RACE & THE LANGUAGE OF LEGISLATING ORDER: TRACING THE EVOLUTION OF QUALITY OF LIFE ORDINANCES

by

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ABSTRACT OF THE DISSERTATION

Race & The Language of Legislating Order:

Tracing the Evolution of Quality of Life Ordinances

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Dr. Joel Miller

Since the 1990s, city councils in the United States have sanctioned order maintenance policing (OMP) practices through Quality of Life (QOL) ordinances. These laws, which proliferated during the punitive turn, empower police to serve as gatekeepers of physical and social order. To explain the stark ethnoracial disparities associated with OMP-related laws, scholars often use minority threat theory, which contends that as minority populations increase, politicians institute severe control responses to manage perceived social, political, and economic threats associated with those demographic changes (Blalock, 1957). While disparities persist today, questions remain about the durability of OMP practices and their impact on the policing of minorities. Since the 1990s, new policing trends have emerged, and it is unknown how these have affected the tone and scope of QOL ordinances. Further, tracing the influence of race in legislation over time is empirically challenging, since modern policy often invokes race tacitly, making it difficult to identify potential threat expressions in policies, especially through quantitative methods (Murakawa & Beckett, 2010).

This dissertation contributes to minority threat theory by using multiple methods to explore the presence and evolution of race-coded (RC) language in QOL ordinances in a

nationally representative sample of cities (N=69), and evaluate the contextual factors that may influence observed trends in its use. Specifically, it assesses empirical support for minority threat explanations of implicit racial signaling in ordinances. I use Qualitative Content Analysis (QCA) to measure the existence and nature of RC language at two time periods: 1.) the height of the punitive turn (1997-2000), and 2.) today (2018). Results from the QCA are employed to generate variables that describe the patterning of RC language. Those variables are subjected to bivariate analyses evaluating the suitability of minority threat explanations, and offering insights about additional city-level factors that may explain RC language use. The final phase of this dissertation uses case study analysis of three cities, drawing on interviews, ordinance language, and news coverage to inductively explore the mechanisms that undergird legislative action regarding minority threat expressions in local policy, and ends with the presentation of an initial theoretical model for understanding this process.

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CHAPTER ONE: INTRODUCTION

Statement of the Problem

Cities are key sites in which policing policy is created and implemented. In turn, they are critical to evaluate when considering the enduring tension between punishment and race in the United States (Clement, 2018; Lynch, Omori, Roussell, & Valasik, 2013; Muhammad, 2010). Across time, the practice of protecting public space from the presence or behavior of perceptibly undesirable people has been a cornerstone of local policing (e.g., Beckett & Herbert, 2009; Murakawa & Beckett, 2010). Today, in cities throughout the United States, Quality of Life (QOL) ordinances prohibit individuals from engaging in minor offenses associated with physical and social disorder, such as graffiti and loitering. These ordinances first gained traction in the 1990s at the height of the punitive turn (Garland, 2001), an era characterized by intense surveillance and enforcement of crime. QOL ordinances were inspired by Broken Windows Theory (BWT) (Wilson & Kelling, 1982), which posits that unchecked disorder in public spaces leads to urban blight and greater fear among law-abiding neighborhood residents, thus setting the stage for more serious crimes. To prevent the escalation of decay and crime in communities, many local leaders in this era came to believe that a highly proactive policing approach known as Order Maintenance Policing (OMP) was required (Kelling & Coles, 1996). In the context of broad support for OMP, city councils formalized proactive strategies by passing laws permitting the rigorous surveillance, enforcement, and adjudication of public disorder.

By focusing on improving disorderly neighborhood conditions, QOL ordinances are often represented as embodying a community policing approach (Harcourt, 2001). The community policing model proliferated in the 1980s and 1990s and emphasizes the

proactive involvement of the police in defining and responding to community problems, such as those that impact the residents' quality of life (Kelling & Moore, 1988). While perspectives vary as to what the exact role of the police should be relative to the community (Kelling & Coles, 1996; Skogan & Hartnett, 1997; Somerville, 2009; Trojanowicz & Carter, 1988) the paradigm is generally associated with progressive rather than punitive responses to crime (Kelling & Moore, 1988). However, questions remain as to how much QOL ordinances and similar OMP devices at the height of the punitive turn and today actually resonate with the collaborative approach emphasized by the community policing model, given their tendency to privilege crime control aims over due process concerns (Lynch, 2011; Packer, 1968). Further, the extent to which other recent policing trends have influenced the scope and nature of QOL ordinances is understudied. These trends include greater attention to anti-terrorism efforts in the post-9/11 era (Oliver, 2006), and the proliferation of evidence-based strategies, which are defined as approaches that apply the most recent and accurate research about what works in reducing specific crimes to local responses (Weisburd & Braga, 2006).

Commonly, QOL ordinances add locality-specific offenses not already reflected in state codes (e.g., loitering for the purpose of prostitution); less often, they create misdemeanor crimes mirroring the state penal code (e.g., drug paraphernalia possession; see Lynch, 2011). The first category of QOL ordinances reflects a grey area between criminal and civil law (Kelling & Coles, 1996). These ordinances often do not impose criminal charges on offenders, and instead are likely to include monetary fines or other civil penalties (e.g., eviction). Alternatively, QOL ordinances in the second category are more often classified as criminal, given that they tend to impose misdemeanor charges or

charge enhancements for criminal violations (Lynch, 2011), and include penalties like incarceration. Regardless of their classification, QOL ordinances hold police to lower legal standards of enforcement than those expressed in similar state or federal laws (Fitzgibbon, 2007; Murakawa & Beckett, 2010). For example, unlike most criminal statutes, which require officers to demonstrate probable cause before executing an arrest, QOL ordinances often allow officers to initiate an arrest when circumstances of suspicious behavior accumulate (Murakawa & Beckett, 2010).

An extensive body of research also demonstrates substantial ethnoracial disparities across a number of case-processing outcomes associated with QOL ordinances and similar laws prohibiting minor crimes. For instance, evidence from the height of the punitive turn consistently demonstrates that African Americans, and to a lesser extent, Latinos, were more likely than Whites to be arrested, fined, charged, and convicted of minor offenses (e.g., Mauer, 2004; 2006; 2011), and that neighborhoods with substantial minority populations were more likely to be subject to QOL enforcement (Herbert, 1997). These troubling trends have continued in recent years (for example, see Fagan, Gellar, Davies, & West, 2010) as practices focused on geographic banishment have flourished (e.g., Beckett & Herbert, 2009; Desmond, Papachristos, & Kirk, 2016; Lynch et al., 2013). Critical perspectives on resulting ethnoracial inequities often highlight policy provisions that afford officers wide discretion to question, cite, and arrest suspects (e.g., Harcourt, 2001).

Beyond findings pertaining to criminal justice processing outcomes, scholarship demonstrates that the proactive surveillance and enforcement strategies inspired by BWT are often associated with compromised perceptions of police legitimacy and procedural justice, especially among young men of color, who are common targets of such practices

(Brunson, 2007; Tyler & Fagan, 2008; Tyler & Huo, 2002; Geller & Fagan, 2010). In particular, research demonstrates that minority individuals and communities maintain low levels of trust in, and cooperation with, law enforcement (e.g., Carr, Napolitino, & Keating, 2007; Tyler & Fagan, 2008; Weitzer & Tuch, 2004). These findings are informed by Tom Tyler's (1990) normative model of justice, which asserts that the nature of police-citizen exchanges, rather than the material outcomes of those interactions, significantly influences attitudinal and behavioral responses to the police (Tyler & Huo, 2002). Well publicized incidents of fatal police use of force during routine encounters in recent years have also escalated tensions between the police and minority communities, especially given the disproportionate number of men of color who have been victims of such actions (e.g., Michael Brown in Ferguson, MO) (see, for example, Funke & Susman, 2016).

Scholars draw heavily on minority threat theory (e.g., King & Wheelock, 2007) to explain why African Americans and Latinos are more often targeted for proactive surveillance, and more likely to be arrested, charged, and convicted of crimes than Whites. It is one of the most popular theoretical frameworks used to evaluate disparities in the criminal justice system (e.g., Brooks Dollar, 2014). The theory hypothesizes that concerns over increasing or "threatening" minority populations lead dominant groups to exert more severe controls on Nonwhites (Blalock, 1957, 1967; Quillian, 1995). The earliest formulations of the theory suggested that minority presence leads Whites to become hostile towards minorities, thus catalyzing group-level responses (Lynch, 2013) that prioritize levying especially punitive responses against them. Empirical evidence links outcomes such as arrest rates and public support for the death penalty to minority threat, although there is minimal research articulating the specific mechanisms through which threat

responses operate (Eitle, D'Alessio, & Stolzenberg, 2002; Rengifo & Stemen, 2015). Though contributions are limited, some newer perspectives do attempt to take pathways of threat into account, often focusing on more implicit ways that entrenched stratification patterns and racialized scripts proliferate, and are reinforced in society (e.g., Chiricos & Escholz, 2002).

