is entirely flat in the top half of the personal responsibility index. The same is true for white Republicans. If we hypothesize that zero scores on both indices are inflated by social desirability bias or anxiety about expressing opinions on fraught issues and confine ourselves to people who agreed with at least one reason, the personal responsibility index and the bias index are strongly correlated for black Democrats, but not for white Democrats or white Republicans.

Neither white nor black respondents understand racial bias and personal responsibility as substitutive explanations. Rather, for white respondents they are unrelated, while black respondents who attribute incarceration to personal responsibility *also* attribute it to racial bias. Decker and

³I confirm these results for the AAMS using questions about the causes of low rates of marriage among African Americans, which show the same pattern: black respondents who identify socioeconomic causes as big reasons also identify personal causes as big reasons.

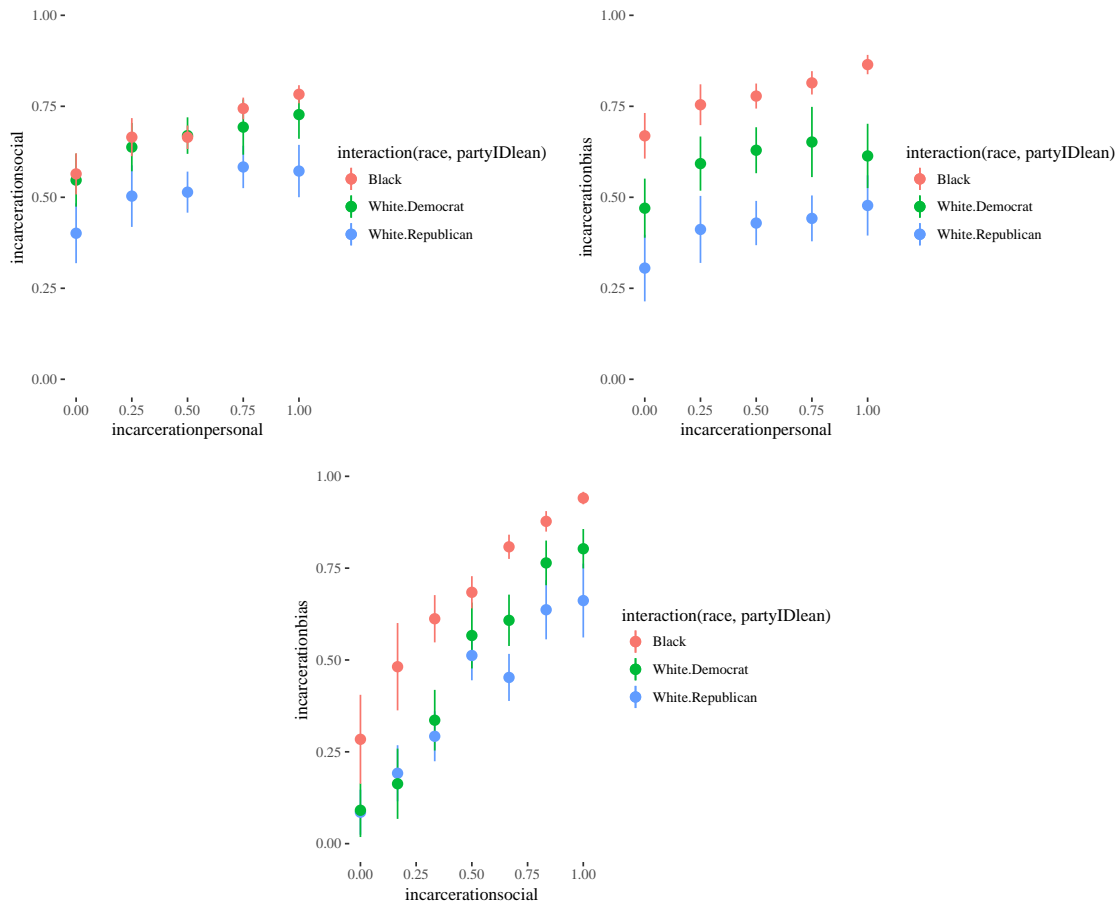


Figure 2.17: Issue Bundling

Weaver write of the movement for community control that “their framings and policy goals stood apart from the approach and rhetoric of other liberal groups: they did not argue the traditional liberal mantra that crime was not about race as their white counterparts had; instead, they embraced that crime was essentially a ‘minority condition’ and should be confronted by blacks themselves.” While Decker and Weaver are describing the positions of community activists and political actors, the AAMS results suggest that these positions continue to represent mass opinion several decades later (Vesla M. Weaver and Decker 2014).

2.8 Case Selection: Policing

Intra-party conflict on criminal justice issues damages the representational link between black Americans and the political party most black voters support. We see the consequences of this broken linkage in debates in national politics, but the paucity of black representatives at the national level limits our ability to identify the consequences of descriptive representation for policy

outcomes.

Moreover, many of the policies that influence the massive racial disproportion in American criminal justice – like policing, which determines who enters courts and jails – operate at the local level. The non-partisan elections and homogeneous electorates in local venues mean that partisan representation is even less effective at translating preferences into outcomes.

So we need new theories explaining how representation works at the local level. In this chapter, I have argued that, on issues with major racial divisions, descriptive representation is an important linkage between voters and representatives. I also argue that the institutional design of community policing efforts plays an important role in facilitating or excluding access for particular segments of local communities. Studying local politics gives leverage on the consequences of racial divisions in environments where descriptive representatives can change the balance of power in political institutions.

For the remainder of the dissertation, I turn to local politics. I examine the consequences of institutional arrangements and descriptive representation at the city and neighborhood level for the practice of policing. I find that the composition of representative institutions matters tremendously for policing. When people of color have power in political institutions, policy implementation changes in ways that are challenging to achieve via partisan representation. This suggests that, in examining the consequences of descriptive representation, it is crucial to consider local politics and issues with strong intra-party divisions by race (or other descriptive subgroups).

Chapter 3

Descriptive Representation in City Councils

In August 2014, the nation turned its attention to the town of Ferguson, Missouri. After Michael Brown, an unarmed black teenager, was shot and killed by a white police officer – and the city’s protests gained national attention and sympathy – the national media and the US Department of Justice investigated Ferguson. They found that the city made money from discretionary arrests for minor offenses; that those targeted for arrests were far more likely to be African American than white; and that despite the majority-black city population, the city government was largely white Vega and Eligon 2014; United States Department of Justice Civil Rights Division 2015. Were these racial disparities in policing and representation related? If so, did this pattern apply beyond Ferguson? This particular city’s constellation of injustices raised important questions for political scientists. When does descriptive representation matter for substantive representation? That is, when does electing a black or female representative help enact black or female constituents’ preferred policy outcomes? Would electing African American representatives, or other people of color, change the racial disparities in warrants, minor arrests, and other discretionary punitive actions taken by cities like Ferguson?

Drawing on the literatures on representation and deliberation, I argue that descriptive representation relies for its influence on *power*, not just presence. Most researchers studying representation have examined national and state institutions, where subordinate groups are unlikely to gain a numerical majority Mansbridge 1999; Grose 2011; Tate 2001; E. L. Washington 2008; Casellas 2010; Kerr and W. Miller 1997. However, this attention to national institutions has made researchers too focused on the importance of representation that reflects subordinate groups’ share of the population, and insufficiently focused on the importance of power. Turning to city-level policies provides leverage on questions about the consequences of majoritarian power for racial minorities. My analysis confirms the importance of political power for descriptive representatives.

In testing this theory, I focus on the relationship between descriptive representation for people of color and racial disparities in minor arrests: a substantively important policy area that is of broad interest to people of color – and especially African Americans and Latinos – across parties. Black and white Americans across party lines have different views on the police, and different assessments of the core issues in policing. How biased are police? How concerned should voters be about police violence? In response to recent shootings of black men by police, Senator Tim

Scott of South Carolina, currently the only black Republican in the US Senate, described multiple experiences of being treated with suspicion by police, emphasizing concerns about racial bias in police contact, treatment, and violence Huetteman 2016. Scott's statement, which put him at odds with his party, reflected widespread concern among black voters and elites about racial inequalities in policing – not only in the use of force, but in stops, minor arrests, and other everyday police contact.

Minor arrests have important substantive consequences. The disintegrative consequences of criminal conviction are well-documented: less civic and political participation, difficulty obtaining employment, later criminal behavior. Clear 2007; Burch 2013; Amy E. Lerman and Vesla M. Weaver 2014a; Amy E. Lerman 2013; V. M. Weaver and A. E. Lerman 2010; Goffman 2014; Brayne 2014; Western 2007. Arrest itself means the cost of bail, lost income, often lost jobs, sometimes eviction, as well as difficult, costly court procedures I. Kohler-Hausmann 2013; Pinto 2015; Rios 2011. Racial inequalities also damage the state's legitimacy among targeted communities J. Fagan and T. Meares 2008; Alexander 2012.

I make two departures from existing scholarship which are central to the framing of this chapter. First, I argue that racial disparities in policing are in large part the result of local political processes. Most researchers studying the expansion of the carceral state have focused either on state and national policy changes Vesla M. Weaver 2012; Murakawa 2014; Enns 2016 or on the attitudes of individual police officers Twersky-Glasner 2005; Glaser 2015; Eberhardt et al. 2004; N. G. Fielding and J. Fielding 1991. In contrast, I focus on city-level variation. Policing – controlled by city and county governments – drives initial contact with the criminal justice system; in turn, initial arrests, even for minor offenses, often lead to more intensive carceral contact as those arrested are marked, supervised, fined, imprisoned while they await trial, and have warrants issued for their arrests Pinto 2015; Goffman 2014; Rios 2011; I. Kohler-Hausmann 2013.

Second, I argue that scholars studying descriptive representation should focus on contexts in which parties do not effectively represent the interests of subordinate groups. Policing, and criminal justice more generally, meet this criterion in two ways. Differences between black and white Democrats on concern about both crime and police violence are substantial – larger, in fact, than differences between white Democrats and Republicans.¹ In addition, much of crime policy is enacted at the local level, where elections largely lack party cues and electorates are more homogeneous with respect to party. Thus, numerical power and descriptive representation play a critical role in local policy outcomes.

Presence is not enough to change policy: legislative bodies can exclude individual members of subordinate groups from policymaking unless they have the numerical power to change the outcomes of voting. I test these theories using data on racial bias in policing: using propensity score matching, I find that cities with majority non-white city councils have about half as much racial disproportion in arrests for minor offenses as cities where a majority of city council members

¹The section on case selection presents evidence of these opinion differences from the General Social Survey. The Violent Crime Control and Law Enforcement Act of 1994 similarly illustrates the important role of racial differences between Democratic elites. Black representatives were able to articulate group interests and facilitate group advocacy, but were unable to alter the bill to promote their preferred egalitarian outcomes Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016.

are white. This chapter therefore sheds light on the conditions under which democratic institutions fail to protect minorities, and the ability of descriptive representation to overcome those failings.

Police Discretion and Politics

Policing is a core activity of the state: the maintenance of the monopoly on the legitimate use of force. Police activity defines the nature of the implemented law – i.e., the extent to which particular actions and behaviors are functionally illegal Stuntz 2011; Forman 2004; Lynch 2011. State and national legislative bodies have expanded the use of criminalization and criminal law, using crime as an interpretive and legal category to address an increasing number of social problems Simon 2007. Paradoxically, adding more *direction* does not produce more *constraints* on police behavior. Rather, police can select which law to enforce in any given situation, allowing them to choose when, whether, and how intensively to invoke the power of criminal law Simon 2007; Stuntz 2011. Few cases proceed to trial: 97% of federal cases were settled with a guilty plea rather than a trial, and the numbers are similar in state courts Hofer 2011. This places police and prosecutors – the enforcement arm of the state – in a central role in the enforcement and indeed creation of the law Lynch 2011.

This research engages an important empirical problem about citizens' experience of state power: what explains racial disparities in arrest rates? Nationally, African Americans are 2.4 times as likely to be arrested as white Americans Federal Bureau of Investigation 2011. That is, the ratio of arrests to population for black Americans is 2.4 times the ratio of arrests to population for white Americans. This disparity, already large, conceals substantial local variation. Even among cities with at least 500 black residents, African Americans are up to 33 times as likely to be arrested for minor offenses as white residents. These disparities are part of the racialized construction and interpretation of the carceral state, both arising from and contributing to narratives of black criminality Muhammad 2011.

Police practices shape experiences of citizenship, both for those targeted for police surveillance and for those imagined as in need of protection. Arrest is the gateway to incarceration, and police practice is therefore crucial to understanding the well-documented inequalities produced by mass imprisonment Pettit 2012; Western 2007; Forman 2004. People in black and Latino communities with high arrest rates may diminish their civic engagement and social connection in order to avoid unwanted attention from the state Amy E. Lerman and Vesla M. Weaver 2014a; Burch 2013; Clear 2007; Goffman 2014. Racial inequalities in arrest undermine citizens' belief in the fairness and legitimacy of the criminal justice system, and indeed of the state itself; they thus constitute an important political problem Amy E. Lerman and Vesla M. Weaver 2014a; Alexander 2012.

This problem is not new to police or cities: in 1968, Baldwin described Harlem as "Occupied Territory" Baldwin 1966. As early as 1984, Skolnick heard from police officers that it was time to rebuild relationships with racial minority communities with a new era of community policing and transparency Skolnick and Bayley 1988. In *Police and Community in Chicago*, Skogan describes a major community policing initiative begun in 1993, designed to build community connections and reduce racial disparities in policing Skogan 2006. Twenty-two years later the city erupted in

protests over the police killing of a black teenager, and the broader racial disparities in policing Briscoe 2015.

Other scholars have suggested a relationship between descriptive representation and criminal justice policies Stucky 2011; Saltzstein 1989; Chaney and Saltzstein 1998. Ostrom and Whitaker find that community control of police improves citizens' attitudes towards police Ostrom and Whitaker 1973. Black underrepresentation is associated with lower clearance rates for serious crimes, as well as a heavier reliance on fines for revenue M. W. Sances and You 2016; Goldstein, M. Sances, and You 2016. Black mayors are more likely to adopt civilian oversight and ensure that more black officers are hired Saltzstein 1989. More broadly, black voters express clear support for descriptive representation John D. Griffin 2014; Hutchings and Valentino 2004; Dawson 2003; John D Griffin and Keane 2006. Descriptive representation for people of color increases participation by improving trust and attentiveness Bobo and Gilliam 1990, while descriptive representation for whites improves white voters' evaluation of local police Howell, Perry, and Vile 2004. Weaver places white racial demands at the center of the development of the War on Crime: through the process of frontlash, whites whose racial demands were stymied by the civil rights movement rerouted those interests into crime policy. White racial demanders "[built] a durable connection between black activism and crime... Sandwiched between two traps – being soft on crime and excusing riot-related violence – liberals had to forgo their ideal outcomes and moved closer to the conservative position" V. M. Weaver 2007. Journalists report that racial differences in responses to and preferences about crime persist throughout modern forms of public participation, particularly in assessments of which situations are "suspicious" or require police involvement Medina 2016; Solnit 2016.

Most explanations of racial disparities in carceral contact, however, focus either on national criminal law (the crack/powder disparity, for example) or on the role of implicit bias in the behavior of individual police officers Vesla M. Weaver 2012; Murakawa 2014; Twersky-Glasner 2005; Glaser 2015; Eberhardt et al. 2004; N. G. Fielding and J. Fielding 1991. I identify racial disparities in arrest as the product of political processes of representation. I find support for the hypothesis that descriptive representation for racial minorities – specifically majority power – narrows the racial gap in arrests substantially. City councils where a majority of positions are held by people of color alter the racial dynamics of minor arrests by exercising oversight of police practices. Thus, this research sheds light on the conditions under which majoritarian institutions produce egalitarian outcomes. When the majority is not committed to addressing a problem that contributes to inequality, representative institutions are likely to produce inequalitarian outcomes. Subordinate groups remain vulnerable unless they can gain access to power, or ally with more powerful groups Wasow 2016.

3.1 Measuring Descriptive and Substantive Representation

How should scholars operationalize the relationship between descriptive representation and policy outcomes? I measure descriptive representation for racial minorities by measuring the share of the city council that is white. While racial minorities are not politically homogeneous Z. Hajnal

and Trounstein 2014, coalitions among representatives of color often form. In San Francisco, five council members of color (Asian, Latino, and Black) recently supported protesters in pushing for the police chief to be fired, while two white council members strongly supported the chief E. Green 2016. Operationalizing descriptive representation through city council majorities reflects my theory that *power* is a key, missing element in theories of descriptive representation.

People of color are underrepresented in city councils. Figure 3.1(a) shows a density plot of the share of council members who are people of color, while Figure 3.1(b) shows representation as a function of population. As I argue below, even proportional representation is often inadequate to secure substantive representation of policy interests; however, city councils do not meet this threshold. To the extent that descriptive representation has substantive consequences, then, this underrepresentation matters for policy outcomes.