Scholars tend to attribute challenges in identifying threat mechanisms to an increased reliance on race-coded (RC) language in the post-Civil Rights era (Murakawa & Beckett, 2010). As new discrimination laws proliferated mid-century, political elites were prohibited from invoking explicitly prejudicial language. Despite the fact that racial references in formal documents like legislation have receded over time (Alexander, 2012), ample evidence exists that stereotypes about minorities persist today (Tonry, 2010). There is also reason to believe that perceptions of threat continue to influence public policy, as biases against and references to minorities are codified in laws. For instance, the tacit expectation that minorities and minority neighborhoods are more prone to disorder and crime has been demonstrated in studies of the rhetoric invoked by political elites when discussing various crimes (e.g., crack cocaine use) and criminal justice responses (e.g., mandatory minimum sentences) (Dvorak, 1999; Tonry, 2010). Literature from both historic and contemporary perspectives extends this point further, by demonstrating that across time, political elites have often wittingly embraced the myth of Black criminality as part of their legislative strategy (see, for example, Alexander, 2012). Additionally, even in cases where objective correlates of crime like hotspots are described in laws, those descriptions may have consequences for disparities in that it draws on differential societal conditions experienced by minorities and minority areas due to entrenched stratification

patterns (Peterson & Krivo, 2010; Wakefield & Uggen, 2010). To that end, even well-intentioned and well-vetted evidence-based protocols that mandate officers respond to objective markers of risk may reflect and reinforce racial disparities in policing and criminal justice policy (e.g., Bass, 2001; Tonry, 2010; Trojanowicz & Bucqueroux, 1991).

The shift to ostensibly race-neutral political language has also made it difficult to empirically account for possible expressions or consequences of minority threat in crime policy, largely because the preponderance of research on race in formal documents focuses narrowly on the presence or absence of discriminatory rhetoric, rather than considering how language may draw on more pervasive yet implicit racialized scripts about danger and deviance (Murakawa & Beckett, 2010; Tonry, 2010). Within this empirical framework, rhetoric is assumed to be racially neutral or innocent, unless there is clear and convincing evidence to the contrary (Murakawa & Beckett, 2010). For instance, quantitative criminal justice studies often apply the same stringent evidentiary criteria that are required to prove discrimination in court (Murakawa & Beckett, 2010). Specifically, in mandating proof of intent, this discrimination standard can obscure political elites' racial motivations, less conscious biases, and sanctioning of policing practices that draw on and reinforce ethnoracial stratification.

Applying a discrimination standard may also fail to capture the ways that the activation of frontline officers' intentional or unintentional biases may be facilitated by the diffuse discretion often afforded to them by QOL ordinances and similar policies (Murakawa & Beckett, 2010). This activation is especially likely when ordinance language incorporates dangerous tropes of Nonwhites and minority areas, and relies on less objective markers of crime (Fitzgibbon, 2004, 2007). For example, QOL ordinances may reflect

biases in language that discusses the threat of gangs broadly and permits a suspect to be stopped and questioned if an officer believes that he or she has the appearance of a gang member. This kind of language may empower rather than restrict officers' ability to act on racial biases when enforcing QOL ordinances. A literature on "preemptive criminalization" (Fitzgibbon, 2007) demonstrates that cognitive shortcuts are often deployed by officers in ways that result in the conflation of race and ethnicity with perceived markers of threat, and that the likelihood of conflation is greatest when broad legal language provides police with discretion to identify and name suspicious behavior and circumstances without the guidance of formal risk assessment protocols.

The attempt to examine the processes underlying threat expressions in public policy by bridging structural and individual approaches is increasingly undertaken by scholars aligned with an institutional bias lens (e.g., Haney-Lopez, 2000; Henry, 2010). This perspective overlaps with newer approaches to minority threat theory in that they each focus on the entrenched and widely dispensed preferencing of Whites relative to minority groups in institutional settings. Newer iterations of institutional racism lean heavily on social psychology concepts, such as implicit bias (e.g., Haney-Lopez, 2000; Harvey, 2010; Lynch, 2013), to explore the mechanisms that might lead to the expression of racial threat in policies and practices, and their implications for minorities.

To account for the sources, presence, and impact of more nuanced racial language in the post-Civil Rights era, inquiries into policy provisions and disparities increasingly integrate qualitative approaches (Murakawa & Beckett, 2010). Yet in-depth studies exploring crime legislation across local contexts remain rare (Lynch et al., 2013), and they characteristically fail to explore trends across nationally representative samples. While

some qualitative studies on QOL ordinances and other punitive-era reforms provide in-depth accounts of the forces that shape legal change at local levels (e.g., Lynch, 2011; Miller, 2008), such investigations commonly employ single site cases analysis to examine legislative change in one major urban center (e.g., New York City) (Harcourt, 2001), meaning also that they do not interrogate whether legislative language is patterned by differential geopolitical, legal, social, and cultural contexts (e.g., the racial composition of cities).[1]

Further, extant studies rarely consider whether and how such legislation has changed over time, or whether and how local politicians make decisions about drafting and passing laws. Political science literature on the factors that shape local criminal justice policy making is also scant (Bergin, 2011; Canfield-Davis, Jain, Wattam, McMurty, & Johnson, 2009; Lynch, 2011; Miller, 2008). A body of literature explores the factors that influence the proliferation of polices across different geographies though these often center around state-level legislation, rather than local-level legislation (Nicholson-Crotty, 2009). Also, the degree to which influential variables such as geographic proximity to, and ideological alignment with, initial adopters, and the perceived salience of the issue to the public are significant in shaping criminal justice policy diffusion, remains unknown (Bergin, 2011). There is a noteworthy lack of studies exploring these themes in local criminal justice policy (Lab, 2004; Wellford, 2009).

Additionally, a number of descriptive studies use a behavioral research lens (Wahlke & Eulau, 1959) to explore the factors that influence policy making, but these nearly exclusively focus on the state level (see, for example, Canfield-Davis et al., 2009;

[1] Miller (2008) focuses on two cities as case study sites, but they are both in Pennsylvania.

Flagel, 1990; Keese, 1990; Roberson, Durtan, & Barnham, 1992). While this line of research rarely focuses on criminal justice policy, it often finds that the same factors that influence human behavior and decision making more broadly, such as personal traits and affiliations (e.g., political ideology, gender, race/ethnicity), also influence legislators' policy making decisions (Canfield-Davis et al., 2009; Wirt, Morey, & Brakeman, 1970). Additionally, this research finds that the nature of specific districts and constituencies represented (e.g., ethnic/racial makeup), and the professional contacts (e.g., committee members in the legislature, lobbyists, staff, etc.) politicians maintain, critically shape the legislative decision-making processes. Scholars also contend that city-level policy makers may be more responsive to the concerns of constituents than state or federal legislators (Miller, 2008; Parlow, 2008). As Parlow (2008) notes, the comparatively smaller size of local governments allows constituents greater access to and contact with elected officials. Consequently, city council members may be more attuned to local race relations, or at least have greater opportunities to hear constituents and other powerful stakeholders express racialized crime concerns relative to other politicians (Miller, 2008). Further, racial tensions and police and citizen dynamics have been found to be especially impactful in shaping local crime politics concerning quality of life matters (Miller, 2001, 2008; Skocpol, 2003; Soss, 2000).

Yet, to my knowledge, there has been no systematic, in-depth inventory taken of QOL laws from the height of the punitive turn until today, nor has there been as assessment of the demographic, social, and political processes that generate, sustain, or curtail the inclusion of RC language in local crime policy over time. This dissertation establishes a systematic inventory of QOL ordinance language over time and uses U.S. cities as the unit

of analysis to advance knowledge about these characteristically understudied sites of crime policy. By applying in-depth qualitative methods and descriptive quantitative analyses to a national city sample, the dissertation allows a unique empirical evaluation of the evolution of coded racial language in QOL ordinances and an assessment of the possible sources of the phenomena, with a focus on assessing empirical support for minority threat theory. Further, by integrating the perspectives of local leaders formally responsible for QOL ordinance language, this dissertation advances the beginnings of a theoretical framework for understanding the dimensions that undergird legislative action around local RC language. In doing so, this dissertation enhances insights about local lawmaking, while also contributing to knowledge about the role of politicians and political interest groups in minority threat theory; such actors have been granted primacy in conceptual approaches to racial threat (Eitle et al., 2002; Blalock, 1967), but are understudied in empirical inquiries on the subject.[2]

Research Questions & Study Aims

This dissertation endeavors to illuminate the nature of local legislative language in U.S. cities, both at the height of the punitive turn and today, with a focus on the signaling of race and ethnicity. In particular, the study seeks to answer the following questions:

1. How extensive is race-coded (RC) language in QOL ordinances in cities across the United States, and how has it changed in the last twenty years?
2. What demographic, political, and societal dynamics may account for the evolution

[2] One common hypothesis in minority threat literature is the "political threat hypothesis" (Blalock, 1957, 1967) which contends that as the percentage of minorities in a given area grows, political elites respond by using social control tools (like laws) to prevent the perceived risk to the political power of Whites. This hypothesis has informed numerous studies investigating the political context in a given area (e.g., the political party of the governor) as a way to measure the presence or absence of minority threat in a given area (e.g. Jacobs & Carmichael, 2001; Jacobs, Malone, & Iles, 2012), although such inquires often fail to explore political factors in depth and are limited to the state perspective.

of this legislative language at the local level?

Given my interest in exploring the sources, expression and potential impacts of racially targeted language in local crime policy, I used minority threat theory as a central frame (Blalock, 1957, 1967) through which to consider these questions.

The specific aims of the study include:

1. **Aim 1.** Inductively explore key themes in common QOL ordinance types (i.e. panhandling, loitering, public sleeping, and graffiti) that were in place in cities from a nationally-representative sample at the height of the punitive turn (1997-2000), namely the extent and scope of implicit racial language.
2. **Aim 2.** Inductively explore key themes in common QOL ordinance types (i.e. panhandling, loitering, public sleeping, and graffiti) currently in place (in 2018) in cities from a nationally-representative sample, namely the extent and scope of implicit racial language.
3. **Aim 3.** Measure and describe cities' use of implicit racial language at both time periods, including through the creation of a typology that accounts for their stasis and change.
4. **Aim 4.** Explore city-level data (e.g., demographic makeup, poverty, crime rates) to assess, on the aggregate, if there are associations between city characteristics and their use of racial language, including patterns of stasis and change, to account for patterns seen, with an emphasis on assessing evidence in support of minority threat theory.
5. **Aim 5.** Purposefully sample and evaluate selected exemplar cities from the city typology categories to further inductively explore influences on the emergence and evolution of implicit racial language in QOL ordinances, using interviews with key

stakeholders (e.g., city council members) as well as a review of news archives and other records to generate an initial theoretical framework explaining legislative action on such laws.

Research Design

The study focuses on two time periods: TI, (the late 1990s) which corresponds with the height of the "punitive turn," and T2, which represents the current period (i.e. 2018). This dissertation's 69 city sample (Appendix A) is derived from the National Neighborhood Crime Study (NNCS) (Peterson & Krivo, 2000, ICPSR 27501). That nationally-representative sample of 91 cities represents the population size, racial/ethnic composition, and socioeconomic status of urban areas in the United States with populations over 100,000 in the year 2000. While many in-depth investigations of QOL ordinances focus on one or two locations (e.g., New York City), and are unable to capture trends at the national level, relying on the NCCS enables local developments in the national context to be considered. The study sample was determined by the availability of QOL ordinance data between 1997 and 2000 and data on the ethnoracial makeup of cities in 1990. Assembling baseline rates of this demographic measure in the years prior to T1 ordinances was important, as minority threat is a central theme of this dissertation, and it posits that the demographic conditions of an area will precede social control responses (e.g., Blalock, 1957).

Data Collection

To evaluate the potential impact of demographic, political, and social dynamics (e.g., poverty, unemployment, crime rates) on the presence and evolution of RC language in QOL ordinances, descriptive city-level measures at T1and T2 were collected and

evaluated using univariate statistics. Whenever possible, measures that preceded each time period by three to five years were used, in order to capture the immediate conditions in which legislation emerged, was sustained, or revoked. In order to assess the legislative language of common QOL ordinances, the available text and supporting documents for four such ordinances (panhandling, loitering, public sleeping, and graffiti) were assembled from legislative document publishers (e.g., Municode), with follow up requests to local government offices made as needed. T1 QOL data were already collected for a related project. Because the second wave of QOL data is not historical, and current city codes are posted online, most cities' T2 data was available for immediate download on legislative library websites.

Data collection for the three case study sites included phone interview data, as well as supplementary documents and archives identified by interview respondents. Prior to the completion of interviews, an expedited IRB review was processed to ensure the protection of human subjects. The interview guide included open-ended questions about informants' personal traits and characteristics, and their perspectives on the policy development and decision-making processes in the city councils, as well as their views on their city's race relations, and crime prevention and control aims. Recruitment for the phone interviews was based on a snowball sampling strategy. I leveraged contacts I already established from a prior study, and those primarily included employees in city clerk and city manager offices. Fourteen phone interviews were conducted. Supplemental data sources (e.g., news archives) were identified and collected following the interviews.

Analysis

The first stage of this dissertation drew heavily on Qualitative Content Analysis

(QCA) (Boss & Tarnai, 1999; Holsti, 1969; Hsieh & Shannon, 2005; Schreier, 2012) to code and catalogue RC language in QOL ordinances. Unlike other qualitative approaches, QCA focuses on reducing data by using a specific, descriptive research question to guide analysis (i.e. how does QOL ordinance language describe criminal threats, and to what extent may those references reflect tacit racial biases?). QCA employs a systematic approach to describe the explicit or implicit meaning of qualitative material (Weber, 1990), and it integrates elements of more traditional open coding strategies, while also embracing concept-driven coding processes (Schreier, 2012). Data reduction in QCA is accomplished through a structured protocol that involves a number of steps, including the development of a research question and an initial coding frame, selection of relevant material from the full dataset, marking of units of coding, and completion of pilot coding and main analysis phases, in which subcategory codes are applied to each unit of coding (Schreier, 2012).

QCA is best suited when one topic is examined across units (e.g., QOL legislation in cities), and the method is advised when making comparisons of data dimensions from sub-samples that cover that topic. Schreir (2012) suggests that researchers should conduct QCA if they have used literature to identify concept-driven dimensions they wish to explore prior to analysis, where dimensions reflect themes (e.g., discretion), which each also have mutually exclusive sub-dimensions that reflect distinct examples of those dimensions (e.g., prosecutorial discretion). The method allows for one analyst to code the same data so long as a waiting period of ten days has passed between coding rounds, and it allows for modifications to the initial coding frame in subsequent rounds as well. The QCA method is described in detail in Chapter 4.

The primary goal of the QCA was to generate summary measures of RC language

in QOL ordinances at both T1 and T2 (e.g., presence or absence, nature of references). Once the QCA was completed and the summary measures and evolution typology categories were generated, I used STATA 15 to quantitatively describe associations between RC language and city-level variables, both cross-sectionally and over-time. Specifically, I assessed the correlation between the presence of RC language and city-level variables at each time period (T1 and T2) as well as the association between typology categories and city-level variables, with a focus on evaluating the influence of cities' minority population on their RC language use to consider empirical support for minority threat theory. Finally, NVivo 12 was used to analyze data from case study materials such as phone interviews and media archives.

Study Significance

This dissertation integrates perspectives from criminal justice, sociology, political science, law, and social psychology to provide novel insights on the scope and potential impacts of QOL ordinance statements. These contributions will advance theoretical understandings of the QOL phenomenon in the United States, hence informing criminological and sociological perspectives on the durability of these policy provisions from the punitive turn until today. Importantly, this dissertation seeks to advance an initial theoretical framework for explaining legislation action on RC QOL ordinances, with close attention to assessing the applicability of minority threat theory. In doing so, this dissertation endeavors to fill a number of gaps cited in minority threat scholarship, such as the lack of accounting for specific mechanisms through which racial threat is expressed by elites (Eitle, Stolzenberg, & D'Alessio, 2005; Rengifo & Stemen, 2015) and the rarity of approaches that treat threat as a fluid, time-varying, phenomenon (Eitle et al., 2002). This

study also advances insights relevant to theorizing on institutional bias. Additionally, this dissertation informs political science scholarship by expanding knowledge on the processes that impact crime policy decision making at the local level, and specifically, the mechanisms through which the signaling of race and ethnicity are included, and revoked, from city codes. Taken together, the study's contributions have the potential to expand future methodological approaches to studying racial threat processes and expressions in local crime politics and policing, by generating a protocol for inventorying sources of tacit racial references in legislative language and tracking factors associated with their adoption, maintenance, and repeal over time.

Policy Implications

Finally, this dissertation may influence knowledge regarding the public policy landscape. As race relations and trust in the police remain frayed in many cities (Davis, Whyde, & Langton, 2018; Thee-Brennan, 2016), local governments may draw on the findings from this study to reassess their legislative priorities. Results from this study stipulate that certain cultural, political, demographic features of urban environments (e.g., percent in poverty) may be more or less likely to generate biased and disparity exacerbating crime policy, both in a static sense and over time. Conversely, findings also highlight factors that may be conducive to more equitable crime policies (e.g., engaged activists), which in turn, may turn help inform cities' promotion of effective and fair crime prevention and control policies (e.g., those that support core tenents of community policing)—a political imperative in the context of escalating tensions between the police and public in recent years.

Dissertation Outline

This dissertation includes seven chapters. Chapter One is this introduction, in which a statement of the problem is provided, in addition to a discussion of the research questions, study aims, research design, and an assessment of the study's significance and policy implications. Chapter Two describes relevant literature that sets the stage for the exploration of RC language in QOL ordinances, including theories such as minority threat theory and Broken Windows Theory, and policing and policy trends relevant to QOL ordinance development, such as the punitive turn, the new era of "soft punishment," and community policing. Chapter Three reviews literature that relates specifically to QOL ordinance language and its impacts on the policing of minorities, including the evolution of criminal justice policy language more generally in the post-Civil-Rights era, contributions on institutional bias and their relation to coded racial language in QOL legislation, and political science perspectives on legislative decision making. Chapter Four discusses the research methods, with a focus on the primary analytic strategy, QCA, in addition to a description of sampling protocols, coding and interview instruments, and an overview of the descriptive quantitative analyses sand case study methods. Chapter Five discusses QCA results at T1 and T2, the creation of the RC summary measures and evolution typology categories, and city-level analyses. Chapter Six discusses the case study analysis, including interview results, and findings from supplemental data analysis. Chapter Seven discusses key findings, as well as theoretical, policy, and methodological implications, study limitations. and suggestions for future research.