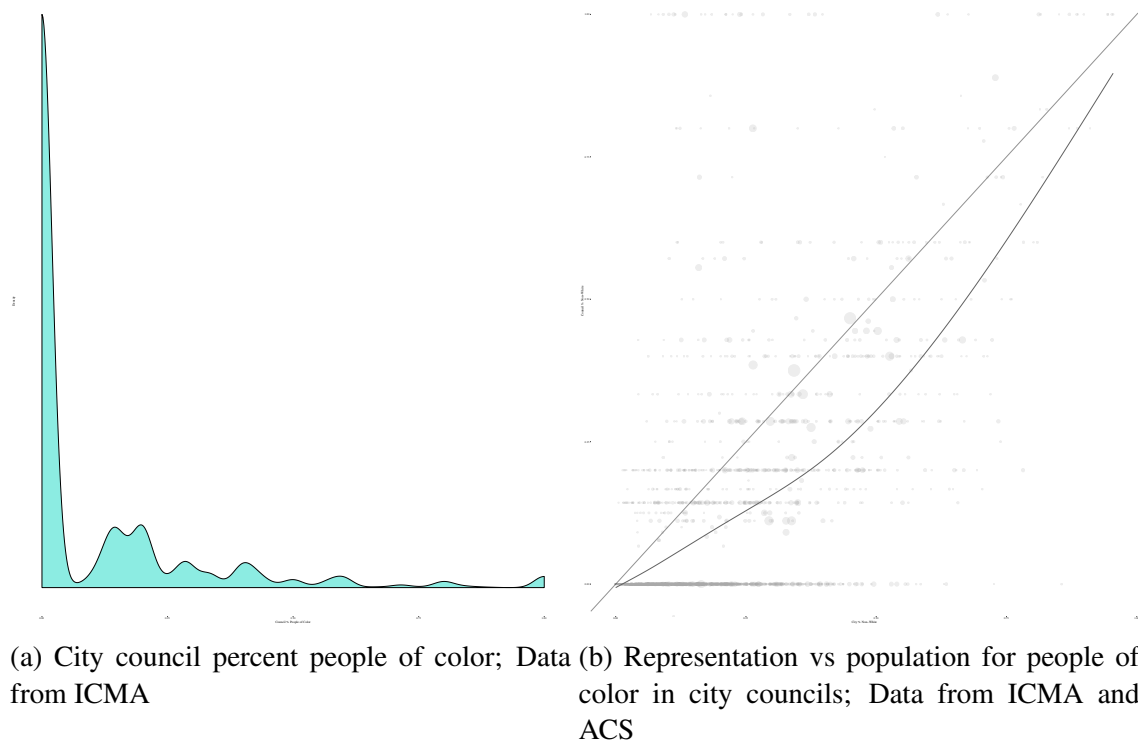


Figure 3.1: Representation in city councils

In measuring substantive representation, I focus on policy outcomes rather than the adoption of specific policies. A broad literature describes the difficulties in establishing political control of the police: police are street-level bureaucrats who work largely without direct supervision Lip-sky 1980; Hess 2011; G. J. Miller 2005. Anti-patronage reforms and police unions have created institutional obstacles to political control George L. Kelling and Moore 1988.

Notwithstanding these challenges, political control is possible: scholars describe the results of local control for enforcement decisions and arrests in domestic violence cases Chaney and

Saltzstein 1998, the prevalence of minor arrests Keller 2015, and the frequency of stops **mummolo2015can**; Provine et al. 2016. City councils, as local legislatures, can target communities for enforcement or forbearance: banning furniture on porches and lawns to allow increased enforcement, deprioritizing the enforcement of marijuana laws, or passing ‘sanctuary city’ laws preventing local police from cooperating with immigration authorities Lewis et al. 2012; Provine et al. 2016. City councils can also use their supervisory powers to demand that police explain police practices, push police chiefs to resign, and influence hiring E. Green 2016; BondGraham 2016; Queally 2016. This tremendous variety of policy levers for city councils suggests that adopting any specific policy is less informative than the outcome.²

Thus, I examine the consequences of descriptive representation for racial disparities in the risk of minor arrests in US cities. These disparities are both substantively important and a useful test case for this theory. A literature going back decades testifies to concern among African Americans, Latinos, and other racial minorities about the differences in enforcement between whites and racial minorities Gates 1995; Baldwin 1996; Epp, Maynard-Moody, and Haider-Markel 2014; Goffman 2014; Rios 2011; Menjívar and Bejarano 2004; Leovy 2015; Laughland 2015; Fine et al. 2003; Lurigio, Greenleaf, and Flexon 2009; Bloom and Martin 2013.³ Moreover, both survey and qualitative evidence suggests that racial inequalities in risk of arrest for minor offenses are of substantive interest to black voters in the present day Pew Research Center 2016; Amy E. Lerman and Vesla M. Weaver 2014a.

3.2 Data

Operationalizing Racial Disparities in Policing

I measure racial disparities in policing by examining the relative risk of arrests for minor offenses for black and white residents. For these minor arrests – for drug possession, loitering, sex work, and other largely consensual offenses – discretion is critical to enforcement decisions Wilson 1978. The racial disparities in traffic stops and minor arrests, in contrast, are broadly viewed as a cause for substantial concern about distributive justice Epp, Maynard-Moody, and Haider-Markel 2014; Gates 1995; Alexander 2012. I therefore calculate risk ratios for each city for minor arrests by race, as follows:

²In future work, I plan to develop an empirically grounded typology of the mechanisms for police control available to city governments.

³I focus on divisions between black and white attitudes towards criminal justice policy and descriptive representation. Criminal justice policy also takes in issues like domestic violence with significant gender components, issues like immigration enforcement where other ethnoracial divisions matter, and issues of interest to sexual minorities like policing of gay social environments and hate crimes directed at gender minorities. These social cleavages, intersect, with consequences for crime and policing related interests. The black-white division on policing has two main advantages. First, it is clearly in evidence in American politics: well-documented, well-theorized, and substantively important. Second, data on racial identification are widely available in policing, allowing effective tests of the theory.

$$Risk\ Ratio = \frac{\frac{arrests_B}{population_B}}{\frac{arrests_W}{population_W}} \quad (3.1)$$

The variables are as follows: $arrests_B$ is the total number of arrests of black people for minor offenses; $arrests_W$ is the total number of arrests of white people for minor offenses. $population_B$ and $population_W$ are the black and white populations, respectively.⁴

I operationalize minor arrests using offenses counted in Part 2 of the Federal Bureau of Investigation’s Uniform Crime Reports, which include drug and weapons possession, vandalism, drunkenness, curfew and loitering laws, simple assault, prostitution, and fraud charges, among others.⁵ I do not separate out different charges within Part 2 offenses, because many of these are quite fungible: an officer who wishes to make a minor arrest – a “humble” in the parlance of Baltimore police – can choose drunkenness, loitering, drug possession, or something else as the situation allows Keller 2015.

In this context, Ferguson’s racial disparities look ordinary, rather than extraordinary. Table 3.1 shows the racial disparities in risk of arrest for Part 2 offenses for selected cities, along with their populations. Among cities with over 100,000 residents, many cities in the West and northern Midwest have particularly high racial disparities in risk of arrest, including cities with notably liberal politics such as Berkeley, San Francisco, Madison, and Seattle.

Table 3.1: Racial Disparities in Part 2 Arrests for Selected Cities

<i>City</i>	<i>Population</i>	<i>Risk Ratio</i>
Woodhaven, MI	12839	63.2
Edina, MN	47790	23.6
Madison, WI	231783	8.57
Berkeley, CA	111008	7.06
Baltimore, MD	620210	3.54
Ferguson, MO	13342	2.67
Dallas, TX	1196258	2.13

I also test the relationship between descriptive representation and the risk of police shootings. Many recent police shootings – including those of Michael Brown and Philando Castile – arose out of interactions related to a minor offense, like a traffic stop. A large portion of the racial disparity in police violence may be the result of the additional exposure to police contact faced by African

⁴Appendix A shows the distribution of relative risk by city.

⁵ Complete list of Part 2 offense categories: simple assault, curfew offenses and loitering, embezzlement, forgery and counterfeiting, disorderly conduct, driving under the influence, drug offenses, fraud, gambling, liquor offenses, offenses against the family, prostitution, public drunkenness, runaways, sex offenses, stolen property, vandalism, vagrancy, and weapons offenses.

Americans. Here, the results are more ambiguous: city councils with majorities of people of color are associated with a decline in the risk of police shootings, but this result is marginally statistically significant.

Descriptive representation that provides people of color power in majoritarian institutions – that is, a city council where the majority of members are people of color – eliminates more than half of the racial disparity in relative risk.

Data Sources

To measure descriptive representation for racial minorities, I use data from the International City/County Managers' Association Municipal Form of Government Survey in 2011, which covers 3566 cities and includes questions about the demographic characteristics of city councils International City/County Managers Association 2011.⁶ The treatment variable is *White Minority*: that is, city councils where a minority of city council members are white. I merge these data with the American Community Survey's 2011 five-year estimates for population by race, poverty, education, and other variables. Appendix C shows density plots for selected variables. In general, cities with ICMA responses have larger populations; larger shares of the populations of cities with ICMA responses are made up of people of color.

The primary outcome variable is the risk ratio for Part 2 arrests for black and white Americans by city. Data on Part 2 arrests come from the Federal Bureau of Investigation's Uniform Crime Reports Federal Bureau of Investigation 2011.⁷ I use Part 2 arrests: traffic and pedestrian stops would also indicate racial disparities in enforcement of minor matters Epp, Maynard-Moody, and Haider-Markel 2014; Goel, Rao, and Shroff 2016, but national data on these are not yet available. For black and white residents in each city I divide the number of Part 2 arrests by the city's population for that racial group to calculate the risk of arrest for that racial group; I take the ratio of the risks for black and white residents to calculate the relative risk of arrest for minor offenses. Nationally, the relative risk is around 2.4; the disparity can be much higher. Figures present data from the 3075 cities included in the ICMA universe for which I was able to merge in FBI data. The matching analysis focuses on a narrower subset: cities with minority white city councils, and the cities with majority white city councils matched by observed covariates.

⁶The first option in the question about race of city council members is "Native American." Perhaps as a result, there are 33 cities listed with very large Native American majorities on the city council (over 70%, mostly around 100%), for which the city was at most 3% Native American. In some cases the city reports more Native Americans on the city council than live in the town. I excluded these cities from my analysis. Most likely, the city employee completing the survey unintentionally listed white city council members as Native American.

⁷I do not include data on arrests of Asians, Native Americans, or Latinos. First, there are data sparseness issues, especially with data on Native Americans. In addition, many cities do not report this data to the FBI; since the Uniform Crime Reporting system is not mandatory, there is no mechanism for ensuring they do so. Data on Latinos in particular are largely unavailable because cities do not report the categories "Hispanic arrests" and "non-Hispanic arrests."

3.3 Analysis

Which cities have descriptive representation for racial minorities?

The cities included in the matching analysis have important differences from many other cities in the ACS or ICMA data. The mean city percent black is around 26% for both treated and control cities (the United States population is around 13% black), while the mean city percent white is around 55%, compared to a total US population that is about 75% white Rastogi et al. 2011. Appendix D shows density plots comparing treated and control cities based on relevant demographics. Cities where a majority of city council members are people of color are, unsurprisingly, less white than cities with majority white city councils. They have higher black populations, but also more residents of other races and more Latino residents. They also have higher unemployment rates; the share of both white and African American residents living in poverty is higher, suggesting that the decline in racial disparities in risk of arrest is not driven by cities with more affluent black residents. Cities with majority non-white city councils are also larger, slightly more unequal as measured by Gini coefficients, and have a larger share of residents with less than a high school education. Because of the differences between treated and control cities in racial composition, matching is a particularly appropriate analytic technique.

Descriptive representation and racial disparities in minor arrests

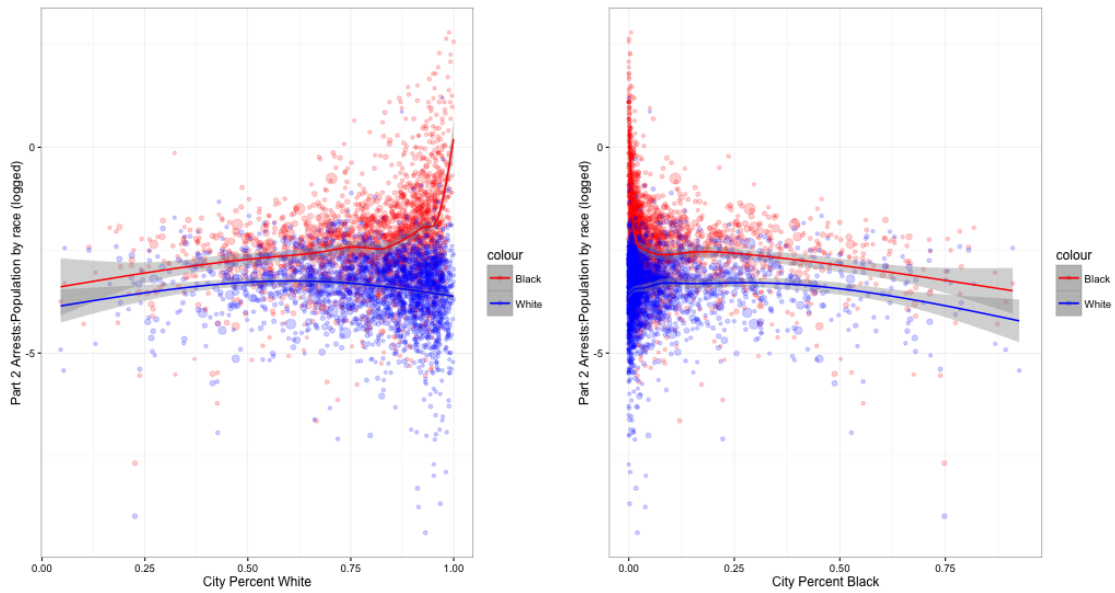
The graph below shows the relationship between the percent of the city that is black (Figure 3.2(a)) or white (Figure 3.2(b)) and the risk of arrest for minor offenses by race. The disparity is enormous for cities where the population is less than 5% black or more than 95% white, confirming anecdotal reports that all-white spatial environments are risky for African Americans.⁸ However, beyond that point, the differences remain largely constant: in cities with a higher black share of the population, both black and white risks of arrests decline slightly.⁹ Over the remainder of the distribution of city populations, the racial disparity remains similar.

Figure 3.3 shows the relationship between the percent of the city council that is black (or white) and racial disparities in minor arrests. Figure 3.3(a) shows that as the share of the city council occupied by descriptive representatives of African Americans increases, racial disparities decline: white risk of arrest remains largely constant, while the black risk of arrest declines to meet it. White attitudes are also an important element of racial differences in preferences about policing; Figure 3.3(b) show the relationship between the percent of the city and city council that is white, and arrests for minor offenses by race. This shows the same general pattern: as the city council becomes less white, risk of arrest for minor offenses converges for black and white residents.

What is the tipping point at which racial minorities' presence on city councils influences racial disparities in arrests? If descriptive representatives primarily articulate interests and facilitate com-

⁸While there may be confounding factors, this in itself suggests that African Americans who live in or travel to very white cities are at heightened risk of arrest for minor offenses. This suggests that the carceral state may be implicated in residential and occupational segregation, and the myriad resulting inequalities.

⁹These graphs include only cities which responded to the ICMA's 2011 survey and also submitted FBI data.

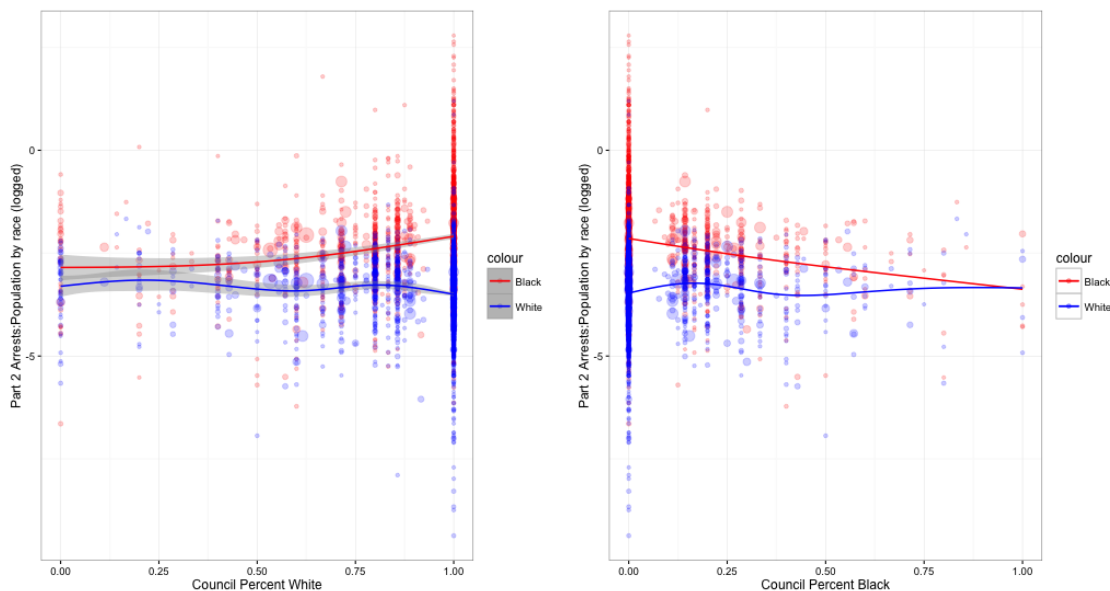


(a) City percent white vs Part 2 arrests by race; Data from ACS and FBI
 (b) City percent black vs Part 2 arrests by race; Data from ICMA and FBI

Figure 3.2: Black and white share of city population vs minor arrests by race.

municipalities, a single person of color on the city council – or a small minority of people of color – could effectively represent the interests of people of color in reducing racial disparities in policing. Figure 3.4 shows the risk of arrest for minor offenses by race for cities, testing different treatments.¹⁰ Table 3.2 shows how racial disparities differ in cities with councils with at least one representative of color, at least 30% council members of color, and a majority of council members of color. These results confirm that power matters for descriptive representation: the differences between cities with city council majorities of color are both substantively and significantly far larger than those for any other level of descriptive representation.