CHAPTER TWO: THEORETICAL, POLICY & POLICING TRENDS REVELANT TO QUALITY OF LIFE ORDINANCE DEVELOPMENT

Introduction

The police represent the first point of contact between the public and the criminal justice system, and are thus important in shaping citizens' subsequent system involvement. Exchanges between these two groups are particularly significant in cases where the police identify certain members of the public as suspects in a given crime; this classification can set off a chain of consequential events for such citizens, starting perhaps with them being issued a citation or being placed under arrest, and potentially resulting in them being charged, convicted and sentenced at later stages of the process. Owing to their highly public and impactful role in communities, the police are evaluated by citizens according to the nature of their exchanges with the public (Tyler, 1984, 1990; Thibaut & Walker, 1978). In particular, expansive research on the topic of procedural justice highlights the important role that citizens' perceptions of police fairness have in structuring police and community relations (Davis, et al., 2018; Schulhofer, Tyler, & Huq, 2011; Thibaut & Walker, 1978; Tyler, 1984, 1990, 2000).

Given that extensive ethnoracial disparities have been associated with numerous criminal justice outcomes over time (Harris & Beckett, 2010; Mauer, 2011; Mauer & King, 2007; Rovner, 2016; Tonry, 2010), race has been and continues to be a major fault line in police-community relations (Blackmon, 2009; Brunson, 2007; Brunson & Miller, 2006; Davis et al., 2018; Gau & Brunson, 2009; Harcourt, 2001; Muhammad, 2010; Useem, 1997). For instance, in the context of policing and policy reforms starting in the 1970s, arrest, community supervision, and incarceration rates ballooned for Nonwhites relative to

Whites, and disparities were most glaring for nonviolent crimes (e.g., Mauer, 2004, 2011; Western & Mueller, 2013). Claims of misconduct and discrimination against many local police departments also grew in the 1990s, and these were symbolized by well-known events, such as the police beating of Rodney King and the L.A. race riots (Useem, 1997). Even in recent years, police-community relations remain particularly frayed in minority areas, in response to sustained disparities in the surveillance and enforcement of crime (e.g., Brunson, 2007; Brunson & Miller, 2006; Davis et al., 2018; Gau & Brunson, 2010; Fagan & Geller, et al., 2010; Mauer & King, 2007; Tonry, 2010), and a number of high-profile police killings of citizens (Funke & Susman, 2016; Pickett & Ryon, 2017; Shjarback, Pyrooz, Wolfe, & Decker, 2017).

Crime legislation likely plays a significant role in impacting police-community dynamics, given that it sanctions the roles and responsibilities of law enforcement. It is conceivable that local Quality of Life (QOL) ordinances stipulating the parameters of surveillance and enforcement of minor crimes and disorder are especially impactful in shaping race relations, given prior scholarship associating these kinds of order maintenance policies with the targeting of minorities (e.g., Harcourt, 2001; Murakawa & Beckett, 2010; Stewart, 1998), and with community residents' compromised procedural justice assessments (Brunson, 2007; Brunson & Miller, 2006; Gau & Brunson, 2009; Tyler & Huo, 2002). However, to understand the specific role that local QOL ordinance language may play in the policing of minorities, it is necessary to consider 1.) recent trends in criminal justice policy and policing, and their impact on Nonwhites, 2.) how legislative language created by political elites may impose a legitimizing framework for the police to target minorities through coded statements that reflect implicit racial biases about crime

and criminals, and 3.) the various factors that might impact the development and interpretation of such language.

For one, a distinct patchwork of reform initiatives in policy and policing has shaped the broader landscape in which contemporary legislation emerges. While these reforms have occurred in the broader context of punitive trends that privilege the proactive surveillance and enforcement of crimes (e.g., Garland, 2001; Beckett & Herbert, 2009), they have also in some cases included progressive approaches that prioritize collaboration between police and citizens (Kelling & Moore, 1988). Nonetheless, despite the advent of various policy and policing reforms, substantial ethnoracial disparities persist today, leading many scholars to posit that pervasive ideas about race and ethnicity continue to play a significant role in shaping the criminal justice system (e.g., Alexander, 2012; Tonry, 2010).

Second, the formal policy statements contained in QOL legislation are important to consider. They not only shed light on sanctioned police practices for policing minor crimes in cities, but also speak to the political will of the lawmakers who drafted and passed specific language about disorder (Alexander, 2012; Murakawa & Beckett, 2010; Tonry, 2010). Perspectives on minority threat theory and institutional racism also support the notion that in an era of ostensibly color-blind political rhetoric, certain coded statements may provide clues about the underlying racialized sentiments that drive policy priorities, reinforce stratification patterns in the criminal justice system, and may even encourage the police to act in biased ways (Fitzgibbon, 2007; Murakawa & Beckett, 2010; Stewart, 1998; Tonry, 2010). By closely examining official statements that outline parameters police should follow in assessing the riskiness of behavior by certain people in certain places, it

is possible to explore the ways that minorities may be impacted by such legislation. Literature suggests that a variety of coded statements may influence the interpretation of policy language by police officers in ways that differentially implicate minority populations (Fitzgibbon, 2004, 2007; Trocchio, 2019).

Further, it is conceivable that a number of contextual factors may distinctly impact the development of this language and its subsequent impact on minorities. Scholarship postulates that factors exogenous to legislation itself may influence the targeting of minorities in diverse ways by impacting both the legislative decision making process and the overall and scope of ordinance content; these may include local demographic characteristics (Behrens, Uggen & Manza 2003; Jacobs & Tope, 2007; Jacobs, Malone, & Tope, 2014; Lynch et al., 2013, Trocchio, 2019), high profile events in the community, such as incidents of deadly police (Blessett & Gaynor, 2017), the identities of local lawmakers and composition of legislatures (Canfield-Davis et al., 2009; Holman, 2014; Hopkins & McCabe, 2012; Saltzstein, 1989), and perceived political risks and benefits (Bergin, 2011; Kingdon, 1984; Miller, 2008; Nicholson-Crotty, 2009). Finally, because criminal justice policy is not static, it is plausible that the impact of QOL ordinances on the policing of minorities has evolved over time, as local factors and the nature of the language itself may have also changed (e.g., Loader & Sparks, 2016).

This current chapter sets the stage for the exploration of QOL ordinance language over time by discussing a number of policy and policing phenomenon relevant to the development of such statutes, and theoretical arguments for their emergence. These include the punitive turn, minority threat theory, Broken Windows Theory, community policing, Order Maintenance Policing, and the history and proliferation of QOL ordinances. Chapter

Three delves deeper into the nuances and consequences of QOL ordinance language by discussing the evolution of racial rhetoric in the post-Civil Rights era, such language's role in reinforcing and generating ethnoracial disparities in policing, narrated principally through contributions on implicit bias and institutional racism, and the contextual factors that may influence the likelihood that this language will emerge and persist. Taken together, these two literature chapters seek to demonstrate the contributions that will be advanced by this dissertation's primary goal of cataloguing the presence and evolution of QOL ordinance language, and assessing its determinants.

The Punitive Turn, New Directions in Punishment, & Impacts on Minorities

Ethnoracial Disparities in the Punitive Turn & the Era of Soft Punishment

Broadly speaking, criminal justice policy over the past forty years corresponds with a "punitive turn" (Garland, 2001). The term signifies a resurgence of retributive penal responses in the United States stemming from major cultural, social, and political changes, including the perceived failure of penal welfarism and urban decay (Garland, 2001; Hinton, 2016; LaFree, 1998). As support for rehabilitation dwindled in the 1970s, the idea that crime was a serious but expected facet of modern society grew, and it led to "obsessive attempts" to "monitor risky individuals...isolate dangerous populations, and impose situational controls on otherwise open and fluid settings" (Garland, 2001, p. 194) (also see Fitzgibbon, 2007; Phelps, 2013). Literature indicates that in recent decades, the intent and scope of the penal system shifted towards the management of omnipresent criminal threat through enhanced surveillance, enforcement, and the imposition of harsher sanctions (Feeley & Simon, 1992, 1994; Mauer, 2006; Murakawa & Beckett, 2010).

Indeed, in the 1980s and 1990s, the criminal justice system became

unprecedentedly large (Western & Muller, 2013). Increases were so striking that the 1990s were dubbed the "punishing decade" (Ziedenberg & Schiraldi, 2000). By 1997, for example, nearly 5.7 million adults (2.8% of the country's population) were either incarcerated or subject to community-based supervision (Beck, Bonczar, Ditton, Glaze, Harlow & Mumola, 2000). These outcomes resonate with research documenting links between rising crime rates and punitive social control responses (Garland, 2001). In particular, increases in crime rates have been attributed to a greater reliance on a host of criminal justice responses, including incarceration (Fondacaro, & O'Toole 2015; Travis, Western, & Reburn, 2014). For instance, upticks in arrests and incarceration for drug crimes closely followed increased index crime rates in the 1970s (Adams, Alpert, Dunham, Greenfield-Garner, Henriquez, & Langan,1999). Across state prisons, federal prisons, and jails, the number of individuals incarcerated for drug crimes grew dramatically between 1980 and 2003 (Figure 1), with state prisons and local jails evidencing particularly dramatic increases (Mauer, 2011). During that same time, the overall incarceration rates for drug crimes exploded by 500% (Zatz, 2000), though the bulk of those incarcerated for drug offenses were nonviolent and low-level offenders, rather than violent drug traffickers (Mauer & King, 2007).