¹⁰These graphs exclude cities where less than 3% of the population is black. These cities have, on average, very high racial disparities in risk of arrest; they are also very unlikely to elect city council representatives of color.



(a) Council percent white vs Part 2 arrests by race; Data from ACS and FBI
 (b) Council percent black vs Part 2 arrests by race; Data from ICMA and FBI

Figure 3.3: Black and white representation on city council and black share of city population vs minor arrests by race. As people of color gain representation in city councils, racial disparities decline.

Table 3.2: Effect of Varying Levels of Descriptive Representation on Racial Disparities in Policing

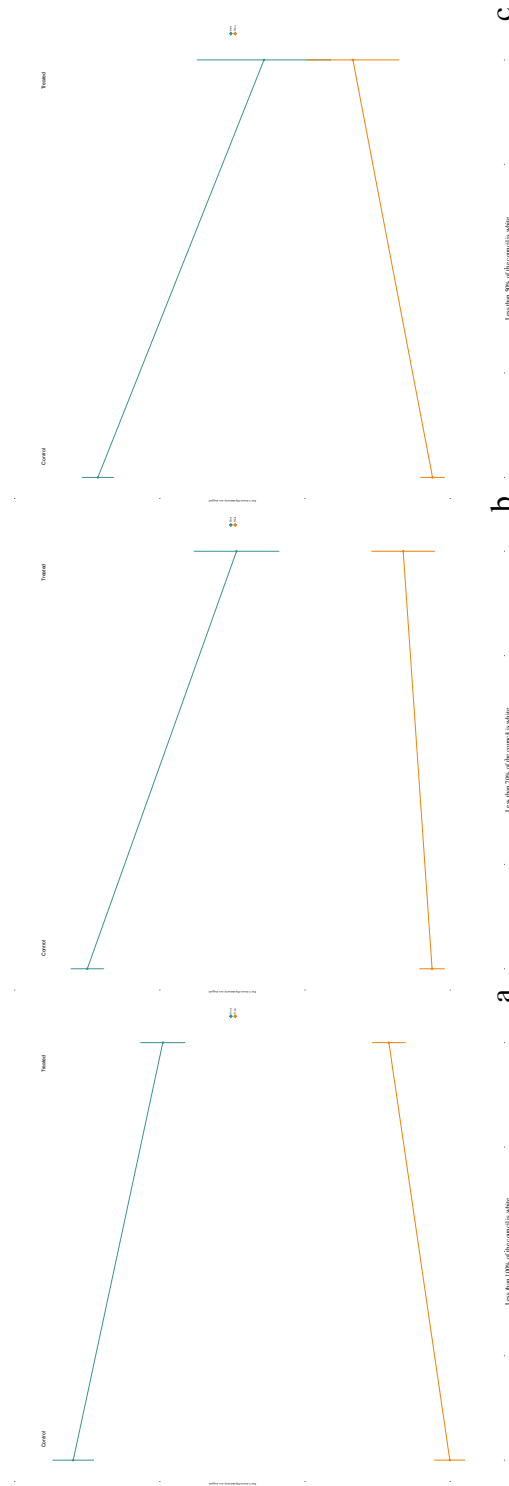
Treatment	Risk Ratios				
	Mean (treated)	Mean (control)	Difference	<i>p</i> (t-test)	<i>p</i> (Wilcoxon rank-sum test)
Council < 100% white n = 597	2.43	2.72 n = 591	-0.282*	0.075*	0.267
Council < 70% white n = 418	2.53	2.67 n = 963	-0.140	0.360	0.427
Council < 50% white n = 94	1.88	2.63 n = 1094	-0.752***	0.0000299***	0.000644***

Note:

p*<0.1; *p*<0.05; ****p*<0.01

Data from ICMA, ACS, and FBI; cities < 3% black excluded

In contrast, arrests for violent crime are not particularly fungible. Thus, I also measure the con-



(a) One person of color on the city council vs Part 2 arrests by race
 (b) Less than 70 percent white city council vs Part 2 arrests by race
 (c) Majority people of color on city council vs Part 2 arrests by race

Figure 3.4: The consequences of descriptive representation: presence (a), a significant minority (b), and majoritarian power (c) vs racial disparities in arrests.

sequences of descriptive representation for racial disparities in arrest for the most serious violent crimes – homicide, robbery, and rape – which are both most likely to be reported (though underreporting still plagues robbery and rape). Arrests for violent crime have a different relationship to black Americans’ policy interests. Because violent crime affects black Americans disproportionately, “the central dilemma in African Americans relationship with the police is fear of the police because of historic abuse, while at the same time desiring police protection from” the dangers of crime. (c Howell) Indeed, black Americans must contend with both *more* enforcement for minor crimes and *less* service from police on serious offenses. Homicides with a black victim are [HOW MUCH] less likely to be solved than homicides with a white victim. I find no relationship between descriptive representation for racial minorities and arrests for violent crime by race.

Using Genetic Matching to Get (closer to) Causal Inference

While the results above show a compelling relationship, perhaps the characteristics which lead to white minorities on city council also change racial disparities in some other way. To account for this, I use genetic matching to identify treated cities to cities with a white majority on the city council, based on covariates which differ between treated and control cities Diamond and Sekhon 2013.¹¹ The best description of the method is found in Weaver and Lerman (2010): “Genetic matching is a generalization of propensity score matching and Mahalanobis distance, which uses a genetic algorithm Sekhon and Mebane 1998 to maximize covariate balance between treated and control groups Diamond and Sekhon 2013; Sekhon and Mebane 1998; Sekhon 2008b. Cases are selected using the results of t tests and bootstrapped Kolmogorov-Smirnov (KS) tests, a distribution-free test of the equality of two cumulative distributions. Genetic matching has better properties than alternative methods of matching, irrespective of whether the “equal percent bias reduction property holds Diamond and Sekhon 2013; Sekhon 2007. Genetic matching can be used with or without a propensity score, but is significantly improved with the incorporation of a propensity score Sekhon 2008a. The propensity score is the conditional probability of receiving treatment... given observed covariates Rosenbaum and Rubin 1983” V. M. Weaver and A. E. Lerman 2010.

I estimate the propensity score using logistic regression, then match on “both the linear predictor, which has the benefit over the predicted probabilities of not compressing the propensity score near zero and one Sekhon 2008a, and a set of covariates that has been orthogonalized to the propensity score” V. M. Weaver and A. E. Lerman 2010. I use the following covariates: city population (logged), the unemployment rate, the percent of city residents over 18 living in poverty, the share of the population that is black, the share of the population that is white, the share of the population over 25 with less than a high school education, the Gini coefficient (as a measure of inequality), and the share of the black population with income below the poverty line. Using weights from genetic matching, I create a matched set of treated and control cities, and confirm

¹¹Restricting the sample to cities which both respond to the ICMA’s 2011 survey questions about city councils (except cities with known errors, as described above) and report arrest statistics to the FBI in 2011 leaves 81 cities where the majority of city council members are people of color, plus an additional 1683 cities with white majorities on the city councils. Obtaining balance for cities with black city council majorities proved impossible.

that the two groups are well-balanced on the variables of interest. The matched cities do not have statistically significant differences in any of the relevant variables. Figure 3.5 shows the balance on covariates for treated and control cities.

Table 3.3: Matching Analysis of Descriptive Representation on Racial Disparities in Policing

	Risk Ratios			
	Mean (treated)	Mean (control)	Difference	<i>p</i>
Part 2 arrests	1.75	2.99	-1.24** (0.50)	0.014**
Police killings	0.00000423	0.0000215	-0.0000173* (0.0000098)	0.078*

Notes: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$
Abadie-Imbens standard errors in parentheses
N = 81 (treated). 81 matched control units, drawn from 1600.

Table 3.3 shows the results of the matching analysis. The effect of a non-white city council is both statistically and substantively significant. City councils with a majority of people of color have a risk ratio of 1.75 – conditional on population, black residents are 1.75 times as likely to be arrested for minor offenses as white residents. A relative risk of 1 would indicate parity. This is a difference of -1.24 from the control cities, where black residents are (conditional on population) nearly three times as likely to be arrested as white residents.

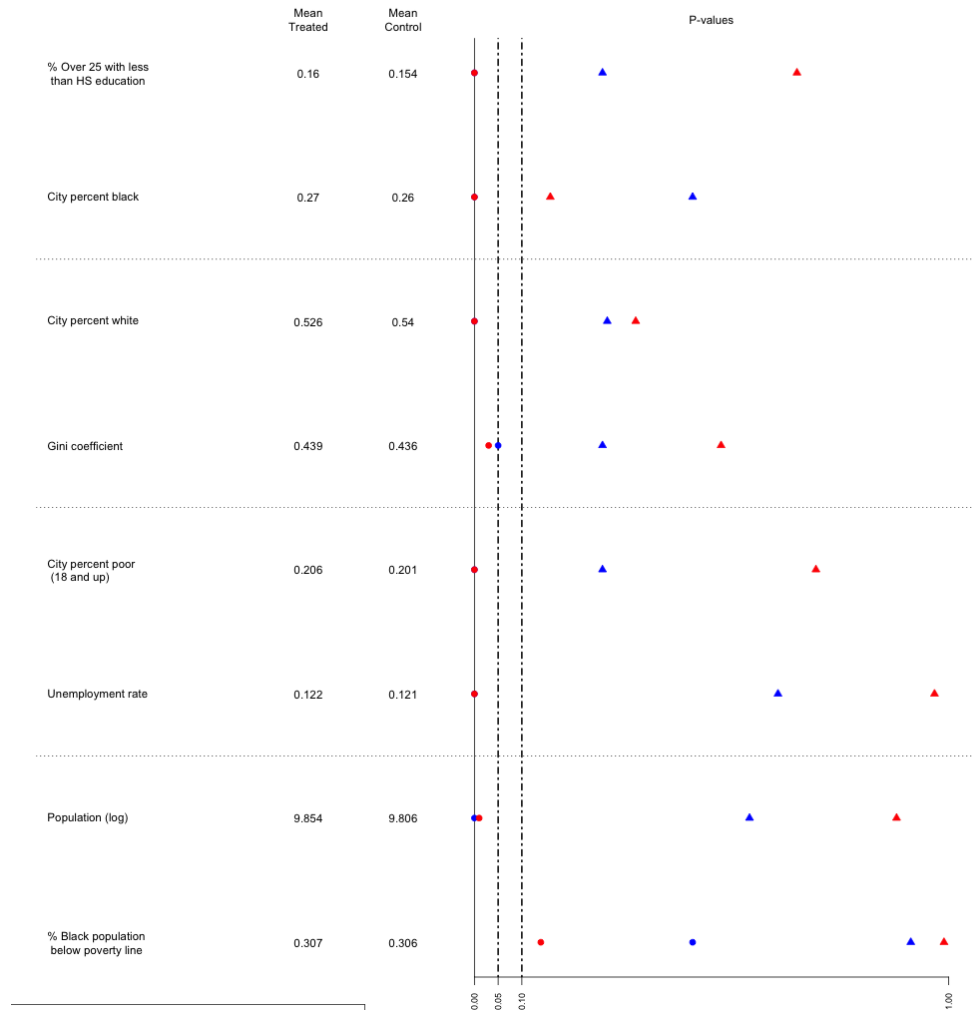


Figure 3.5: Balance on covariates for matched cities

Alternative hypotheses

Perhaps, some might argue, this effect is the result of differences in black socioeconomic status that are reflected in the greater numbers of people of color on the city council: more affluent, more politically connected black communities will be more likely to elect representatives of color, and less likely to face minor arrest. I include the share of the black population with income below the poverty line in the matching covariates; the treated and control cities are similar in this as in other respects, and the treated cities actually have slightly higher levels of poverty for both black and white residents. In addition, if an unobserved difference other than political power in the role of African Americans in treated communities is driving these differences, it should be apparent in lower – proportional, not majoritarian – levels of representation.

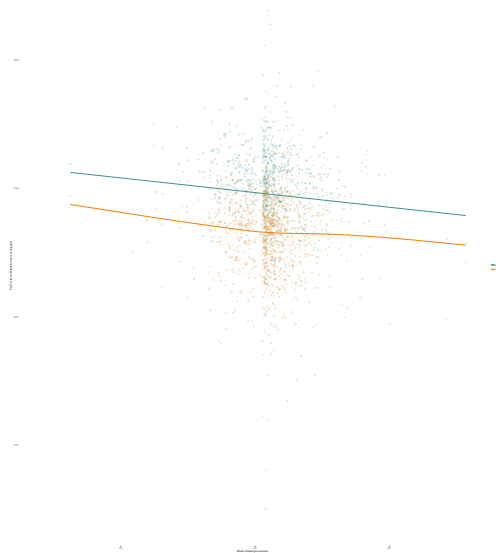


Figure 3.6: Black underrepresentation vs Part 2 arrests by race; Data from ICMA, ACS, and FBI

That is, in cities where better African American integration or higher socioeconomic status leads to both political power for racial minorities and lower black/white disparities in minor arrests, city councils should have more members of color conditional on population. I construct a measure of black underrepresentation on city councils, as follows:

$$U_B = City_B - Council_B \quad (3.2)$$

Figure 3.6 shows the relationship between black underrepresentation and Part 2 arrests by race.¹² This suggests that descriptive representational power is not a proxy for other types of sociopolitical inclusion.

I also use Rosenbaum sensitivity analysis to test the robustness of the findings to any unobserved confounder. Hodges-Lehman bounds do not bracket zero until Γ reaches 1.80. $p < 0.05$ for Γ values between 1 and 1.23; $p < 0.10$ for Γ values through 1.35. Considering the relatively small sample size, this finding suggests that the results are moderately robust to a hidden confounder Keele 2010.

Discussion

What do these estimates imply? First, the racial disparity between treated and control cities is quite large. As a matter of distributive justice, there is a substantial difference between a three-fold racial disparity in the risk of arrest for minor offenses, and a relative risk of 1.75.

¹²The graph is limited to cities where at least 3% of residents are black. Cities with very few black residents often have extremely high risks of arrest for African Americans, but African Americans are not underrepresented because there are too few for representation to be expected.

As described above, the cities in this analysis are not representative of all US cities. The average racial disparity in arrest risk in control cities is only a little above the national average; dynamics may be quite different – and the treatment is likely unachievable – in the heavily white cities with the most severe racial disparities. However, these limitations also suggest how important these findings are. Structural factors are not sufficient to explain the racial disparities in minor arrests. Racial minorities' access to political power, in contrast, reduces these disparities by more than half.

3.4 Deliberative Democracy and the Nature of Representation

These results shed light on two key questions about descriptive representation and political power. First, they suggest the importance of majoritarian power in political institutions for achieving substantive representation and influencing policy outcomes. Second, why does descriptive representation matter in this particular context? I argue that when intra-party divisions are high, and racial minorities cannot rely on their co-partisans to support their policy interests, descriptive representation plays a critical role in linking elite and mass interests.

Presence vs Power: Deliberative Dynamics in Majoritarian Institutions

Most of the literature on descriptive representation focuses on Congress and other state and national legislative institutions Mansbridge 1999; Grose 2011; Tate 2001; E. L. Washington 2008; Casellas 2010; Kerr and W. Miller 1997, where neither ethnoracial minorities nor women are likely to gain a numerical majority. Mansbridge, for example, argues that descriptive representation puts people in a position to articulate group interests or facilitate access for interest groups Mansbridge 1999. These important roles are ones legislators can play without having a majority within the institutions Grose 2011.

Larger numbers of members of subordinate groups change policy-making in two ways: by affecting deliberative dynamics, and by giving them control of majoritarian institutions. Group composition has important consequences for the deliberative conclusions that groups and mock juries reach, and “the effects [are not] simply a linear function of adding or subtracting a member of a given gender or racial group; effects appear to be non-linear and interactive” Christopher F. Karpowitz and Mendelberg 2007. Institutional rules, such as consensus requirements, can empower women when they are in the minority, but groups where a subordinate group holds the majority also change how often, and in what ways, the subordinate group participates Christopher F. Karpowitz and Mendelberg 2014. Both the outcomes of group decision-making and the articulated opinions of individuals change when women or people of color are a majority Christopher F. Karpowitz and Mendelberg 2007; Mendelberg and Oleske 2000.

In addition, most legislative bodies are majoritarian institutions: adopting a policy requires the support of at least half of the members. At a fundamental level, if descriptive representation affects the policy *preferences* of legislators, they must still secure enough support in the legislative body (council, legislature or Congress) to pass a new policy. Guinier describes the formal mechanisms, from agenda-setting restrictions to majority requirements for legislation, that exclude minority rep-

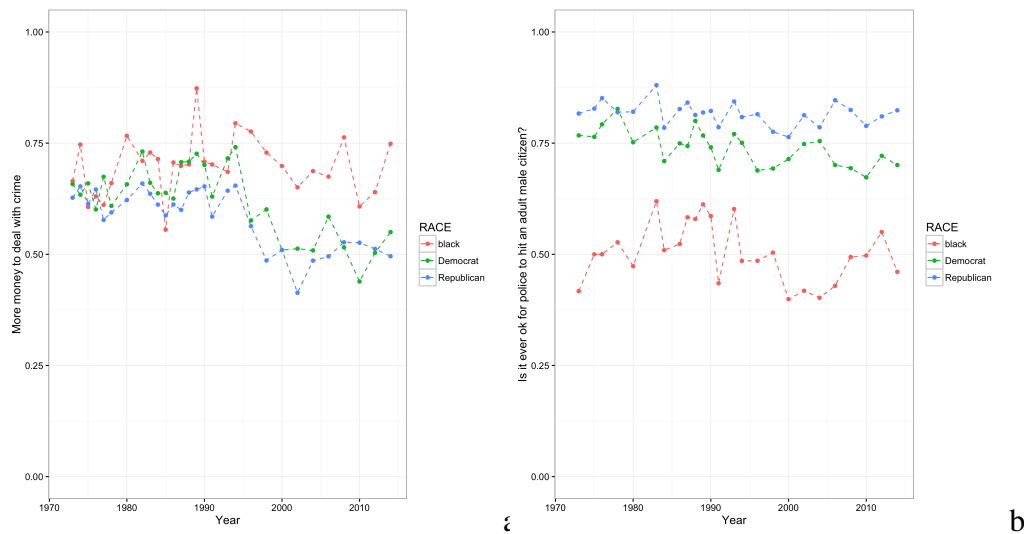
representatives of communities of color from *influence* in legislative settings Guinier 1994. Without majority power, representatives may provide services and advocacy for their constituents without changing the most materially important policy *outcomes*.

Studying majority representation for subordinate groups is impractical for researchers focused on state and national institutions. Only Hawai'i's legislature was over 50% people of color, and the next highest total was California, at 39% Kurtz 2015. Studying cities offers a solution to this problem, as well as other methodological advantages, because of the large number of cities and the extent of their variation Trounstein 2009. There are over 100 cities in the United States with city council majorities made up of people of color; seventy-three have black majorities International City/County Managers Association 2011. Studying cities offers an approach to study a general question about representation where there is insufficient coverage on the independent variable at the state and national levels. Moreover, many substantively important policies – policing, education, zoning, and housing – are governed in whole or in part at the local level. Studying local governments thus gives researchers important leverage on whether presence or power is most important for representation in policy outcomes.

Descriptive Representation vs Party Politics

Representation relies on linkages between elites and the mass public. Parties connect voters and groups of voters to policy outcomes, by organizing both electoral competition and congressional action Frymer 2010; Grose 2011; Schattschneider 1942; Bawn et al. 2012; E. Washington et al. 2012. When opinions within a political party differ along racial or other demographic lines, descriptive representation offers an alternative linkage. In her theoretical work on descriptive representation, Mansbridge focuses on the role of representatives in facilitating communication and articulating “uncrystallized interests”, which “have not been on the political agenda long, candidates have not taken public positions on them, and political parties are not organized around them.” In practice, many issues remain outside the overt, crystallized conflict between political parties, and not temporarily Frymer 2010; Z. L. Hajnal and Lee 2011; Vesla M. Weaver and Decker 2014.¹³ Frymer argues that two-party competition excludes minorities: when “race is a salient aspect of electoral conflict[,] party leaders generally face a distribution that is skewed quite strongly to the right, with the bulk of white voters on the conservative end of the continuum and the bulk of black voters on the liberal end.... Two-party competition either devolves into one-party domination [or] centers entirely around the majority group” Frymer 2010.

¹³Women typically live in mixed-gender households, and most members of gender/sexual minorities have familial ties to people outside the LGBTQ community. They therefore share political and economic interests with members of the dominant group in their communities. In contrast, familial and spatial segregation means that most people share households and family ties with members of their own racial group, and means that ethnoracial divisions lead to especially distinct political and economic interests Massey and Denton 1993. The fact that women and sexual minorities can be born into any household means that even heterosexual Republicans may change their views on issues relevant to gay Americans when their children come out. Rob Portman and Dick Cheney offer prominent examples of Republicans with gay children who support same-sex marriage Cooper 2009. Similarly, there is some evidence that legislators with daughters take more liberal positions on women's issues, especially reproductive rights E. L. Washington 2008.



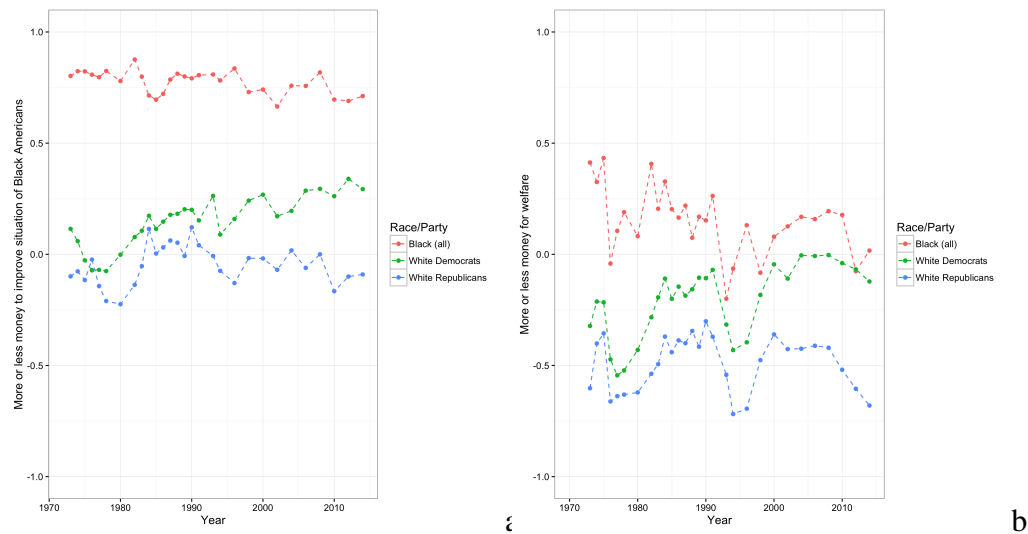
(a) Concerns about crime by race and party. (b) Concerns about police violence by race
 Data from GSS: are we spending too much, and party. Data from GSS: is it ever ok for
 too little, or the right amount on halting the police to hit an adult male citizen?
 rising crime rate?

Figure 3.7: Substantial intra-party racial divisions in public opinion about crime

Crime politics feature particularly strong intra-party divisions. Black Democrats are both more concerned about crime and more concerned about police violence than white Democrats.¹⁴ Figure 3.7(a) shows divisions by race and party on concern about crime, while Figure 3.7(b) shows divisions by race and party for concern about police violence. (All data come from the General Social Survey.) Even on highly racialized issues like welfare Gilens 2009, racial divisions are less important than party divisions. For context, Figure 3.8(a) shows public opinion by race and party on prioritizing improving the conditions of black Americans, while Figure 3.8(b) shows public opinion by race and party on welfare. These show that racial divisions on crime are similar to racial divisions on explicitly racial questions, and much more substantial even than social spending questions like welfare which are heavily racialized. Appendix D provides similar graphs for a selection of additional questions, which show that questions on crime are substantively different from questions on other issues in their racial divisions.

When parties do not effectively represent the interests racial minorities, how can voters ensure that their substantive interests are represented in policy-making? Descriptive characteristics, like party membership, solve a delegation problem. Ethnoracial identity signals that a person is in and of a particular community; gender conveys information about a person's likely experiences within a gendered world. Even when members of a group have heterogeneous policy preferences, they may have a shared problem definition Vesla M. Weaver and Decker 2014. White Democrats' and

¹⁴This public opinion result is not surprising, since African Americans are more heavily affected by both crime and police violence than whites. Moreover, these divisions are mirrored by elites Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016.



(a) Concerns about situation of African Americans by race and party. Data from GSS: are we spending too much, too little, much, too little, or the right amount on improving the conditions of Blacks?
 (b) Concerns about welfare by race and party. Data from GSS: are we spending too much, too little, much, too little, or the right amount on welfare?

Figure 3.8: Racial divisions on crime are more similar to divisions on explicitly racial policies, less similar to divisions on social spending

Republicans' assessments of the role of racism in US politics are for more similar to each other than they are to the assessments of African Americans Hutchings and Valentino 2004; Fiorina and Levendusky 2006; Mangum 2013.

Weaver and Decker argue that, during the development of the war on crime, “black leaders... attempted to shift the problem definition, arguing that “the victims are us”” and advocating policies to “empower community members to confront crime by strengthening and creating indigenous institutions and... to redirect the overwhelming focus on enlarging criminal justice agencies to supporting community-based, grassroots anti-crime initiatives” Vesla M. Weaver and Decker 2014. Similarly, during the debate over the Violent Crime Control and Law Enforcement Act of 1994, “members of the Congressional Black Caucus criticized the bill itself and introduced an alternative bill” which reflected an analysis of the crime problem distinctly different from that of both white liberals and white conservatives Hinton, J. Kohler-Hausmann, and Vesla M. Weaver 2016. Black representatives articulated important black interests, in disagreement with their white co-partisans, but were outnumbered in Congress.

Descriptive representation is especially important at the local level, where party cues are weak and electorates are less divided by party. Only 16.8% of cities include partisan identifications for city council candidates on ballots International City/County Managers Association 2011. Thus, in local venues, parties cannot effectively incorporate and advocate for group interests as they do in contested national elections. Because group membership cannot easily be changed, it serves as a

credible signal that someone is likely to assess and address policy issues in ways that accord with their group's preferences. When party membership does not effectively provide this information – because parties have not taken up a particular issue, or because the venue makes party cues ineffective – descriptive representation offers an alternative link between mass and elite politics, and has more important consequences for policy outcomes.

3.5 Significance

Throughout this chapter, I focus on racial disparities in arrests for discretionary offenses. These minor arrests, as I argue above, have major consequences. A broad literature in political science and sociology documents the “disintegrative” consequences of carceral contact for individuals and communities. Criminal convictions and incarceration weaken community bonds and civic engagement Burch 2013; Clear 2007; Amy E. Lerman and Vesla M. Weaver 2014b; Amy E. Lerman and Vesla M. Weaver 2014a; Western 2007, make finding work much more difficult Pager 2007; Pettit 2012, weaken trust in the criminal justice system Epp, Maynard-Moody, and Haider-Markel 2014; Rios 2011; Keller 2015, and engender future criminal activity Goffman 2014. Even when no conviction results, the process of being marked and supervised by the criminal justice system through an arrest and dismissal exposes individuals to the risk of greater future punishments, and places burdens on them to meet bail or risk losing jobs, homes, custody of children I. Kohler-Hausmann 2013; Pinto 2015.

Racial disparities in the risk of minor arrests raise concerns about both procedural and distributive justice. The procedural justice literature suggests that “investigative” stops and other interactions with no clear public safety purpose leave civilians with less trust in law Jeffrey Fagan 2008; J. Fagan and T. Meares 2008; Jeffrey Fagan, T. Meares, and Tyler 2011; Papachritos, T. L. Meares, and Jeffrey Fagan 2012; Keller 2015; Skogan 2006. However, even when arrests are effected within the procedural norms, massive racial disparities raise concerns about distributive justice Alexander 2012; Tankebe 2013.

Finally, these minor arrests may in fact underrepresent the extent of the racial disparity in police contact. African Americans are 270% more likely than whites to be subjected to an investigatory stop Epp, Maynard-Moody, and Haider-Markel 2014; The Council on Crime and Justice and The Institute on Race and Poverty 2003; LaFraniere and Smith 2016. These interactions are not counted in the Part 2 arrest summaries submitted to the FBI. Philando Castile, a black man in Minnesota killed by police during a traffic stop for a broken taillight, exemplifies the risks of these frequent stops. Castile had been stopped 49 times for minor reasons – an unlit license plate, tinted windows – in the thirteen years before he was shot. Even if police lacked any bias in decision-making in individual situations, Castile's many encounters with police put him at greater risk: each interaction held the risk of escalation, elevating his cumulative probability of violence from the police Eckhouse 2016a.

Police sometimes argue that arrests for discretionary offenses help them incapacitate dangerous people who have committed serious crimes Leovy 2015. Arresting Al Capone on charges of tax evasion is one thing; expanding the logic to large parts of the American citizenry, however, under-

mines the rule of law. It substitutes the judgment of police for the judgment of the court, leaving no room for defense or adjudication, expanding uncertainty, and undermining the already tenuous claims of the American criminal justice system to procedural justice. Undermining procedural justice, in turn, undermines the perceived legitimacy of the state and the effectiveness of police enforcement, and thus leads to retributive violence Jeffrey Fagan 2008; J. Fagan and T. Meares 2008; Jeffrey Fagan, T. Meares, and Tyler 2011; Papachritos, T. L. Meares, and Jeffrey Fagan 2012; Leovy 2015.

This chapter makes two central contributions. First, it provides insight into an important empirical problem: the causes of racial disparities in carceral contact. Racial disparities in criminal justice are a vexing and serious problem, leading to alienation from the state, loss of legitimacy for the criminal justice system, and retributive violence. While individual bias and broader national trends in policing and criminal law undoubtedly play a role, this analysis shows that the tremendous geographic variation in racial disparities is a consequence of local politics.

More broadly, this chapter sheds light on why and how descriptive representation matters. In venues and issues where parties do not represent the demands of subordinate groups, descriptive representation plays a critical role in linking racial minorities to political influence. Descriptive representation for racial minorities influences policy outcomes, improving distributive justice by reducing the racial disparities in discretionary enforcement. Presence is not enough, though. Groups where the majority of members are people of color have deliberative dynamics that differ substantially from the dynamics in majority white conversations; moreover, majoritarian institutions mean that, at a fundamental level, the descriptive representatives can influence policy outcomes more effectively when they form a majority of the legislative institution.

Chapter 4

Local Politics and Participation

Since Athenian assemblies, scholars have argued that local participatory institutions promote good policy, equity, and civic virtues. Decentralizing governance into units small enough to allow open assemblies means policy can reflect local conditions and preferences. Collective, deliberative reflection about community priorities provides an opportunity for disadvantaged residents to directly raise and recruit community support for their needs. Like Tocqueville, who argued that “town-meetings are to liberty what primary schools are to science; they bring it within the peoples reach, they teach men how to use and how to enjoy it”, modern participatory institutions are said to produce “broad and deep participation” from frequently disengaged citizens (De Tocqueville 2003).

Those concerned about adversarial relationships between police departments and communities often suggest that participatory institutions are a key element of community policing. Through participatory assemblies, police learn about community preferences, respond to community needs and demands, and build close relationships with members of the community. Important evidence on the value of local participatory institutions has come from studies of policing. In Chicago, Fung and Wright find broad participation across both poor and wealthy neighborhoods; they argue that neighborhood-level participatory institutions give disadvantaged residents genuine access to governmental decision-making (Fung 2001). Local control of police, this work suggests, makes police service both more legitimate and more effective.

This research often struggles to address community heterogeneity. When members of communities disagree about the best policy – for police, for schools, for zoning – institutions affect participation, structure decision-making, and influence policy choices and resource distribution.

How do local participatory institutions affect the distribution of political power? In this chapter, I argue that participatory local institutions both reflect and amplify existing conflicts and inequalities. I examine how local participatory institutions affect the distribution of political power and resources, drawing on evidence from a divided Oakland’s police-community meetings. These meetings wield genuine power, setting priorities for a full-time police officer who reports on progress at the following month’s meeting. The intimate scale of these institutions interacts with community heterogeneity and well-known policy feedback effects to magnify some voices and exclude others, in ways that affect both substantive and descriptive representation. People know their neighbors’ views, or come to know them: those who participate frequently can reach out to networks of

like-minded neighbors to support them at critical meetings; when most participants share views, dissenters are reluctant to bring their concerns into the conversation. When police implement the apparent consensus view, deliberative democratic institutions can backfire, shutting out minority or disadvantaged voices and reinforcing inequalities in participation.

These effects are especially important for participatory local institutions that govern policing. Oakland Neighborhood Crime Prevention Councils (NCPCs) meet in official locations, with sign-in sheets and a police officer present. People who have had negative personal or familial experiences with police – a group which disproportionately includes black and Latino Oaklanders, but is also disproportionately young and poor – are less likely to feel comfortable entering a space where their identities are visible to authorities (Brayne 2014), or being in the presence of police (Goffman 2014). The meeting structure therefore compounds the ways in which incarceration and arrest dissuade citizens from voting and other political activity (V. M. Weaver and A. E. Lerman 2010; Amy E. Lerman and Vesla M. Weaver 2014a; Amy E. Lerman and Vesla M. Weaver 2014b; Amy E. Lerman 2013). When a critical mass of residents want aggressive police enforcement, a local feedback cycle can take hold: advocates of intensive enforcement set the tone of police meetings, creating an exclusionary environment; police follow the community consensus, further demobilizing targeted groups, who are then even less likely to participate in future meetings.

In multiple years of fieldwork in racially mixed neighborhoods in Oakland, I observe this dynamic in some NCPCs, but not in others. What explains these differences? The central case described in this chapter is a Neighborhood Crime Prevention Council in a divided neighborhood in north Oakland. While the neighborhood is historically black, and is near the original organizing neighborhood for the Black Panther Party, by 2014 it had become divided between white and black residents (Bloom and Martin 2013). Most poor residents are black; wealthier residents are mostly but certainly not entirely white. Black residents who wanted more police involvement – usually older – allied with white homeowners to seek additional policing in the neighborhood. Police responded by coaching residents on how best to get additional resources, connected residents with other city departments, and worked to address stated community priorities – even when those priorities were broadly controversial outside the meeting.

I present evidence that suggests that the structure of community heterogeneity influences meeting dynamics. At meetings in neighborhoods with more fractionalization, where multiple local groups were both concerned about crime and concerned about being targeted by police, meetings had a more collaborative atmosphere and the meeting set less conflictual police priorities. While some of these differences may be idiosyncratic, at meetings with ideologically and experientially diverse participation, a core coalition advocating for aggressive policing did not form. Moreover, facilitation strategies and group dynamics supported inclusion.