[Insert Figure 1 About Here]

Evidence also suggests that minorities have received the brunt of punitive responses to crime (e.g., Kerner Commission, 1968; Weisburd & Braga, 2006; Tonry, 2010), as much has been written about the disproportionate entanglement of ethnoracial minorities in the criminal justice system (for examples, see Alexander, 2012; Harris & Beckett, 2010; Mauer, 2004; Provine, 2008; Tonry, 2010). Research on incarceration and related outcomes

consistently indicates that African Americans and Latinos were especially impacted by the punitive turn (Western & Mueller, 2013). For example, data reveals a 261% increase in state and federal incarceration rates for Blacks, and a 554% increase for Latinos from 1980 to 1996, relative to a 185% increase for Whites (Blumstein & Beck, 1999). Discrepancies were most pronounced with respect to non-violent offenses, especially drug crimes (Mauer, 2011; West, Sabol & Greenman, 2010; Taylor, 2006, Tonry, 1995; Wakefield & Uggen, 2010). Further, striking disparities have been noted among minority drug possessors relative to their actual patterns of use. For instance, although African Americans constituted 13% of all drug users and maintained a lower per capita drug use rate than Whites in 1997 (Johnston, O'Malley & Bachman, 1999), they made up nearly 40% of all arrests, and nearly 60% of all convictions, for drug crimes that same year (Gilliard & Beck, 1998). Similarly, Latinos constituted 10% of all regular drug users in 1999 (Mauer, 2006) but represented 19% of all state drug offenders in 2001 (Harrison & Beck, 2003), compared to 23% of Whites, who constituted 72% of all regular users that year (Mauer, 2006). Though there are less data on drug sales behavior, one study by Riley (1997) found that drug purchasers were most likely to buy their drugs from a member of their own ethnoracial group, suggesting that dealing behavior may also align closely with use patterns (Mauer, 2011). There is little research on enforcement disparities for other minor crimes such as graffiti and loitering. But limited data suggests that, as with drug crimes, differential offending patterns by race do not explain the arrest disparities in this context either (Rovner, 2016).[3]

[3] Offending and arrest data from the 1990s and earlier often failed to disaggregate Latinos from Whites in many estimates (for example, see Nellis, 2016). Using Black and White dichotomies likely obscured disparities between Latinos and Whites in meaningful ways. In the Uniform Crime Report (UCR) data from

While disparate ethnoracial patterns accelerated at the height of the punitive turn in the 1990s, disparities have not substantially abated since then (Harris & Beckett, 2010; Mauer, 2011; Mauer & King, 2007; Rovner, 2016; Tonry, 2010); substantial differences persist despite overall reductions in arrest and incarceration rates (Phelps, 2013). In particular, ethnoracial disparities in the surveillance, arrest and punishment of low-level offenses such as drug possession and loitering persist, and rates have failed to return to pre-punitive turn levels (see, for example, Eaglin, & Solomon, 2015; Fellner, Manning, & Mukpo, 2009; Garcia, 2015).[4] Even more troubling, there have been increases in the number of citizens of color killed by the police in recent years. While there is limited official data on the rates of police killings of citizens in the U.S., (Lowery, 2014), investigative journalism has pointed to ethnoracial disparities in the overall number of custodial deaths of Whites relative to Nonwhites (e.g., Zimring & Arsiniega, 2015), and these disparities remain high when considering those who were unarmed when killed (Swaine, Laughland, Larety, & McCarthy, 2015). For instance, as Swaine and colleagues (2015) found, in 2015, Nonwhites constituted 37.4% of the U.S. population, but made up 47.2% of all people killed by the police, and 53.6% of all unarmed individuals killed by the police. Journalistic sources, such as the *Washington Post's* database[5] of police shootings, have recently been used by criminal justice scholars to empirically document

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1998, 91% of all Latinos identified as White rather than Black when required to pick between the two (Poe-Yamagata & Jones, 2000).

[4] Fellner, Manning, & Mukpo (2009) examined arrest rates for drug offenses across each state in the U.S. from 1980 to 2007 to examine the relative arrest ratio for Blacks and Whites, finding, that while the ratio peaked at 1989 with a ratio of 5.5, the ratio was 3.6 in 2007, reflecting a higher arrest disparity in that year than in 1980 (when the ratio was 2.9).

[5] The database can be located at https://www.washingtonpost.com/graphics/national/police-shootings/. Other sources, such as Fatal Encounters (fatalencounters.org), the *Officer Down Memorial Page* (https://www.odmp.org/) and killedbypolice.net have been used for similar empirical inquiries published in peer reviewed criminal justice journals (Campbell, Nix, & Maguire, 2017; Maguire, Nix, & Campbell, 2017)

ethnoracial disparities in killings of unarmed Black citizens relative to White citizens (Campbell, Nix & Maguire, 2017; Maguire, Nix, & Campbell; Nix, Campbell, Byers, & Alpert, 2017). This line of reporting has also described connections between minor crime enforcement and police violence in recent years.[6]

While the punitive turn is a useful conceptual lens for understanding the overall landscape in which the criminal justice disparities of the second half of the 20th century emerged, additional theoretical insights on newer devices of urban control are instructive in framing nuanced trends in the policing of disorder, particularly at the local level (Beckett & Herbert, 2009; Desmond et al.,, 2016; Lynch et al., 2013). The synergistic concepts of "soft punishment" and "banishment" assume a local perspective when assessing modern control devices, starting in the mid to late 2000s, that fused criminal and civil responses to disorder by imposing banishment and geographic exclusions onto offenders charged or convicted of certain offenses, such as drug loitering. As the theory's founders Beckett and Herbert describe (2009), initial violations of these exclusions commonly imposed civil penalties, though repeated violations could also result in criminal punishment.

Such practices were largely based off of local laws, popular during the 1990s, that targeted specific acts of disorder committed by particular groups in specific locations (e.g., loitering for the purpose of soliciting prostitution) (Beckett & Herbert, 2009). New provisions imposed spatial exclusions on minor offenders,[7] for instance, in requiring

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[6] For example, there was extensive media coverage of the 2014 killing of Eric Garner, a 44-year-old man who was approached by officers for selling untaxed cigarettes in Staten Island, NY, and eventually killed after being placed in a chokehold for resisting arrest. Much of the media commentary on Garner's killing has focused on his being targeted for apprehension for a minor offense (see for example, Baker, Goodman, & Mueller, 2015). Further, an investigation by *American Statesman* found that nearly 1/3 of the 250 deaths of citizens in police custody in Texas between 2005 and 2016 were the result of encounters that started with the enforcement of minor offenses (Dexheimer & Ball, 2017).

[7] A hallmark example of an exclusionary practice highlighted by Beckett & Herbert (2009) is the use of "Stay out of Drug Area" or SODA orders, which are commonly handed down by judges or probation or parole

individuals to stay out of "high drug activity areas" for a certain length of time following a drug conviction, and being susceptible to fines, community supervision, and even incarceration, should they be found within prohibited geographies. Given their focus, "soft punishment" approaches to disorder were often touted as alternatives to the overreliance on incarceration in the punitive turn, rather than a byproduct of it (Beckett & Herbert, 2009). However, as Beckett and Herbert (2009) note, the end result of these presumably less punitive responses to crime actually augmented the consequences of becoming embroiled in the criminal justice system, rather than replacing them. Whereas prior punitive approaches to policing disorder levied immediate penalties on offenders for discrete violations, soft punishment strategies imposed initial civil penalties but also subjected offenders to the possibility of subsequent sanctions that could become criminal in nature.

Beckett & Herbert (2009, 2010) find social banishment to be noteworthy for a number of other reasons, including its focus on displacement itself as a primary aim of policy, rather than deterrence or rehabilitation, and its proliferation in ostensibly liberal stronghold cities, such as Seattle (Beckett & Herbert, 2009). In a broader theoretical sense, they point to the shifting significance of geography in modern policing and punishment, especially in so called "playground" cities facing pressures to accommodate expanding consumer demands for sanitized public spaces (Beckett & Herbert, 2009). These demands are believed to have engendered new modalities of urban social control that target undesirable individuals and groups through enforcement efforts centered on containing or managing behavior in certain micro-locations within cities (Laniyonu, 2017; Lynch et al.,

officers, and which "require those convicted of certain offenses stay out of particular sections of the city as a condition of their probation or parole sentence, typically for a two-year period" (p. 45).

2013), including highly segregated neighborhoods.[8]

Thus, while a new commitment to "soft punishment" (Herbert & Beckett, 2009) has likely deemphasized the use of incarceration as direct penalties for minor crimes, it has likely also amplified police use of civil sanctions and created additional back channels for incapacitation among the people and locations targeted for enforcement. As more exclusionary practices have been codified into law, it is likely that these advances in "soft punishment" have simply shifted the nature of police attention that minorities disproportionately receive, rather than representing a divergence from racialized policing patterns[9] (e.g., Lynch, 2011; Lynch et al., 2013; Stewart, 1998).