Other scholars, especially in comparative politics, have identified problems with elite capture in participatory decision-making institutions for economic development (Campos and Hellman 2005; Malesky, Nguyen, and Tran 2014; Acemoglu, Reed, and Robinson 2014; Bardhan and Mookherjee 2000). My research makes three theoretical contributions to this literature: first, rather than focusing on corruption, I show that programmatic differences, and the representation of substantive political perspectives in local participatory institutions, can be important sources of exclusion. Those with minority opinions can be especially isolated by the very small district sizes of local

participatory institutions. Second, I show that scale, and the close social connections developed by local participatory institutions, can have both mobilizing and demobilizing effects. The anonymity of the ballot box allows dissenters to participate in politics without personally confronting their neighbors. Finally, I situate elite capture within the literature on policy feedback, and argue that participatory local institutions create substantively important feedback effects.

This qualitative research design cannot identify the average effect of local participatory institutions. Instead, it identifies substantively and theoretically important risks of local participatory institutions. Democratic theorists should not conclude from this research that local participatory institutions cannot have positive democratic effects. Indeed, even in the conflictual environment of north Oakland, many of the problems raised at the NCPC meeting were deeply important public safety issues, and many neighbors described the NCPC as a critical tool for building relationships in the neighborhood and relationships with police, for the subset of residents who participated. Rather, local participatory institutions are not outside of political conflict. Like other political institutions, they need structures for recruitment, deliberation, and collaboration with government agents that foster inclusion rather than exclusion.

Chapter 5

Everyday Risk: Exposure Disproportion and Racial Disparities in Police Violence

After Mike Brown's death in Ferguson in 2014, scholars and journalists hastened to develop adequate measures of police violence, and to understand the nature and origins of the disproportionate risk of police violence faced by black and Native Americans, especially young men. The findings were stark. Federal records drastically understate the number of police killings (Ball 2016)). As many as one in five homicides committed by strangers are committed by police (Ball 2016) and the death rates for black and Native Americans are over twice the death rates for white Americans. Unarmed black Americans are nearly five times as likely to be shot by police as unarmed white Americans (Zimring 2017)). As Zimring writes, "the circumstances of the Michael Brown killing were typical of police killings rather than singular" (Zimring 2017)). Shaw's introduction to the Department of Justice investigation of the Ferguson police department makes a similar point:

Ferguson did not happen in a vacuum. Police killings of unarmed individuals are, unfortunately, not uncommon. While the facts of each case are different, there is a numbing familiarity when an unarmed black boy, teenager, or man is killed by a police officer. A well-worn script unfolds after each death: The police officer recounts a threat to his life, which allegedly includes a weapon. The dead black man is dehumanized and demonized through the release of any record of past wrongdoing in an attempt to implant the worthy-of-death notion in the public's mind. In most instances, state and local authorities do not bring charges against the officer. In the rare instances when there is an indictment, the officer is, more often than not, cleared of wrongdoing. In many cases, the family of the decedent and community activists seek federal review and prosecution, usually without success. (Shaw et al. 2015))

And yet, when scholars, journalists, and activists tried to unpack the causes of this racial disproportion in police violence, they focused largely on the moment of decision. Police, like other Americans, are more likely to see "gun" in an ambiguous object if the person carrying it is black (Greenwald, Oakes, and Hoffman 2003)). Police, like other Americans, are more likely to shoot in experimental situations when the target is black (Greenwald, Oakes, and Hoffman 2003; Plant

and Peruche 2005; Correll et al. 2007)). These biases are a substantial concern, but they are also difficult to change (Sim, Correll, and Sadler 2013; Eberhardt et al. 2004). Moreover, as I show in this chapter, equalizing the probability of being shot in any given interaction would still leave tremendous racial disparities.

In focusing on *how police react* in highly charged situations where they are considering using force, scholars separate police violence, and especially police homicide, from the rest of the carceral state. In fact, these extreme instances of state violence have everything to do with the normal operation of the criminal justice system, and with the most mundane interactions between citizens and the criminal justice system.

On July 6, 2016, Philando Castile was pulled over in Falcon Heights, Minnesota. With him in the car were his girlfriend and her four-year-old daughter. Within minutes of the beginning of the stop, police officer Jeronimo Yanez had shot Castile four times (LaFraniere and Smith 2016). Nationwide protests erupted in the wake of Castile's death – and the previous day's shooting of Alton Sterling in Louisiana. Dozens of protesters were arrested in the Twin Cities, and at protests around the country. As reporters uncovered the details, they learned that it was at least the 49th time Castile had been pulled over in 13 years (LaFraniere and Smith 2016).

Journalists reported on Castile's many stops as an indicator of the heavy weight of law enforcement borne by low-income black communities. Castile's encounters with law enforcement, almost entirely over minor issues such as broken taillights, cost him over six thousand dollars in fines (Peralta and Corley 2016). An extensive literature documents the consequences of these routine stops for African Americans: fines and fees paid, but also time spent in court and waiting rooms, suspended licenses, warrants, civic disengagement, lost jobs, and evictions (Goffman 2014; V. M. Weaver and A. E. Lerman 2010; Brayne 2014; Amy E. Lerman and Vesla M. Weaver 2014a; Harris 2016).

Each encounter, though, also carries the risk of escalation. Castile was stopped for a broken taillight; the officer also thought he resembled a robbery suspect. Castile was carrying a firearm – one he was licensed to carry under Minnesota state law, and one which he informed the officer of immediately (LaFraniere and Smith 2016). Despite the law-abiding character of his behavior and the minor causes of the stop, Castile lost his life.

Given a fixed risk of being shot in any encounter with police – even a risk that is fixed at the individual level, rather than at the population level – any individual person's lifetime risk of being shot is a function both of the probability of being shot in any given encounter and the number of total encounters. Thus, racial disproportion in the probability of being shot by police can originate not only in the decision to shoot, but in any of the prior steps that led to the interaction.

5.1 The Origins of Disproportion

The ultimate outcome of interest is the severe racial disproportion in police violence. Overall, the risk of being shot by police for an unarmed black civilian is between 3.49 and 5 times as high as the risk for an unarmed white civilian (Ross 2015; Zimring 2017) In many US counties, the risk for black civilians approaches 20 times the risk of white civilians (Ross). The death rates for African

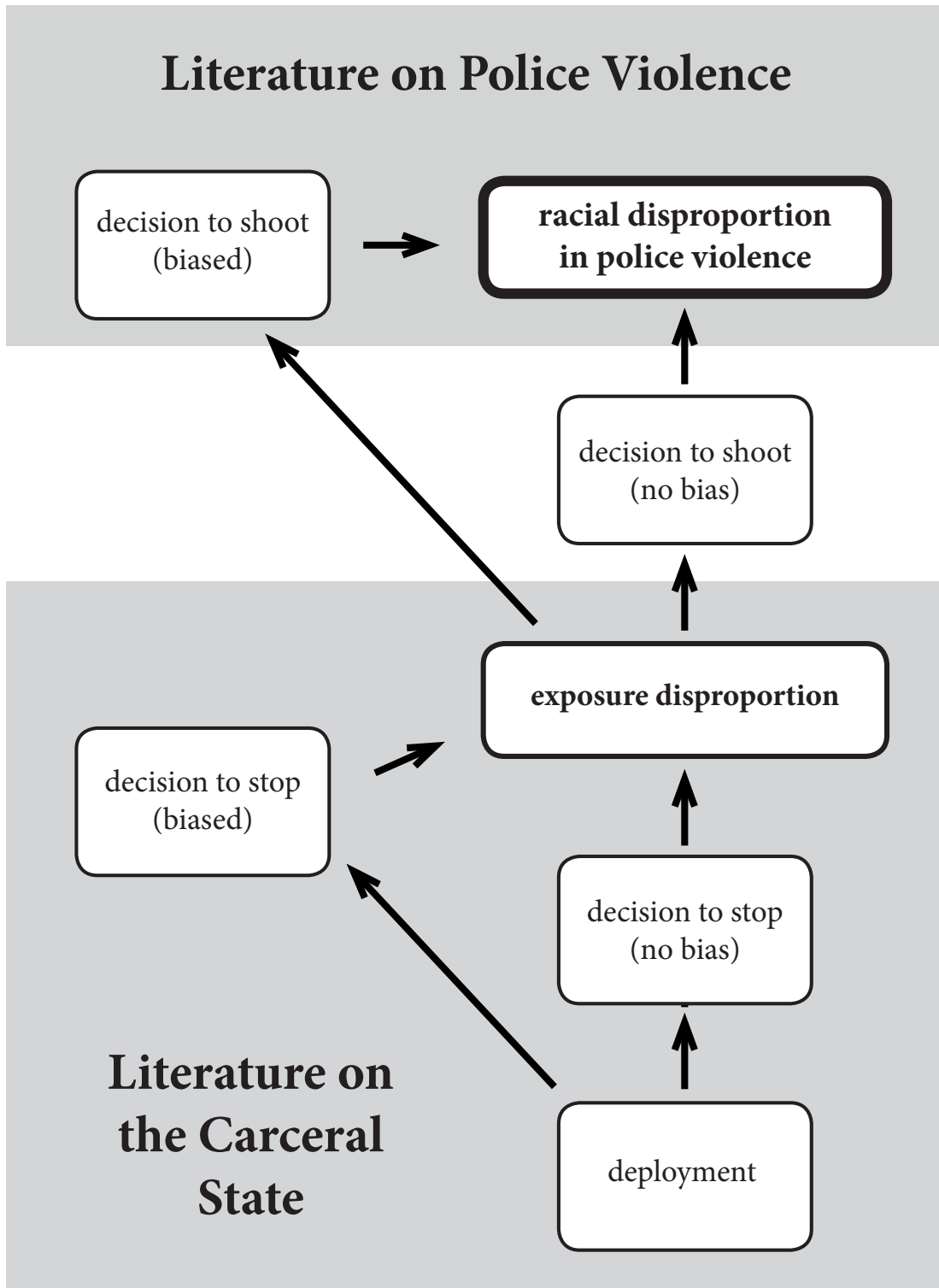
Americans are 2.3 times the death rates for whites. Native Americans are killed at 2.06 times the rate at which whites are killed (Zimring 2017). These figures are much higher than the figures for other, comparable countries (Zimring 2017).

What causes racial disproportion in shootings? One possible cause – the central one in the emerging scholarship on police violence – is that police make biased decisions about whom to shoot (or, less frequently, tase). By the time the officer is choosing whether to shoot a particular individual, the officer has gone through many steps – training, deployment, and the decision to stop – that can produce racial disproportion *with no bias in the shooting decision*. Figure 5.1 summarizes this process, which I describe in more detail below. At three key steps – deployment, engagement, and the decision to use force – opportunities for disproportion enter and compound. Deployment and engagement together produce what I call *exposure disproportion*. As I show later in the paper, bias in the shooting decision accounts for far less of the racial disproportion in police violence than exposure disproportion.

First, officers are deployed to a particular location. Ample evidence suggests that police are disproportionately deployed to low-income black and brown neighborhoods (Goel, Rao, and Shroff 2016; Moskos 2009; J. Fagan, Geller, et al. 2009). Drug enforcement and discretionary stops, in particular, are concentrated in what Soss and Weaver call “race-class subjugated communities” (Soss and V. Weaver 2017; Lum and Isaac 2016). Over the last four decades, “public authorities poured their expanded policing resources into a suite of new techniques such as zero tolerance policing, ‘command and control’ operations, order maintenance, ‘hot spots’ policing, saturation policing, and interventions based on the SARA (Scanning, Analysis, Response, and Assessment) model, all of which gave rise to a higher volume of lower quality arrests and convictions. Thus, as new policing models proliferated in the 1980s, 1990s, and 2000s trumpeted through a string of tactical campaigns titled ‘Operation’ such and such the core preoccupation of policing consolidated around the elimination of disorder and the regulatory enforcement of codes against disordered people and places” (Soss and V. Weaver 2017). In the 1990s, the nationwide spread of Compstat led to a further increase in minor arrests. Like other, similar technocratic interventions, Compstat was justified by the Broken Windows theory of policing, which held that policing disorder would reduce serious violent crime. More recent evidence, though, suggests that crime arises from private conflict, not public disorder (O’Brien and Sampson 2015). Moreover, Compstat did not lead to a significant decline in crime (Eckhouse 2016b).

Today, intensive policing is the norm in race-class subjugated communities (Goffman 2014; Soss and V. Weaver 2017) but rare in wealthier neighborhoods (Moskos 2009; Goel, Rao, and Shroff 2016). These deployment patterns mean that police officers are more likely to be working near black and brown Americans than near whites. Police training, management, and promotion expectations teach officers to see stops and arrests as indicators of productivity (Goel, Rao, and Shroff 2016). Proximity to race-class subjugated communities means not only that police may be more likely to observe any illegal behavior, but that as they seek out occasions to show productive work according to their organizational benchmarks, they will disproportionately engage with and arrest people of color – with no individual personal bias at play. Deployment itself can lead to exposure disproportion with no bias.

Second, police officers must choose whether to engage with a particular individual, with or



without bias. Assessing bias in the decision to stop is complex, but the available evidence suggests that, even accounting for neighborhood deployment patterns, police are more likely to stop people of color and especially African Americans (Goel, Rao, and Shroff 2016). In a study of Kansas City area traffic stops, black drivers were 270% more likely to be stopped for “investigatory” purposes. These stops are often not the result of overt racial animosity. Rather, they are planned opportunities to investigate, understood by many police officers as “among their most effective tools for finding and arresting criminals and preventing crimes.” Since “even people who are opposed to racism often implicitly perceive others in racially stereotypical ways.... implicit negative racial stereotypes help to support punitive practices like the investigatory stop. In turn, these practices contribute to racial disparities in who is stopped[.]” (Epp, Maynard-Moody, and Haider-Markel 2014). Racial differences in stops – whether they originate in institutional recommendations, implicit bias, or overt animosity – also contribute to exposure disproportion.

While black Americans are 2.3 times as likely to be killed by police as whites generally, after accounting for exposure disproportion (using arrest data, which likely underestimates the extent of exposure disproportion) they are only 1.6 times as likely to be killed. Setting the number of police killings per arrest – the measure of bias in shootings – equal for blacks and whites would have meant 101 fewer deaths of black Americans in 2015. Fixing the black arrest rate at the white arrest rates, with no change to the race-specific ratio between killings and arrests, would eliminate 167 deaths – 67% more. Exposure disproportion plays a very important role in predicting racial disproportion in police shootings.

For police reformers, this is encouraging news. Changing individual-level officer attitudes and behaviors, especially those held at the subconscious level, is a difficult task. We have little evidence that training programs effectively diminish implicit bias, especially given the socializing effects of police work environments (Moskos 2009; Christie, Petrie, and Timmins 1996; Paluck and D. P. Green 2009). Even diversifying police forces – a major push over the last several decades, and one supported by black mayors (Saltzstein 1989) – has not solved racial disparities in policing.

Changing deployment is a different matter. Historically, scholars have expressed concern that police activities are difficult to monitor. Police are street-level bureaucrats at the end of a loosely coupled chain of policy makers and implementers, and must engage independently with situations that remain unobserved by voters, police chiefs, and even their direct supervisors (Wilson 1978). When policies direct police to change their observed work products, though, the evidence suggests that police often do so. They make more or fewer stops (Moskos 2009; Mummolo 2017) and change the composition of those stops to reflect departmental priorities (Eckhouse 2016b).

In the sections that follow, I discuss the challenges of measuring both police violence and exposure effectively. These limitations are substantial, and the product of political and institutional challenges to collecting adequate information about police behavior. I identify two data sets – one on South Carolina, another on New York City’s Stop, Question, and Frisk (*Terry* stops) program – which help overcome different data problems. The South Carolina dataset includes both lethal and non-lethal police shootings, which improves on the inherently sparse data on police killings as well as reducing measurement error caused by the randomness in whether people survive a police shooting. The New York City data helps show that *changes* in police practice which reduce exposure reduce racial disparities in the use of force on people of color. A discontinuous, policy-driven

change in the frequency of SQF/Terry stops massively reduced the exposure of black civilians in New York City to police use of force – even though the probability of force being used in any individual stop actually rose. Taken together, these findings suggest that scholars, activists, and policymakers concerned about police violence should make solving exposure disproportion, and reducing the exposure of black civilians to police interactions, a high priority.

5.2 Data Problems in Documenting Police Violence

In the years since Michael Brown’s killing in Ferguson touched off extended protests and political activism, various organizations have begun to compile data sets on police killings. These data sets typically share certain characteristics: they are crowd-sourced (Mapping Police Violence, Fatal Encounters) or maintained by journalists (The Counted, a data set by The Guardian). They rely on local journalists’ reports of police killings, and occasionally on public records requests.

In addition, the Bureau of Justice Statistics collects information about police killings in the Arrest-Related Deaths database, while the FBI collects data about whether homicide victims were killed by police in the Supplementary Homicide Reports. While the Centers for Disease Control and Prevention collect information about homicides by law enforcement in the National Violent Death Reporting System, only 17 states participate in the NVDRS. In 2013, the NVDRS reported 212 deaths in which the victim was injured by law enforcement. In contrast, Fatal Encounters lists 1271 deaths in 2013.