Indeed, ethnoracial disparities have not substantially abated since the height of the punitive turn in the 1990s (Bender, 2016; Harris & Beckett, 2010; Mauer, 2011; Mauer & King, 2007; Rovner, 2016; Tonry, 2010), despite overall reductions in arrest and incarceration rates (Phelps, 2013). In particular, disparities in the surveillance, arrest and punishment of low-level offenses such as drug possession and loitering persist, and rates have failed to return to pre-punitive turn levels (see, for example, Eaglin & Solomon, 2015; Fellner, Manning, & Mukpo, 2009; Garcia, 2015).[10]

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[8] In playground cities especially, there is expected to be a bifurcated approach to policing, whereby generally aggressive (Lynch et al., 2013, p. 341) policing tactics will be directed towards offenses occurring in be racially segregated parts of the city that are steeped in "stereotyped images of pervasive and persistent criminality and violence" (Lynch et al., 2013, p. 341)[8] while gentrifying areas will see more targeted proactive surveillance and enforcement of minor crimes committed by "problem" populations, which often includes minorities.

[9] For a longer history on ethnic and racial disparities occurring before the punitive turn, see Muhammad (2010).

[10] Fellner and colleagues (2009) examined arrest rates for drug offenses across each state in the U.S. from 1980 to 2007 to examine the relative arrest ratio for Blacks and Whites, finding, that while the ratio peaked at 1989 with a ratio of 5.5, the ratio was 3.6 in 2007, reflecting a higher arrest disparity in that year than in 1980 (when the ratio was 2.9).

Minority Threat Theory & the Nature of Criminal Justice Policy

A cache of literature seeks to unravel the root causes of the stark ethnic/racial disparities documented in the punitive turn and in contemporary times (Lynch, 2013; Tonry, 2010). Much of this research attributes disparate patterns in criminal justice involvement by race and ethnicity to historically entrenched practices and policies (e.g., residential segregation) that structure the life chances of African Americans, and to a lesser extent Latinos, differentially, so that they are more likely to come into contact with police, be arrested, and charged with crimes (e.g., Bonilla-Silva, 1997; Beckett, Nyrop, K., & Pfingst, 2006; Peterson & Krivo, 2010).

Minority threat theory further connects punitive responses to crime and ethnoracial disparities (Alexander, 2012; Blalock, 1957, 1967; Blumer, 1958; Brooks Dollar, 2014; Liska & Chamlin, 1984; Keen & Jacobs, 2009), by positing that the expansion of control apparatuses stems from concerns over gains in minority group status. The popular theory builds on a rich literature on ethnic/racial stratification by integrating it with the conflict theory perspective. Blalock (1957, 1967), for example, an early architect of the theory, indicated that increasing minority populations in a given area would cause dominant groups (i.e. Whites) to view minority groups as threatening,[11] and lead elites representing majority interests to impose differentially harsh treatment. Importantly, traditional conceptualizations of threat imply that dominant groups act with "some group-level rationality" (Lynch, 2013, p. 101) to design and execute strategies for managing perceived

[11] Perceived threat is hypothesized as emerging from three possible sources; one, the belief that greater shares of minorities in the total population enhance competition for important but finite economic and social resources, such as jobs, housing, and education (Blalock, 1967); two, the notion that such population changes increase the potential for minorities to politically mobilize and further limit Whites' access to resources (Quillian, 1995); and three, the idea that growing minority presence will increase minority on White crime (Alexander, 2012; Behrens, Uggen and Manza, 2003).

racial conflict. The theory also stipulates that elites prefer laws over other threat management strategies because stereotypes about minority values lead elites to believe that minorities are incapable of being effectively controlled through informal control mechanisms, like the labor market or the family (Chambliss & Seidman, 1971; Stemen & Rengifo, 2011).

At its inception, the theory established that the presence of culturally dissimilar groups in a given area would lead to overtly prejudicial or discriminatory behavior by Whites (King &Wheelock, 2007), such as greater incidents of violence towards minorities (Green, Strolovitch, & Wong, 1998). The perspective has since widened to include subtler responses, such as public support for conservative politicians (Giles & Buckner, 1993) and punitive policies (King & Wheelock, 2007), as well as the invocation of severe formal control responses in the criminal justice system, such as increased spending on police and corrections (Eitle, et al., 2002; Jacobs & Helms, 1999; Stults & Baumer, 2007), higher incarceration (Greenberg & West, 2001; Western, 2006) and capital punishment (Phillips, 1986) rates, and greater instances of police brutality (Holmes, 2000).

Importantly, literature also links minority presence with the passage and implementation of a host of punitive laws that disproportionately implicate nonwhites (Behrens, Uggen & Manza 2003; Jacobs & Tope, 2007; Jacobs et al., 2014; King & Wheelock, 2007). For example, in their comparative analysis of voter disenfranchisement for felony crimes, Behrens and colleagues (2003) chronicled the adoption of such laws by state legislatures from 1850 to 2002 and found that a 10% increase in a state's minority population enhanced the odds of an ex-felon disenfranchisement law passing by nearly 50%. In the federal context, Jacobs, Malone, and Tope (2014) used a pooled fixed effects

study design and found the size of the nation's Black population[12] was significantly associated with more conservative votes in the U.S. House of Representatives. Because many of the highlighted disparities in penal involvement are drawn from state and federal contexts (Lynch, 2011), however, associations between minority threat and local punitive responses are less well documented.

Over time, scholars have used a variety of operationalizations of minority presence to define threat. In an early paper, Liska and Chamlin (1984) defined threat as present when a minority population constituted 20-30% of the general population. This static definition is considered a crude measurement of threat (Brooks Dollar, 2014; Liska, 1987; Tittle & Curran, 1988), but remains popular today (e.g., Parker, Stults & Rice, 2005). Others have argued that the relationship between minority presence and threat is curvilinear rather than linear (Blalock, 1967; Eitle et. al., 2003), meaning that once a certain level of minority presence is achieved, both the degree of perceived threat and the severity of response used to manage that threat also reduce (DeFina & Hannon, 2009), if not disappear (Keen & Jacobs, 2009). Scholars with this view rarely specify an exact point when threshold effects begin, though a number of studies indicate they are triggered either when a minority population eclipses the majority or develops enough political power to sway elections (Jacobs & Tope, 2007; Keen & Jacobs, 2009; Jacobs, Qian, Carmichael & Kent, 2007).[13]

Though objective demographic population estimates are still used by scholars to conceptualize sources of racial threat, recent inquiries also increasingly incorporate more

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[12] Minority population was measured by considering the percent Black between 1980 and 1990, and the percent Black between 1991 and 2009. Both operationalizations were statistically significant at $p <= .01$.

[13] Keen and Jacobs (2009) stress that a minority population need not be over 50% of the total population to generate political power, though conservative estimates would focus on areas where Nonwhites have achieved a true statistical majority.

symbolic measures (Brooks Dollar, 2014). While minority presence is considered a necessary condition for threat responses to be catalyzed, even the theory's founder Blalock (1957,1967) provided room for further integration of symbolic threat functions into the framework, should empirical research support for such refinements emerge (Brooks Dollar, 2014). Indeed, some recent studies suggest support for the use of symbolic threat in explicating how punitive control responses might be activated in areas with substantial minority populations (Bridges, Crutchfield, & Simpson, 1987; Chiricos, Welch, & Gertz, 2004). The idea is that size of the minority population serves as a critical background factor supporting threat perceptions and responses (Brooks Dollar, 2014), but is not the primary force that triggers actors to perceive and respond to racial threat.

Instead, a number of newer inquiries focus on the idea that entrenched racial biases may be activated by certain conditions such as increased crime rates, and the narration of such circumstances through cultural institutions. Once activated, these biases may instigate threat responses that catalyze formal action by dominant groups through a process called "blame discourse" (Romer, Jamieson, Riegner, Emori, & Rouson,1997; Romer, Jamieson & De Coteau, 1998). The broader argument of blame discourse is that individuals exposed to a given representation of minorities will assume those perceptions in everyday discourse, and in ways that increase threat perceptions of Nonwhites (Dixon & Linz, 2000). Threat scholars integrating "blame discourse" perspectives often discuss how entrenched racial hierarchies and stereotypes are further crystalized by media portrayals of offenders and crime, which disproportionately feature Nonwhite offenders (Braga & Brunson, 2015; Chiricos, & Eschholz, 2002; Cockbain, 2013; Dixon & Linz, 2000; Lee, 2006; Mancini, Mears, Stewart, Beaver, & Pickett, 2015; Muhammad, 2010; Oliver, 1994). For example,

a recent study exploring local news coverage in Los Angeles found significant disparities in the ethnoracial composition of those depicted as offenders, relative to actual crime statistics. Nearly 40% of all offenders presented in media coverage of crime were African American, despite official arrest statistics reflecting that that only 20% of individuals arrested locally were African American (Dixon & Linz, 2000). Further, both Latinos and Blacks were nearly four times more likely to be portrayed as offenders rather than police officers (Dixon & Linz, 2000), though in the same year, over 40% of the LAPD was comprised of Nonwhite officers (26% African American officers, 13% of Latino officers) (Reaves, 2011).[14]

Related threat scholarship suggests that blame discourse, once cemented, impacts policy (e.g., Chiricos et al., 2004; Jacobs & Tope, 2008), both by generating public demands for reforms, and influencing the perceptions of policy makers themselves. For instance, Chiricos and colleagues (2004) detail how cultural representations of Black criminality may generate threat responses that lead individuals to exert pressure on politicians to address their concerns. They conducted phone surveys across a nationally representative sample and found that when crime problems were construed as "a Black phenomenon," respondents were more likely to support punitive policies that have been found to disproportionately impact Nonwhites, such as "three-strikes" laws (Chiricos et al., 2004).

Attempts to expand minority threat theory in this way align more closely with other

[14] Relatedly, while few contributions explore the direct impact of official crime statistics on local minority threat perceptions a number of studies find evidence that Whites' *fear* of crime is influenced by the relative size of the minority population (e.g. Qullian & Pager, 2001), suggesting that those perceptions may be driven by racialized stereotypes that lead to concerns that Nonwhites' will victimize Whites (Chiricos, Welch, & Gertz, 2004; Drakulich, 2013).

prevailing structural approaches to ethnoracial disparities in the criminal justice system (Lynch, 2013). Namely, Bonilla-Silva's (1997) framework for understanding racialized policy overlaps substantially with the structural facets of minority threat theory, but diverges in its emphasis on the embedded "racial hierarchies" that have been protected and hardened over time by structural conditions supporting White dominance. As Lynch (2013) explains, while Bonilla-Silva's (1997) model comports with traditional racial threat perspectives in its deemphasis of individual cognitions or decisions, it also pushes against common formulations of racial threat that imply that ideological positions about Nonwhites lead dominant groups to advance rational and coordinated punitive responses against them. In contrast, Bonilla-Silva (1997) emphasizes group-level processes that have generated and reinforced racial stereotypes and disparate access to power across institutions over time.

Finally, threat scholars have also begun exploring the importance of other local factors beyond racial demography in influencing dominant groups' perceptions of minorities in a given area. I discussed the role of crime rates and crime perceptions above, but additional contributions also focus on economic forces. A well-known paper by Oliver and Mendleberg (2000), for example, attributed a significant amount of the negative views White respondents had about African American individuals to the socio-economic struggles of Whites in the area in which they lived (e.g., overall poverty rates, White unemployment). This "scapegoating" hypothesis has been tested by a number of scholars, with varying support for the relationship (see, for example, Blake, 2003; Dixon, 2006; Taylor & Mateyka, 2011). Other contributions have stipulated that that poverty in historically segregated city neighborhoods may also catalyze ethnoracial tension by perceptibly worsening urban conditions also understood as impacting Whites (e.g.,

worsening property values) (see, for example, Olzak, 1992). This recent scholarship resonates with recent calls for more intentional integration of intersectional dimensions into minority threat theory (Brooks Dollar, 2014).

Policing Innovations & Current Trends

Historical Police Reforms & the Emergence of the Community Policing & Prevention Era

Despite contributions that situate recent criminal justice trends broadly in the context of a punitive turn, there have also been more nuanced developments, specifically in policing (Weisburd & Braga, 2006). To understand this evolution, a brief review of historical trends in policing is warranted. In particular, Kelling and Moore (1988) have identified three different policing "eras" spanning from the 1800s through recent years, and culminating with the most recent era, the community policing and prevention era (Table 1). This contemporary era emerged in the 1980s, and it diverged substantially from prior epochs (Kelling & Moore, 1988).

[Insert Table 1 About Here]

The first era of policing in the U.S. began in the 1840s, as police departments were established in American cities (Kelling & Moore, 1988; Oliver, 2006). In this political era, departments were highly decentralized (Kelling & Moore, 1988), and their work focused on preventing crime by peacefully maintaining order in communities (Table 1, Column 2). In turn, they engaged in social services (e.g., running soup pantries) in addition to order maintenance crime prevention and crime control activities (Kelling & Moore, 1988). Given the decentralized nature of policing at this time, individual officers also operated with a high degree of discretion (Kelling & Moore, 1988). Much policing in the political era was

done by foot patrol, due to the lack of other means of transportation, and the limited technology that existed at the time (Kelling & Moore, 1988).[15] Police departments in the political era were also closely connected to local neighborhoods and leaders. To that end, there was a strong emphasis on developing and upholding positive relationships with citizens and politicians (Kelling & Moore, 1988). However, this dynamic promoted reciprocal relationships between the police and local leaders in ways that supported a patronage system (Jordan, 1972; Fogelson, 1977), and led the police to be viewed as corrupt (Kelling & Moore, 1988; Monkkonen, 2004). Police in the political era also often represented the ethnic identities of those in power at the local level, and lived in the neighborhoods they policed; unfortunately, they were also known for discriminating against those they perceived as community outsiders, namely, ethnic and racial minorities (Kelling & Moore, 1988).

The second era in police reform, known as the reform or professional crime fighting era (Harcourt, 2001), began in earnest in the 1930s, as concerns over corruption and patronage intensified, and popularity for the political model waned (Kelling & Moore, 1988; Walker, 1977) (Table 1, Column 3). Leading reformers began to shun the politicization of the police and consider new approaches (Kelling & Moore, 1988).[16] In this context, a strong emphasis on criminal law as a basis for police activity emerged (Kelling & Moore, 1988). As a result, police operating in this era narrowly focused their attention on apprehending criminals and controlling crime (Kelling & Moore, 1988). The

[15] In later decades, technologies improved, allowing patrolling officers to use call boxes, and cars to transport one another to beat locations (Kelling & Moore, 1988).

[16] Namely, James Q. Wilson and other prominent urban policing reformers used a template introduced by J. Edgar Hoover for revamping the FBI's image (Poveda, 1990)These FBI reforms included the vigorous enforcement of a variety of laws and moral standards, and reconceptualized recruiting and hiring processes, which led the FBI to be viewed as a highly competent and powerful as a professional organization (Kelling & Moore, 1988; Poveda, 1990).

rebranding of police departments as “law enforcement agencies” (Kelling & Moore, 1988, p. 5) also meant that activities outside of this narrow definition, such as social service provision, were rejected. Standard models of administrative theory were applied to policing, meaning that power was concentrated in one central office, bureaucratic structures and protocols (e.g., middle management positions) took root, labor was divided among officers, and the routinization, specialization, and standardization of police work occurred (Kelling & Moore, 1988; Kelling & Coles, 1996). Specialized units (e.g., gang) were deployed to deal with specific crime problems, rather than having patrol officers respond as part of a holistic approach to serving communities. Technological improvements to phones and radios at this time also led to the development and rising popularity of 911 call centers, which in turn, led police functions to center largely around rapid responses to call for service (Kelling & Moore, 1988). To that end, the person-based approach that dominated in the political era was replaced by a case-based approach. This focused paradigm limited police discretion, and also led to greater distance between police and citizens (Kelling & Moore, 1988). Preventative patrols still continued at this time, but they increasingly used automobiles (Kelling &Moore, 1988; Weisburd & Braga, 2006), and centered on deterring criminal events through a pervasive police presence (Fyfe, Greene, Walsh, Wilson & McLaren, 1997). As a result, the reform era ushered in a new phase in public relations where effective crime fighting police tactics were emphasized (Kelling & Moore, 1988). In line with these new priorities, departmental effectiveness was measured principally through uniform crime reporting statistics, which were also introduced during this time (Kelling & Moore, 1988).

While the professional approach was met with success in the 1940s and 1950s,

challenges to this vision of policing arouse in the 1960s and 1970s across U.S. cities, in the broader context of the punitive turn (Garland, 2001). Criticisms were driven largely by the fact that crime rates failed to decrease at this time, a trend which was interpreted as reflecting departments' stagnant or waning performance (Kelling & Moore, 1988; Weisburd & Braga, 2006). Questions raised about the effectiveness of reform era tactics created demand for a systematic approach to researching police functions in the U.S., which was met through the Ford Foundation's establishment of the Police Development Fund (PDF) (Weisburd & Braga, 2006) in the late 1960s. A wave of subsequent PDF studies on police performance in the 1970s and early 1980s (see also, Greenwood, Petersilla & Chaiken, 1977; Eck, 1983) undermined support for reform era tactics. Key findings included the discovery that crime clearance rates were low when citizens failed to cooperate readily with the police (Weisburd &Braga, 2006), a dynamic not supported by the passive role of citizens promoted by reform era practices. At the same time that studies challenging reform era policing emerged, the societal problems that catalyzed the punitive turn more generally came into sharp focus (LaFree, 1998; Weisburd & Braga, 2006). Specifically, as crime rates grew and urban decay intensified (Garland, 2001), fear of crime became more prevalent, the idea that police actually operated with limited discretion was challenged, claims of neglect by minorities rose, and civil rights activists resisted the authority of law enforcement. These circumstances and conditions further undermined the perceived success of the reform era, and set the stage for the community policing and prevention era, which emerged in the 1980s (Kelling & Moore, 1988; Roth, 1994).