Missing records

These data sets are tremendously important, but they also have major limitations. There are substantial problems with missingness in the data. Using multiple systems estimation, the Human Rights Data Analysis Group estimates the true number of police killings in the range of 1500 per year, a substantially higher number than found in any of the existing data sources. For 2015, for example, Mapping Police Violence reports 1152 killings, while The Counted reports 1146. This missingness is almost certainly higher for incidents that do not involve the use of guns: over 90% of reported lethal incidents are shootings. This may reflect the true distribution of types of lethal violence, but it is also possible that police killings that do not involve guns are easier to conceal: for example, someone who dies in a chokehold without video evidence may be listed as having died of an asthma attack. Such deaths would be disproportionately easy to conceal when victims or their families are reluctant to involve police for the reasons described above.

While no policy can eradicate the ability of police and other data collectors to manipulate data, imposing legal obligations for disclosure can increase the risk to police of concealing such incidents.

Non-Lethal Use of Force

The information we have is almost entirely about police killings rather than non-lethal gun violence by police, which raises problems about both the coverage of the data and the characteristics of the distribution. The difference between a non-fatal shooting and a killing can be as little as three minutes on the way to the emergency room. Perhaps more importantly, police killings are rare events at the top of the continuum of police violence. Because they are sparsely represented in the data, making inferences about the true risk of killings is challenging. We need information about shootings and other types of use of force because the characteristics of the data lend themselves more easily to statistical analysis.

Data sources on other types of police use of force cover even less ground. The Police-Public Contact Survey asks a nationally representative sample of the public about their experiences with police. Unfortunately, because it comes from a national sample, it cannot effectively provide information about local variation. Data from the NYPD Stop, Question, and Frisk program does include information about use of force; however, New York is already the best studied example of US policing. These data cover only one city, and one with a very particular history. We need broader, national data about police use of force.

Putting Use of Force in Context

Many police killings begin as ordinary interactions between police and civilians. What characteristics of interactions predict escalation? Do racial disparities arise because of differences in the risk of being killed in a given encounter, or because of the massively larger exposure to police enforcement that people of color (and especially young black and Latino men) face? How do these two risks interact? We lack an adequate national data set of stops. While Goel et al are in the process of developing such a data set for state highway patrols, much policing is the province of a patchwork array of local police departments, sheriffs, and tribal police.¹ The extent to which state highway patrol stops proxy for stops in general varies substantially both within and among states. In particular, in dense urban areas like New York City, pedestrian rather than traffic stops are the central mode of enforcement. Even in lower-density areas where more traffic happens by car, in larger incorporated municipalities local police conduct the majority of stops and enforcement.

In addition, we lack access to adequate historical data. Consider James Baldwin, writing in 1960: "Rare, indeed, is the Harlem citizen, from the most circumspect church member to the most shiftless adolescent, who does not have a long tale to tell of police incompetence, injustice, or brutality." (Baldwin 1966) Black newspapers from the middle of the 20th century repeat these themes, arguing that police kill black Americans with impunity. How has that risk changed over time? Funders should consider contributing to historical as well as contemporary data collection efforts. This analysis of exposure disproportion, however, suggests that the vast increase in policing over the last four decades may have increased the use of force *even if* the enfranchisement of African Americans has reduced the risk of violence during any particular police encounter.

¹<http://www.knightfoundation.org/grants/201652100/>

5.3 Police Shootings in South Carolina

The South Carolina Law Enforcement Division, SLED, investigates every police shooting in the state of South Carolina (Post and Courier, Shots Fired, 2015). The Charleston Post and Courier used a combination of public records from SLED and supplementary court records to create a data set of SLED records from 2009 to 2014, which they generously shared with me.²

This dataset catalogues 235 shootings by police officers between 2009 and 2014, for a yearly average of 39 shootings. (In 2015, there were 48 officer-involved shootings.) The data are missing a substantial amount of information: 30 incidents are missing victims' names, making it impossible to use newspaper sources to confirm details. Twenty-nine are missing information about race as well. Of the 234 incidents, 102 were fatal, and thus provide a useful check on the completeness of crowd sourced data sets. Sheriff's departments accounted for 116 shootings, while police were responsible for 96. White victims were more likely than black victims to be shot by sheriffs: 62% of white victims were shot by sheriffs, compared to 47% of black victims. This is most likely related to differences in relative urbanization, since sheriffs typically provide services to rural communities with a larger share of white residents.

The SLED data set includes more entries than Mapping Police Violence or Fatal Encounters for the total time frame: 102, rather than 64 for the Fatal Encounters data set. However, all of the fatalities in the SLED data set for 2013 and 2014 are covered in the crowd-sourced data; the SLED data set has about the same number of killings, but the missing names and other information make it impossible to fully confirm that the incidents are the same.

Overall, African Americans in South Carolina had a risk of being shot 2.92 times the risk for whites in South Carolina. As I show below, this disparity arises largely from the greater exposure to the risk of shootings faced by African Americans in South Carolina.

Reference Populations

Fryer's recent working paper on police use of force attempts to place police gun violence in the context of other police actions. In order to determine whether police are more or less likely to shoot black suspects, he compares shootings in Houston to a reference set of other types of interactions. This raises a key issue: what is the appropriate reference population? Fryer argues for a focus on specific, serious incidents.

"The other two datasets were assembled for the purposes of this research. We use event summaries from all incidents in which an officer discharges his weapon at civilians including both hits and misses from three large cities in Texas (Austin, Dallas, Houston), six large Florida counties, and Los Angeles County, to construct a dataset in which one can investigate racial differences in officer-involved shootings.... To supplement, our fourth dataset contains a random sample of police-civilian interactions from the Houston police department from arrests codes in which lethal force is more likely to be justified: attempted capital murder of a public safety officer, aggravated

²The data have more recently been published on github, and are available at <https://github.com/postandcourier/shots-fired>

assault on a public safety officer, resisting arrest, evading arrest, and interfering in arrest.” (Fryer Jr 2016)

However, many of the high profile shootings we have recently observed do not arise from this reference population. Philando Castile in particular – who was shot minutes into a traffic stop for a broken taillight – would not have been charged with any of these based on the observed interactions. The same is true for many other high-profile police shootings. Moreover, the final three – ‘resisting arrest’, ‘evading arrest’, and ‘interfering in arrest’ – are highly fungible categories to which people can easily be assigned based on the outcome of the interaction. Police can list someone as having ‘resisted arrest’ to justify a shooting. For this reason, researchers are likely to observe many cases of ‘resisting’ or ‘evading’ arrest among individuals who are shot, but these designations can be selected *after* the shooting does or does not take place. That is, the civilian may resist arrest and thus be shot; or the causal arrow may run the other direction, so that the civilian is shot and, as a result, recorded as resisting arrest.

Considering all police contacts as the reference population provides one solution. Every contact carries with it the possibility of escalation, and numerous police killings which have received national attention began as traffic stops or interactions over non-serious offenses. Since no comprehensive dataset of stops exists, I use the total number of arrests for both black and white South Carolinians (data on people with other racial identifications is insufficient to draw conclusions in South Carolina). Most people who are shot by police but survive are later arrested, though of course this creates the same bias as that described above. However, with 241,645 total yearly arrests in South Carolina in 2011, the number of arrests is large enough that adding 235 shootings – 0.016% of the 6-year arrest figure – does not materially change the population’s characteristics. Black South Carolinians are much more likely to be arrested than white South Carolinians. Figure 5.2 shows the density of arrest to population ratios for South Carolina counties by race.

Fryer argues that his analysis identifies bias in officer decision-making: that is, are officers more likely to shoot black people than white people, conditional on the same level of threat within a specific interaction? In examining the consequences of this finding, we might ask: if officers were not influenced by racial bias within interactions, would racial disparities in shootings disappear? My results suggest that it would not: this analysis confirms the important role of exposure to police interaction in producing disproportionate shootings of black Americans.

However, if people of color are more likely to experience police contact for the same behavior, as national survey data on drug use suggests, the population *arrests of black Americans* may in fact be a less ‘dangerous’ population than *arrests of white Americans*; the same is true for any individual category of arrests. This type of bias in the composition of the population would make the estimates here a lower bound on the influence of individual, internal racial bias on racial bias in shootings.

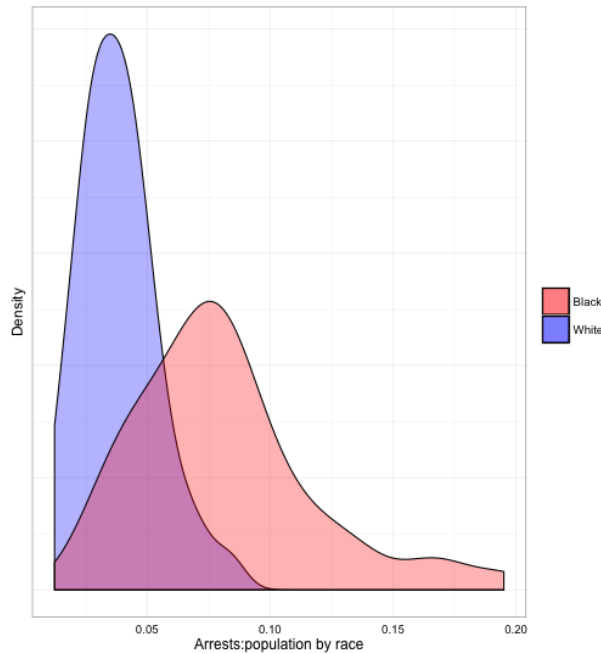


Figure 5.1: Arrests by Population for South Carolina counties

Measuring Exposure Disproportion and Racial Disparities in Police Shootings

I combine data on shootings from SLED with FBI data on arrests from the 2011 Uniform Crime Reports³ and American Community Survey 5-year population estimates for 2011. I multiply the arrest and population figures by 6 to account for the time covered by the SLED dataset.⁴ Between 2009 and 2014, there were 1.61 shootings for every 10,000 arrests of black South Carolinians: for white South Carolinians, there are 1.22 shootings per 10,000 arrests. Compare this to the population figures: 1.42 shootings per 100,000 black residents per year, versus 0.49 shootings per 100,000 white residents. Conditioning on arrest shows that exposure to the criminal justice system is a key driver of racial bias in police shootings.

Figures 2 and 3 show the density of the ratio of shootings to population or arrest, by race, for South Carolina counties. These density graphs provide a readable alternative to histograms. The distribution of shootings to arrest by race are much more similar. (The outlier bumps for police shootings to arrests in the Figure 5.3 are small counties with only one police shooting and a small number of white arrests.)

³91% of US law enforcement agencies submit UCR reports.

⁴In an extension of this project, I plan to add arrest data by year. I welcome thoughts about the importance of adding year-specific population data. The smallest South Carolina county, McCormick County, had 10,091 residents according to the 2011 5-year estimates from the ACS; this is too small to get accurate 1-year or 3-year estimates, so additional data would come from 5-year rolling estimates and might add little information.

Table 5.1: Incidence of Shootings by Population and Arrest, by Race

	White	Black	difference	<i>p</i> (Wilcoxon)	<i>p</i> (t test)
<i>statewide</i>					
Shootings:Population	0.488	1.42	.932		
Shootings:Arrests	12.3	16.1	3.8		
<i>mean by county</i>					
Shootings:Population	.563	1.22	.657	0.0104**	0.0106**
Shootings:Arrests	15.9	21.69	-5.82	0.672	0.459
<i>without outlier counties</i>					
Shootings:Population	1.27	0.46	0.653	0.00118**	0.0105**
Shootings:Arrests	16.6	13.3	3.30	0.309	0.429

Notes:

All quantities are per 100000.
 Welch’s two-sample paired t test and Wilcoxon signed-rank test.
 * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

Table 5.1 shows the mean shooting to population and shooting to arrest ratios for South Carolina counties. These numbers differ from those described above because they are the mean figures for counties, while the above figures pool all counties statewide. Two small counties with few arrests skew the distribution for white South Carolinians: each has a very small number of arrests (363 and 81 total arrests, 119 and 61 respectively of white individuals) and only one police shooting, of a white person. Excluding those counties, the county-level results are similar to the state-level results.

Paired t tests and Wilcoxon signed rank tests confirm that the differences between black and white shootings:arrest ratios are not statistically significant, while differences in shootings:population ratios are highly statistically significant. Intensive contact with the criminal justice system, and with police, poses a risk that goes far beyond the direct consequences of any given arrest: the repetition of contact means that people of color experience tremendous exposure to the life-threatening risk of police gun violence.

The implications of this are substantial. If African-Americans in South Carolina were shot at the same rate per arrest as whites in South Carolina, the relative risk ratio would decline only from 2.92 to 2.22. However, if the arrest rate for black South Carolinians matched the arrest rate for white South Carolinians, leaving racial disparity in shootings per arrest unchanged, the relative risk ratio would decline to 1.32 – cutting the disparity more than in half.

This analysis treats police shootings as a binomial distribution: the cumulative probability of being shot is a function of both p and the number of draws from the distribution. This is not an argument that racial bias is not a factor in police shootings: rather, it is an argument that we need

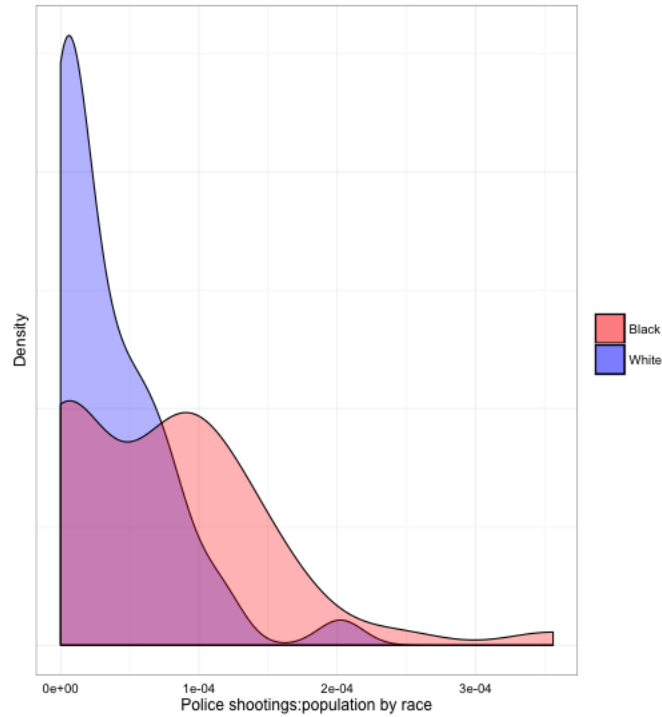


Figure 5.2: Police shootings to race-specific population by county for white and black South Carolinians

to think systemically about the massively greater exposure to criminal justice contact that people of color face, and the major risks of state violence that that carries with it. Bias in policing is not exclusively or a consequence of police officer bias within the interactions: focusing on it omits important information about how police are deployed and whom they are expected to arrest.

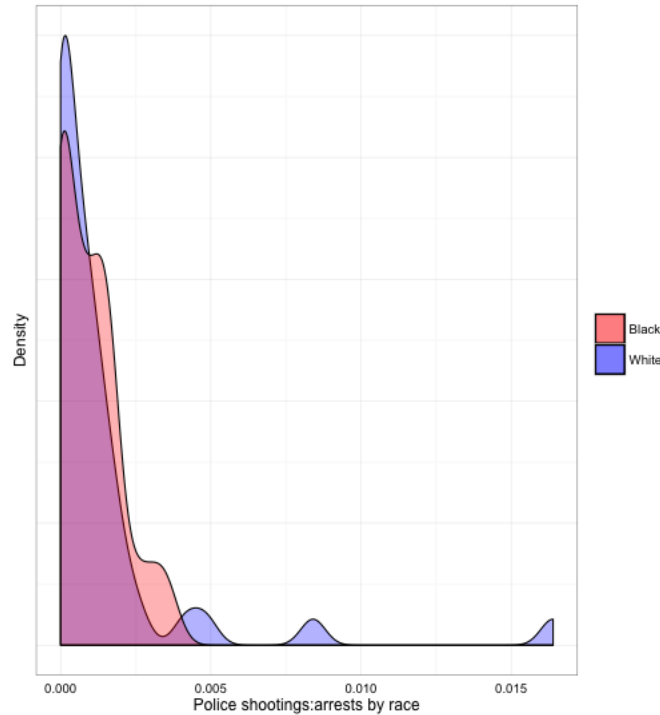


Figure 5.3: Police shootings to race-specific arrests by county for white and black South Carolinians

5.4 New York: Exposure Disproportion and Policy Change

On March 5, 2013, the New York City Police Department undertook a reform that massively reduced the exposure of black civilians to the NYPD. For the preceding two decades, since William Bratton brought Compstat and intensive policing to New York, the NYPD made tens to hundreds of thousands of stops each year. These stops were legally justified by the Supreme Court’s decision in *Terry v. Ohio* (1968), which held that “police can stop a citizen based on founded suspicion that crime may be ‘afoot.’ The encounter would proceed to increasing levels of intrusion if suspicion was determined to be credible or reasonable. Reasonable suspicion would permit pointed questioning and frisk or pat down to look for weapons, drugs or other contraband” (J. Fagan, Geller, et al. 2009).

Stop, Question, and Frisk became a cornerstone of the NYPD’s investigative and crime prevention practice, and officers reported organizational pressure to keep their stop rates high (Amy E. Lerman and Vesla M. Weaver 2014b; Rayman 2013). These stops disproportionately targeted black and brown civilians, and especially teenage boys (A. Gelman, J. Fagan, and Kiss 2007; J. Fagan, Geller, et al. 2009; Goel, Rao, and Shroff 2016). SQF reached a high of nearly 700,000 stops in 2011. That same year, there were 112,115 stops of male black and Latino teenagers between 14 and 18; at the time, about 177,000 New York residents were black and Latino boys between

14 and 18. Even accounting for repeat stops, Fagan et al estimate the probability of being stopped for eighteen and nineteen black and Latino males in 2008 at .79 (J. Fagan, Geller, et al. 2009). Research has consistently found lower success rates (measured by arrest or finding a weapon) for *Terry* stops of black and Latino civilians, Goel finds that stops of black civilians typically have less *ex ante* justification (Goel, Rao, and Shroff 2016).

Taken together, this evidence suggests that the SQF program produced disproportionate exposure to police contact among black and brown civilians in New York. The SQF program also led to political outcry and legal challenges. In 2008, the Center for Constitutional Rights filed a case challenging Stop, Question, and Frisk as racially biased and unconstitutional.

As the case went to trial five years later, in a memo dated March 4, 2013, the plaintiffs requested a procedural change to the “UF-250” forms which officers use to record stops: “the UF-250 form should be modified to: (i) include a narrative portion for police officers to justify the basis for stops, frisks and searches. . . .” (Mummolo 2017) The UF-250 form had previously included “the date, time and location of each stop, as well as the reason (suspected crime and other circumstances), suspect attributes and various outcomes such as whether a weapon was found or an arrest was made,” but “critics of SQF had long alleged that this form was insufficient to establish the legality of a stop” (Mummolo 2017). The NYPD also required officers to “enter details” in their patrol notebooks, but officers were not required to submit these notes and plaintiffs argued that audits of officer notes revealed that they frequently were not recorded.

A Sudden Change to Stop, Question, and Frisk

In a move that surprised the plaintiffs, the NYPD in fact adopted that reform on the following day. In a memo dated March 5, 2013, Chief of Patrol James P. Hall issued “a new order requiring officers to photocopy and submit these narrative descriptions of the reasons they stopped suspects to supervisors after each shift.” Mummolo finds that this memo led officers to believe that their decisions to implement SQF would be under increased supervision (Mummolo 2017).

The sudden change in SQF procedure provides a temporal discontinuity in police practice, and an opportunity to observe the consequences of changes in police exposure in the city. Police stops fell dramatically after the memo was adopted, and continued to decline over the following year. Mummolo’s paper provides extensive evidence from both plaintiffs and interviews with officers that this intervention was a surprise to officers, possibly adopted as a strategic move to defang the upcoming court case. This suggests that anticipatory changes by police are not likely to be a confounding factor. (Mummolo 2017)⁵

Mummolo’s interviews with officers confirm that the memo had a significant effect on officers’ perception of how closely their stops would be scrutinized. Despite the high volume of memos in the NYPD, officers told Mummolo that this memo stood out.

“Theyre really watching us now,” one officer recalled thinking when the memo was released (Officer 2). Another officer added that before the memo, supervisors, “would

⁵I am particularly grateful to Mummolo for sharing the well-formatted public data and code appendix to his paper, which greatly facilitated the development of this section of the paper.

only look at [memo book entries] if someone made an allegation. . . or you had to go to court. . . Now. . . its basically like theyre looking at it. . . without any sort of allegation being made. . . Theyre trying to find a reason to penalize us,” (Officer 1). Supervisors, “obviously look at these things with a fine-tooth comb,” said another officer. “We need to protect ourselves, (Officer 3). (Mummolo 2017)

Before the memo, officers believed themselves to be accountable for delivering a large number of stops (Rayman 2013). After, they instead believed that stops would need to be carefully justified, and that their supervisors would be proactively monitoring their justifications for stops (Mummolo 2017).

The effect of this memo was an immediate and substantial reduction in stops. As interviews I have conducted with police confirm, paperwork requirements are a major barrier to police use of particular tactics.⁶ Moreover, “the perception of increased risk led some officers to aggressively forego making stops unless they observed something highly incriminating. ‘Its forcing people to not get involved in things that otherwise, a few years ago, they would have,” said one officer (Officer 3).” (Mummolo 2017)

This section of the paper examines the consequences of this change in exposure for police violence. In doing so, it overcomes several limitations of existing work on police violence. First, while most of this data draws on inherently sparse records of individual killings, I use NYPD’s public release Stop, Question, and Frisk data. I examine records that provide continuous, highly granular data on police-civilian interactions. The NYPD SQF data from 2008-2015 describes over 3.2 million stops, including 701,989 instances of use of force by police. Second, this data set provides comprehensive measures of a set of police interactions with their outcomes, avoiding the problem of constructing a reference population. The data cover *all* stops, not just stops which turn out to have force, so they are not skewed by the reverse causality described above.

Finally, studies of police violence have rarely used experimental or quasi-experimental techniques, leaving substantial problems with omitted variable bias in the literature. By leveraging a temporal discontinuity, I can compare the same officers in the same city policing the same population, with different levels of exposure. This study is the first to my knowledge to examine the effect of a procedural change that reduces exposure – and exposure disproportion – on racial disparities in police violence. Because the data are coded with precise dates, rather than by month or year, the change induced by the stop can be identified more accurately.

How does this reduction in exposure affect racial disparities in police use of force? I find that the probability that force would be used in any specific stop does not change. Using formal tests of equivalence (Hartman and Hidalgo 2016), I find no significant changes in the rate of use of force at any point within a 30-day bandwidth. However, the number of stops falls substantially at the discontinuity (and continues to decline). Both the daily incidence of use of force on black civilians and the racial disparity in police violence declined significantly.

Could reporting bias explain this effect? Officers reported that they expected their new, more detailed reports to be heavily scrutinized: gone over “with a fine-tooth comb”, in one officer’s

⁶An officer from an unrelated department said that when the department wanted to reduce the use of tasers, they added paperwork requirements and watched the frequency of taser use fall immediately.

words. Combined with the existence of ongoing litigation and the public salience of the issue, this procedural change seems, if anything, more likely to produce an increase in reporting of police violence as officers grow more concerned that any omissions might be challenged by supervisors, civilians, or the courts.

Analysis and Results

The outcome of interest is the number of stops in which force is used on a civilian. The incidence of use of force is particularly important because it is these occasions – not merely the rate – which produce negative consequences for individuals, communities, and state legitimacy. Figure 5.4 shows the effect of the memo on the number of stops, both total and, for white and black civilians, broken down by race. There is a clear discontinuity at the memo in the number of stops. Dividing the stops by race, though, reveals that this discontinuity results from a decrease in the number of stops of African Americans, not of whites.

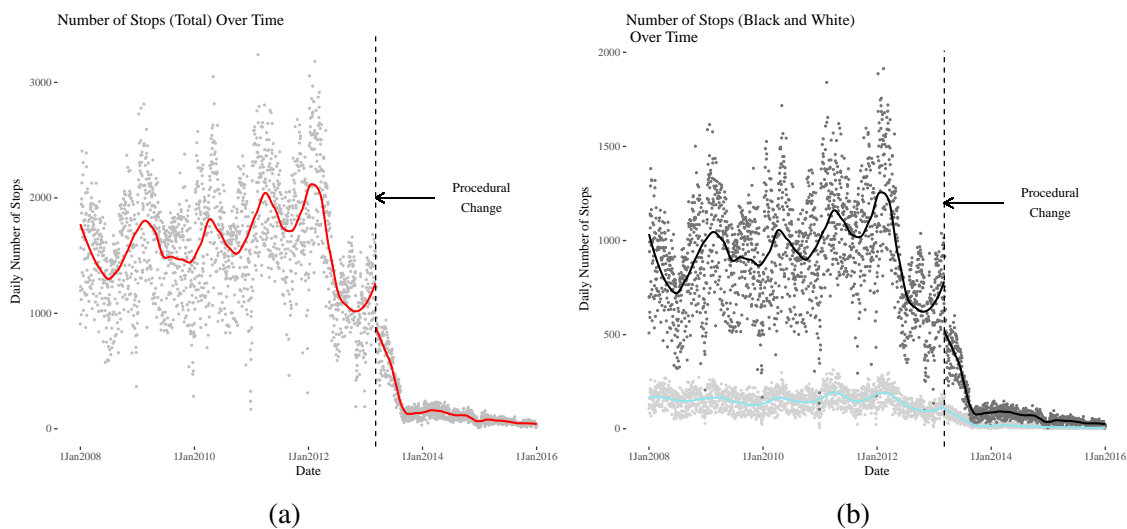
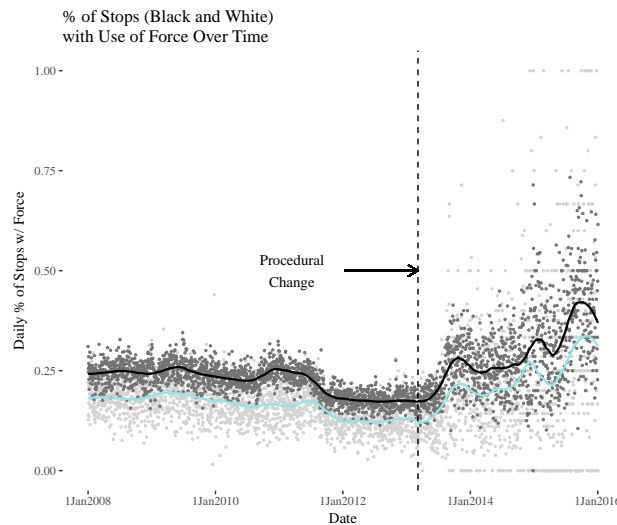


Figure 5.4: This figure shows the daily number of stops from 2008 to 2015. Panel (a) shows all stops (pooled). Panel (b) shows stops for black and white civilians separately. The solid line shows a locally weighted LOESS regression predicting the number of stops, without adjustment for covariates.

The research on the cognitive mechanisms behind implicit bias suggests that officers have a lower threshold for stopping black civilians; analysis of stop, question, and frisk data in New York confirms that officers typically have less evidence *ex ante* when they stop black civilians than when they stop whites (Goel, Rao, and Shroff 2016). As the officer quoted above said, “Its forcing people to not get involved in things that otherwise, a few years ago, they would have” (Mummolo 2017). When police believe they need more concrete justification for stops, they may forego the stops of precisely the groups of people for whom they previously needed less justification. Regardless of the precise mechanism, this shows a substantial decrease in exposure. Exposure disproportion

Figure 5.5: This figure shows the percent of stops with use of force for white and black civilians from 2008 to 2015. Here the stop is the unit of analysis/prediction for the LOESS regression.



also declined over this period: in the 30 days before the memo, the risk of being stopped for black civilians was 8.14 times that for whites, while in the 30 days post-memo the risk disparity fell to 6.11.

Figure 5.5 shows the change in the rate of use of force by race. There is no discontinuity in the share of stops which include force for white or black civilians. Over the entire time period, stops of black civilians are between 4 and 9 percentage points more likely to involve force than stops of whites.

Figure 5.6 shows the change in the total number of stops which included use of force. There is no discontinuous change for white civilians; in contrast, for black civilians, the daily number of incidents with use of force drops precipitously, mirroring the decline in stops almost exactly. The magnitude of this change is substantial.

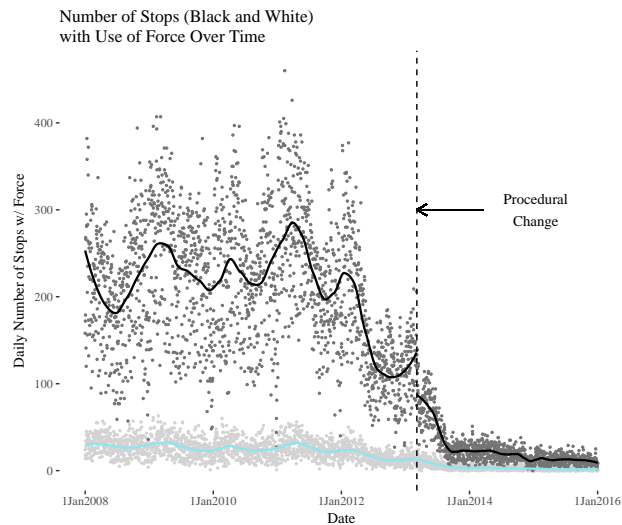
These visualizations convey the scale of the change in exposure disproportion and the accompanying change in use of force on civilians by NYPD, but I also use formal discontinuity tests to estimate the effect of the procedural change on the rate at which force is used, the total number of stops (exposure), and the number of stops where force is used. I use an interrupted time series, a form of regression discontinuity where the discontinuity is temporal. As Mummolo writes, “The SQF data are ideal for this approach because of the high frequency of measurement and well-defined moment of the intervention the former alleviates concerns about unobserved confounders which change levels during long intervals between observations, and the latter guards against researcher discretion in coding treated and untreated units” (Mummolo 2017).

To estimate changes in the rate of use of force, I estimate the following equation:

$$force_i = \alpha + \beta memo_i + s_j(d_i) + \epsilon_i \quad (5.1)$$

Here, $force_i$ is the (0, 1) assessment of whether any type of force was used in the encounter. α

Figure 5.6: This figure shows the number of stops with use of force for white and black civilians from 2008 to 2015, aggregated by day.



is the intercept, $memo_i$ indicates whether the incident fell before or after the memorandum, $s_j(d_i)$ is a function, and ϵ_i is the error term.

There are substantive debates about the best strategies to estimate regression discontinuity models (G. W. Imbens and Lemieux 2008; Eggers et al. 2015; Andrew Gelman and G. Imbens 2014; Cuesta and Imai 2016), and I therefore estimate multiple models, including difference in means as well as linear, quadratic, and cubic time trends with and without controls. The identifying assumption required to assign the change in outcomes to the memo itself is continuity in potential outcomes: that no other factor which affects the outcomes changed at that precise moment (Cuesta and Imai 2016).

I estimate the change in rate of use of force at a variety of bandwidths up to 30 days, and separately for the data as a whole and for black civilians. This 30-day bandwidth covers a total of 61,754 stops over 60 days, including 10,238 uses of force, 6380 on black civilians and 760 on white civilians. Figure 5.7 shows the point estimates for these tests.

Absence of statistically significant differences does not, per se, demonstrate equivalence. Following Hartman and Hidalgo’s recommendations, I use 0.2 times the pooled standard deviation in rates of use of force as an equivalence threshold (Hartman and Hidalgo 2016). The vast majority of outcomes fall within the equivalence range; in 180 estimates, only one is (very marginally) below the equivalence range. This suggests that we can establish that rates of use of force in the post-memo period, conditional on stops, were equal to or higher than rates of use of force before the memo was issued.

To estimate changes in the number of stops and incidents with use of force, I sum data by day and estimate the effect on the number of stops (or incidents with use of force) each day. Because summing by day produces a much smaller number of units, I estimate these quantities using a 100-day bandwidth. This also allows me to include optional controls for year, month, and day of

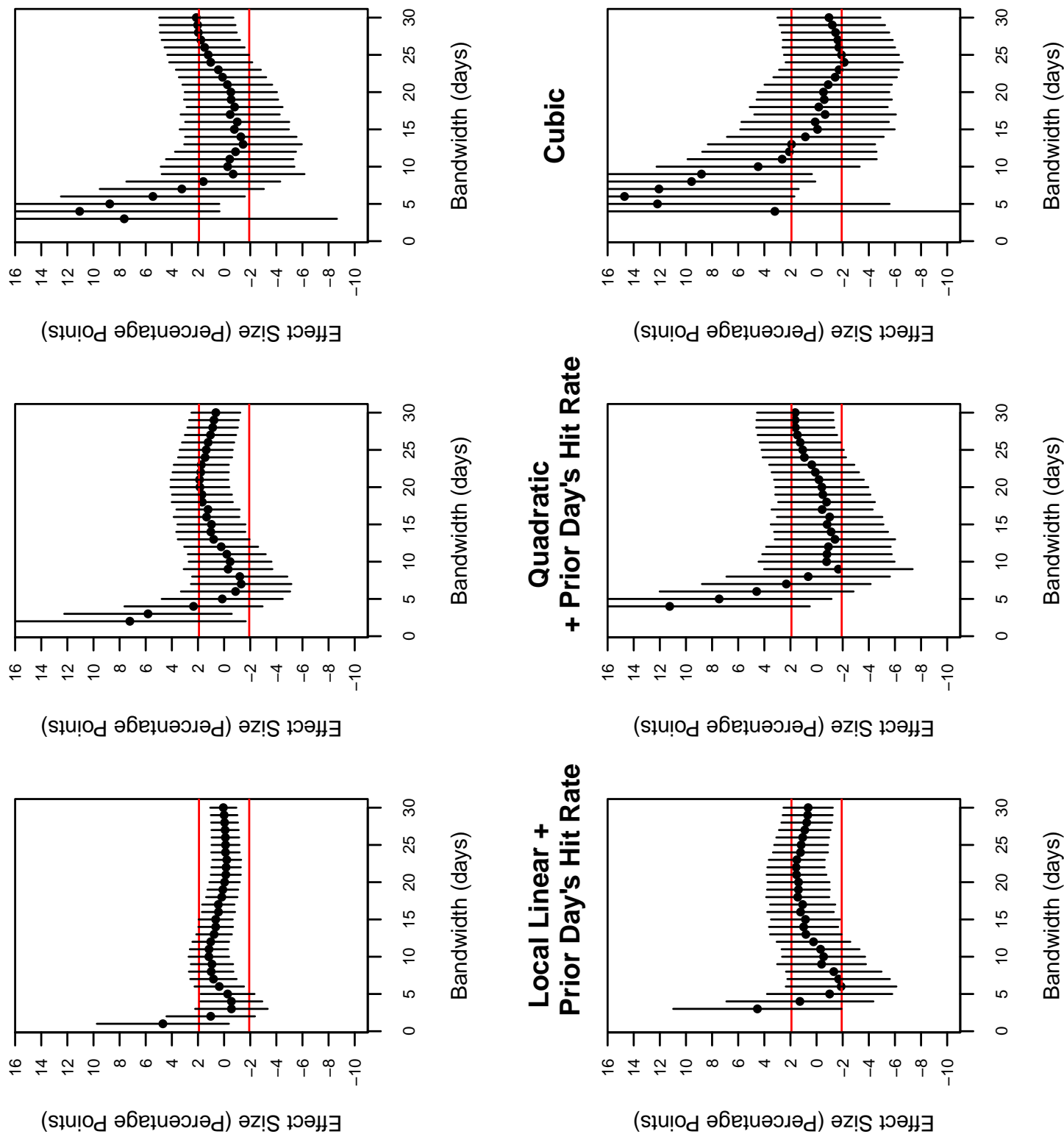


Figure 5.7: All Stops: Estimates of the change in probability of using force on the day of the intervention using various model specifications and bandwidths. Vertical lines show 95% confidence intervals for each estimate. Horizontal lines show the

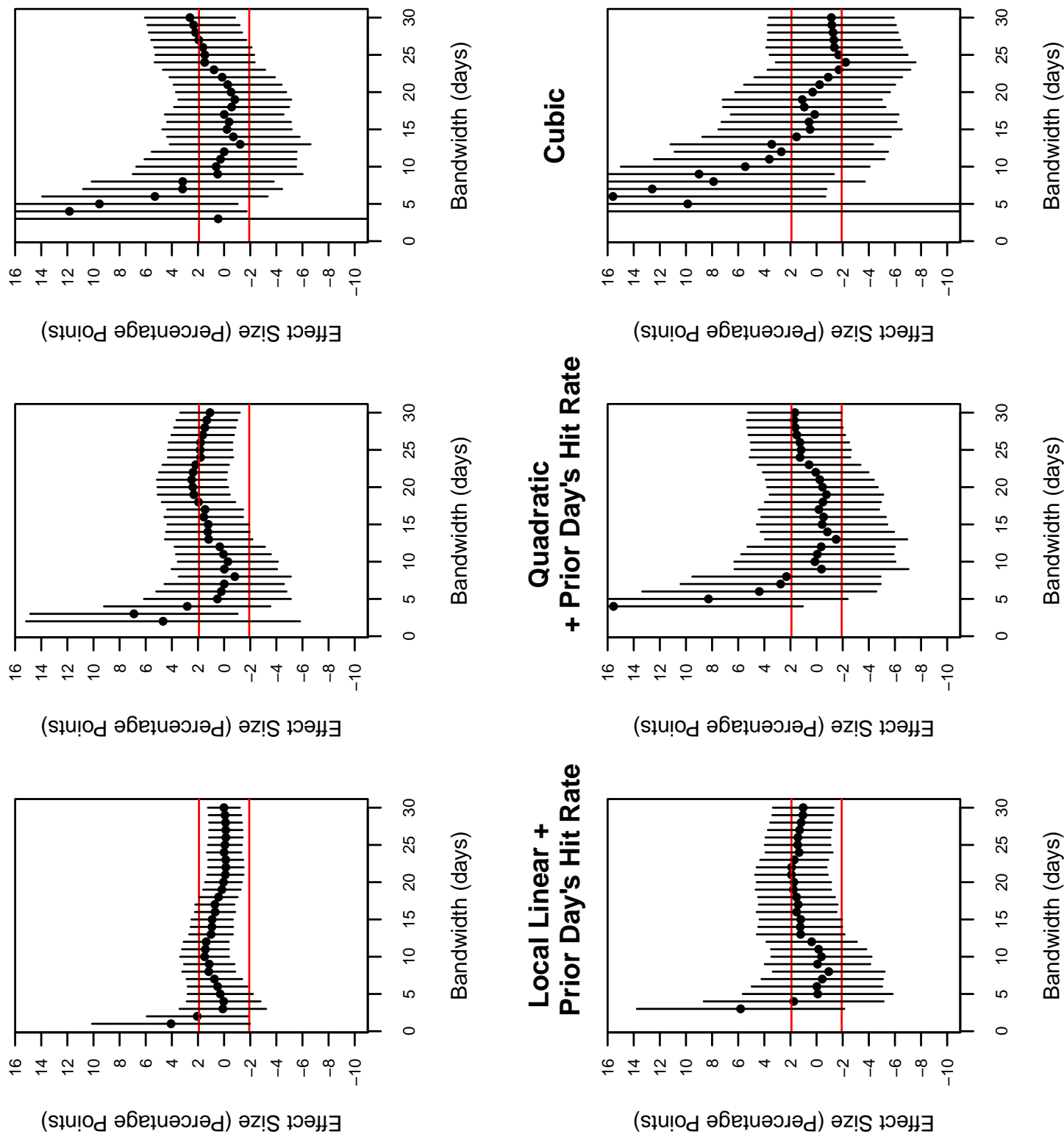


Figure 5.8: Stops of Black Civilians: Estimates of the change in probability of using force on the day of the intervention using various model specifications and bandwidths. Vertical lines show 95% confidence intervals for each estimate. Horizontal lines

the week.

$$stops_d = \alpha + \beta memo + s_j(d) + \epsilon_d \quad (5.2)$$

$$force_d = \alpha + \beta memo + s_j(d) + \epsilon_d \quad (5.3)$$

Table 5.2: OLS Estimates of Change in Daily Stops With Force (“force”) and Daily Stops (“stops”) at Treatment (Memo) Using 100-Day Bandwidth

	Difference in Means	Difference in Means†	Linear	Linear†	Quadratic	Quadrat
Δ force (black)	-43.63 (5.835)*	-37.021 (17.775)*	-49.938 (11.917)*	-34.179 (18.252)	-43.781 (19.848)*	-25.525 (15.421)
Δ stops (black)	-261.61 (39.216)*	-123.508 (58.486)*	-303.011 (66.789)*	-111.593 (61.149)	-265.392 (104.354)*	-94.763 (71.17)
Δ force	-65.89 (9.299)*	-44.467 (21.498)*	-71.649 (17.633)*	-38.666 (22.189)	-63.684 (29.078)*	-28.037 (22.832)
Δ stops	-399.37 (67.403)*	-143.649 (73.226)*	-450.857 (109.864)*	-126.335 (74.527)	-413.552 (175.509)*	-107.47 (83.413)
N	200	200	200	200	200	200

Includes controls for year, month, day of week, and prior days hit rate.

Maximum of homoscedastic and HAC standard errors in parentheses. * $p > 0.05$

Table 5.2 shows the results. All point estimates of the effect on the number of stops and amount of force used – for the total population and for African Americans as a subgroup – are negative, and most are significant.⁷ The effects estimated are largely in the range of 25 to 44 avoided uses of force on black civilians per day: an enormous substantive effect, considering the overall average. While the overall differences cannot be attributed to the memo, the overall decline in Stop, Question, and Frisk has had even more massive substantive consequences. In the overall period before the memo, from January 1, 2008 to March 4, 2013, the NYPD used force on an average of 350 civilians per day, 210 of them black. After the memo, and the concomitant procedural reduction in the use of SQF, the NYPD used force on 39 civilians, 24 of them black.

The result of this procedural change was to reduce civilian exposure to police, and hence to reduce civilian exposure to police violence. The racial disparity in risk, measured by the risk ratio for use of force, also declined: from 11.32 to 8.85 (using a 100-day bandwidth), a 22% reduction.⁸ This decline almost exactly mirrored the reduction in racial disparities in exposure, which fell 24% from 8.38 to 6.35.

African Americans’ exposure risk remained much higher than that of whites, and the probability of force in any given stop. Still, there is robust evidence that the reduction in exposure

⁷It is unsurprising that the most flexible models lose significance on this reduced sample size.

⁸Results are substantively identical using a 30-day bandwidth. Population data comes from the ACS estimates for New York City in 2013.

disproportion was sufficient to massively reduce the exposure of African Americans in New York City to police violence. In the 100 days before the memo, there were 12061 uses of force on black civilians; in the 100 days after, there were 7616, nearly 5000 fewer in just a few months.

To understand the relative importance of exposure disproportion and encounter-level racial disparities, I simulate two outcomes in New York. If we kept exposure disproportion at its pre-memo level in SQF but equalized the probability of use of force when police stop black and white civilians, the number of occasions of use of force in the 100 days prior to the memo would have been 8924: a meaningful reduction from the actual number of 12061. If, instead, we equalized exposure rates, but left racial disparities within stops, the number of uses of force on black civilians would fall by an order of magnitude – to 1440.

These findings imply that exposure disproportion is a major driver of the racial disparities in the experience of police violence.

Gun Collars, Force, and Tradeoffs

One of the most common justifications for Stop, Question, and Frisk as a policy was the goal of removing guns from circulation. These results, though, suggest that the use of force on civilians was a far, far more ordinary result for a stop. In 2011, at the height of Stop, Question, and Frisk, the NYPD stopped 1087 black civilians daily. Officers used force on an average of 241 black civilians each day, while recovering only 8.5 weapons each day from the black civilians they stopped. Even worse, many ordinary folding knives of the type frequently carried for manual work are misclassified as “gravity knives” under New York law, and treated as weapons (Campbell 2014). In 2011, NYPD recovered 591 guns from black civilians: 1.62 guns per day. A stop of a black civilian was 149 times more likely to end in the use of force than in the recovery of a gun.⁹ Table 5.3 shows the stop outcomes for black civilians by year.

Table 5.3: Outcomes of Stops of Black Civilians by NYPD, 2008-2015

	Stops	Weapon	Gun	Force	Ratio
2008	305878	2682	616	75643	123
2009	343887	2998	575	86076	150
2010	352029	2970	601	82778	138
2011	396859	3118	591	88077	149
2012	318420	2476	540	56075	104
2013	116108	1527	294	21978	75
2014	26973	588	146	6979	48
2015	13267	481	130	4594	35

It is notable that force has continued to decline with stops. In 2011, 88077 black civilians experienced the use of force after being stopped under SQF. By 2015, that number had fallen by

⁹This imbalance is even more severe for stops of white civilians, but their vastly lower exposure risk means the consequences for police legitimacy and public well-being are less severe.

an order of magnitude. This is a truly major change in civilian risk. Over the same period, the ratio of use of force to guns recovered also fell – consistent with the change in exposure risk, and Mummolo’s finding that weapons recovery remained a high priority (Mummolo 2017).

5.5 Significance

Why does police violence matter? On the one hand, the answer seems so obvious as to be offensive: it matters because the approximately 1500 people killed by police each year matter, as do the thousands of New Yorkers who experience force at the hands of the NYPD. The consequences of police shootings go far beyond these individuals, however. “Many black people are bone weary and cynical about a broken criminal justice system that is quick to incarcerate individuals from their communities, even while it countenances the harassment and even killing of unarmed individuals by law enforcement” (Shaw et al. 2015).

Policing is the main way by which a core state service – justice – is delivered. Policing is inevitably an exercise in coercion, but formal justice is a valuable state service. Police resolve disputes about stolen property and public nuisances. They provide a backstop to the civil courts’ enforcement of private legal arrangements: individuals who do not comply with court orders may find police enforcing them. When individuals encounter violence, police intervene to provide safety: enforcing restraining orders, identifying and apprehending those responsible for violence.

Police violence undermines access to these services. Even when committed by a small number of officers, it poisons the well, damaging trust in government and access to state services. Meares and Fagan argue that failings of *procedural justice* lead to alienation from criminal justice. Police violence and incarceration damage trust in police and government more generally (Brayne 2014; Amy E. Lerman and Vesla M. Weaver 2014a; Amy E. Lerman and Vesla M. Weaver 2014b). People who are afraid of involving police become targets for robbery, because they cannot draw on police protection (Goffman 2014). This in turn contributes to retaliatory violence, as people defend their physical security or seek resolution to violent actions without access to legal institutions – a dynamic Miller describes as “racialized state failure.” (Leovy 2015; Lisa Lynn Miller 2016)

The uneven distribution of both police contact and police violence – black Americans are both far more likely to be shot by police and far more likely to be arrested by police than white Americans who engage in the same behaviors – leads to spillover consequences far beyond individuals (Ross 2015; States 2009; Rodriguez and Emsellem 2011; Brame et al. 2012). The literature on distributive justice argues that the fact of inequality in how different groups are treated shapes individuals’ beliefs about the justice, efficacy, and trustworthiness of the system. Thus, even individuals who do not personally observe or experience police violence observe racial differences in how people are treated and conclude that police lack legitimacy.

Civilians who are unable to turn to police for protection turn to other techniques: carrying weapons, pursuing retaliatory violence, and asking community members to intercede in disputes. The demographic group most likely to be killed by police is the very demographic group most likely to be murdered by civilians: young black men, who make up about 6000 of the 33000 gun deaths in the United States. Mistrust of police, low solve rates for black homicide victims,

and other aspects of the carceral state exacerbated by police violence likely contribute to the use of homicide as a tool for dispute resolution and vengeance (when state intervention is lacking) (Leovy 2015). Moreover, many of the most promising strategies for reducing civilian violence rely on building relationships between the state and those individuals most likely to victims or perpetrators of violence (Corsaro and Engel 2015). Police violence undermines those relationships, making it more difficult for local governments to address the dangers of crime violence in their communities.

From the perspective of procedural justice, it is of course critical to ensure that police are treating white and black Americans equally during all police encounters. Focusing on the cognitive and psychological processes of individual police officers, however, leaves reformers trying to change behavior in high-intensity situations, with little certainty of success. Moreover, focusing solely on within-stop behavior ignores the critical role of exposure disproportion in producing racial inequality in police violence.

What matters most for the well-being of the families and communities at risk for violence from police is not within-stop fairness, but *reduced violence*. Each person who experiences a police stop is at risk for police violence; each person who experiences police violence adds a story the bone-weary cynicism Shaw describes, and the damage of over-policing and police violence (Shaw et al. 2015)). Improving exposure disproportion may not fully address the moral responsibilities of police departments, but this evidence suggests that it will substantively change the daily experience of black Americans, and their risk of violence at the hands of state representatives.

The policy implications are clear. Exposure disproportion is a major driver racial disparities in police violence. To improve the epidemic of police violence, reformers and police departments must come to see stops not as benign, but – accurately – as carrying the constant risk of escalation against civilians. Reducing the number of occasions on which black civilians involuntarily interact with police will reduce black Americans' exposure to police violence.

Chapter 6

Conclusion

In this dissertation, I have shown that inequalities in police *outcomes* arise in large part from police deployment, as well as from the behavior of individual police officers. In turn, these inequalities in deployment arise from the operation of representative political institutions, and the demands that residents make on their cities' police forces.

Policing determines the implementation of the law. Rule of law is not evenly distributed: rather, different places and different individuals under the same laws experience wildly different levels of legal intervention, and different access to the rule of law. When political conflicts shape policing, they affect how law is implemented, and therefore shape the distribution of the implementation of the law.

Moreover, contact with the carceral state has important social and political consequences. Social consequences for individuals and communities include the erosion of social ties (Goffman 2014), difficulty getting and keeping jobs (Goffman 2014; Pager 2007), and reluctance to engage with official institutions (Brayne 2014). Arrests and incarceration also have political feedback consequences: disengagement from the state (V. M. Weaver and A. E. Lerman 2010; Amy E. Lerman and Vesla M. Weaver 2014b), less voting, the erosion of civic and political engagement (Burch 2013; Clear 2007).

Police power inherently has a coercive element, but this coercive element is deployed quite differently in different communities. As early as the late 1960s, Black community leaders in Chicago were describing the police as an occupying force, a phrase that recurs in Goffman's observations of Philadelphia in the 2000s (Goffman 2014); meanwhile, police rank among America's most trusted institutions in national surveys, with confidence ranging between the low 50s and the high 60s since 1993 (Gallup).

These differences are explicable if we understand policing in terms of two goals: social control, including the management of disorder (Wilson and George L. Kelling 1982), and public service. Any specific action may have elements of both. For example, when police break up rowdy public gatherings, this is social control from the perspective of those participating in the gathering, but may be a service to frustrated neighbors. Thus, characterizations of policing arise from the experiences of civilians rather than from the choices of police.

The key question is therefore how social control and service policing are distributed: who

receives control, and who receives services? This conceptualization helps make sense of important racial differences in the experience of policing: white and black Americans are arrested for drug possession at vastly different rates (despite similar levels of drug use), but homicides with black victims are also much less likely to be solved. In many low-income city neighborhoods, policing levels are paradoxical: there are both high levels of police contact, and low levels of police services (Leovy 2015).

My dissertation argues that political institutions help explain when and with whom police have cooperative vs coercive relationships. I find demand for social control policing among those who do not expect to be targeted by it, including people who because of their age, race, or gender expect that police presence in their neighborhoods will benefit them. Institutional arrangements in bureaucratic governance, neighborhood accountability, and police governance mediate these demands, and help explain which demands are successful in which circumstances.

Moreover, racial inequality in exposure to even casual police contact helps explain differences in the extent to which white and black Americans experience police violence. Using a natural experiment in New York, I show that reducing *exposure* to police interaction among black civilians diminishes inequality in the use of force.

Direct political power for people of color can reduce inequalities in policing. Partisan representation is insufficient for providing representation to subordinate groups, though: when intra-party divisions are high, descriptive representation becomes crucial. This, combined with institutional arrangements in local politics, helps explain variation in levels of inequality in policing, and variation in the strategies accessible to black Americans in pursuing political representation.

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