The Community Policing & Prevention Era: Philosophy & Practice

Against the backdrop of major social and economic challenges in urban areas, the

community policing and prevention era took hold (Kelling & Moore, 1988) (Table 1, Column 4). This era was partly inspired by the consistent success of foot patrols, which remained popular throughout the 1970s and 1980s, despite some pushback from managers and administrators who asserted that the practice did not align with the professional policing model (Kelling & Moore, 1988). Promising findings in evaluation studies catalyzed political and public requests for the service[17] (Kelling & Moore, 1988), and this renewed interest in police forming relationships with the public gave way to the community policing era (Kelling & Moore, 1988). While definitions wary widely, community policing may be understood as the following:

> *Community policing at its most general level, stands for the idea that police officers can prevent crimes by integrating themselves into the community and solving community problems, rather than by merely responding to emergency calls. Community policing is prevention-oriented, in contrast to the earlier reform model-the model of professional crime fighting- which centered on the 911 strategy. It seeks to share with the public the tasks of identification, problem solving, and crime control.* (Harcourt, 2001, p.46)

Because the model privileges greater contact with the public, and prioritizes police activities that seek to define and address community problems, it also affords more discretion and authority at lower levels of the hierarchy (i.e. frontline officers) (Kelling & Moore, 1988) than the professional paradigm. Under this more decentralized organizational structure, attention to neighborhood conditions and the quality of life in communities are top priorities (Table 1, Column 4), though parameters as to how these conditions are assessed or addressed are not uniformly articulated by scholars and practitioners (Harcourt, 2001). Nonetheless, the strong collaboration between law

[17] Popular programs in Newark and Boston, for example, were well regarded in evaluation studies and accompanied by new research on the potential of strategies like foot patrols to reduce fear of crime among citizens (e.g. Pate, Wycoff, Skogan, & Sherman, 1986).

enforcement and community residents implied by the model led to great public relations appeal for the approach, and “community policing” quickly became a buzzword for reforms in the 1980s and 1990s (Harcourt, 2001).

On their face, then, the key principles of the community policing and prevention era actually diverted from the explicitly penalizing approaches to crime that characterized the punitive turn. Reconciling the apparent differences in these contemporaneous approaches requires an even more nuanced review of policing practices. Indeed, alongside the broader trend of community policing that occurred in the prevention era, a more complex shift took root in policing, especially throughout the 1990s (see, for example, Garland, 2001; Harcourt, 2001; Kelling & Coles, 1996). Namely, as law enforcement attempted to manage growing urban strife throughout U.S. cities in the early 1990s, they increasingly relied on aggressive tactics that were often targeted at minority populations and neighborhoods (Lasley, 1994; Useem, 1997). As claims of police misconduct, discrimination, and brutality intensified, negative perceptions of law enforcement grew, and these culminated in, and were symbolized by, well-known events like the 1992 L.A. race riots (e.g., Lasley, 1994; Useem, 1997). Such high-profile events were public relations nightmares for the police; they inspired local departments to work to improve their image by scaling back on the overt use of tactics more closely aligned with the characteristics of the reform era and the punitive turn (e.g., Useem, 1997) than with community policing.

In addition to retreating from the use of tactics that were overtly associated with punitive responses, police departments also increasingly attempted to facilitate more positive relationships between the police and citizens (Skogan, 2006a, Skogan, 2006b). To that end, many departments formally adopted at least some elements of community

policing in the 1990s (Kelling & Coles, 1996). This expansion was assisted by a number of noteworthy developments that occurred in the wake of the race riots, including the passage of the 1994 Crime Act under the Clinton administration (Roth, Ryan, Gaffigan, Koper, Roehl, Johnson, ,...& Thacher, 2000). Title 1 of the Crime Act supported local and state law enforcement agencies in hiring more officers and embracing community policing initiatives by extending federal funding over the course of six years (Roth et al., 2000). The Crime Act also authorized the Department of Justice (DOJ) to create the Office of Community Policing Services (COPS) for the purpose of administering the close to nine billion dollars of grants funded by the legislation (Roth et al., 2000).

This willingness to adopt community policing strategies reinforced principles articulated by psychological research underscoring the importance of the perceived quality of interactions between police and citizens (e.g., Thibaut & Walker, 1978; Tyler, 1984) in determining the public's faith in law enforcement. These principles were later elaborated upon by Tyler's (1990) procedural justice theory, which argues for the application of a process-based framework when evaluating the actions of legal authorities. Unlike deterrence-based approaches, which seek to maximize instrumentally-driven compliance with the law, procedural justice models focus on the *quality* of exchanges between legal authorities and the public. This focus on quality is undergirded by the assertion that individuals are more likely to possess attitudes in support of the function of formal social control agents when they believe that they have been treated justly in interpersonal exchanges with them, regardless of the outcomes of such encounters (Schulhofer, Tyler, & Huq, 2011; Thibaut & Walker, 1978; Tyler, 1990; Tyler, 2003). Those who experience procedurally fair interactions with legal agents are believed to internalize the values and

norms associated with legal institutions, ascribing a sense of legitimacy to them, and consequently feeling compelled, not by the threat of sanction, but by a sense of moral obligation, to defer to, or cooperate with, system representatives (Bottoms & Tankebe, 2012; Tankebe, 2013; Tyler, 1990).

Race, Order Maintenance Policing, & Quality of Life Ordinances

Despite the increased financial and personnel resources that flooded police departments in the mid to late 1990s, funding was in some cases used to support strategies that had debatable connections to the philosophical tenets of community policing, and may even have provided officers with new opportunities to engage in less overt, but still highly punitive, practices (Harcourt, 2001; Murakawa & Beckett, 2010). A notable example of a practice that proliferated at this time but had unclear fidelity to community policing principles is Order Maintenance Policing (OMP) (also referred to as Broken Windows Policing[18]) (Harcourt, 2001; Weisburd & Braga, 2006).[19] OMP relates to "a police emphasis on disorderly behavior and minor offenses, often referred to as 'quality of life' offenses like prostitution, public urination, and aggressive panhandling" (Sousa & Kelling, 2006, p. 78). In OMP, "quality of life" is defined as the prevention of, and effective response to, physical and social disorder (Kelling & Coles, 1996). The OMP approach was principally informed by Wilson and Kelling's (1982) Broken Windows Theory (BWT), which built upon extent literature at the time on the links between fear of crime and disorder (see, for example, Biderman & Reiss, 1967; Glazer, 1979; Zimbardo, 1970). In 1967,

[18] These two terms are synonyms, and are used interchangeably in the literature. For parsimony, Order Maintenance Policing (OMP) will be used from now on.

[19] Even among some proponents of the strategy, OMP is represented a local equivalent of punitive turn reform efforts that developed in state and national arenas (e.g. three strikes legislation, the death penalty), which were also touted as remedies to the pervasiveness of fear of crime in society (see for example, Kelling and Coles, 1996)

Biderman and Reiss were among the first to empirically demonstrate a link between fear of crime and disorder (Kelling & Coles, 1996), concluding that physical and social disorder in urban neighborhoods compromised residents' quality of life, and caused them to institute adaptive protocols, such as moving away, that further contributed to community decline. A second hallmark study by Limbardo (1969) finding that breaking a car window on a public street invited a rash of vandalism to the property was featured by Wilson and Kelling (1982) in their landmark article introducing BWT. The study symbol—a broken window—became the metaphor upon which OMP was built (Sousa & Kelling, 2006). As Wilson and Kelling (1982) note, the theory rests on the central proposition that disorder and more egregious crime are inherently connected:

> *Disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in run-down ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.* (p. 30-31)

As the analogy of the broken window indicates, BWT theory is undergirded by an "incivilities thesis" (Taylor, 2006), which asserts that unchecked disorder in public spaces leads to urban blight and greater fear among law-abiding residents, hence eroding informal social control capabilities in the community, and setting the stage for more serious crimes. These core propositions derived from the authors' evaluation of The Newark Foot Patrol Experiment (Wilson & Kelling, 1982), in which social science researchers, including Kelling, assessed the impact of officer initiatives to manage disorder while working their respective beats (Kelling, Pate, Fererra, Utne, & Brown, 1981; Sousa & Kelling, 2006).

By the 1990s, the rising popularity of BWT against the backdrop of the punitive

turn also led to increased political demands for order maintenance initiatives in urban areas (Kelling & Coles, 1996). For instance, local political campaigns at this time focused heavily on how candidates planned to address social and physical disorder (Kelling & Coles, 1996).[20] In cities throughout the United States, laws that emerged in the context of this political climate were often referred to as Quality of Life (QOL) Ordinances; these laws were modeled on the philosophy of OMP with the express purpose of prohibiting specific acts of physical and social disorder (Kelling & Coles, 1996). While novel in their alignment with OMP principles, QOL ordinances nonetheless resonated with a long-standing precedent in the United States of using the laws to encourage public order (Kelling & Coles, 1996).

Importantly, QOL ordinances also built on a disquieting historic pattern of the law and police working synergistically to impose control over minorities through public order initiatives (Muhammad, 2010). In particular, the distinct legacy of police targeting Nonwhites throughout American history needs to be considered when assessing the evolution of OMP and QOL ordinances. The early history of the United States points to informal yet racialized origins of order maintenance practices that developed well before the first formal era of policing in the 1840s. These practices set the tone for an insidious pattern in US policing (Kappeler & Gaines, 2012) in later years. Many minority threat scholars also believe that this phenomenon continues today (e.g., Alexander, 2012; Murakawa & Beckett, 2010; Stewart, 1998; Tonry, 2010).

Police departments in the U.S. grew at least in part from early attempts to control

[20] For example, as Kelling and Coles (1996, p. 3) note: "during the 1993 mayoral race in New York City both candidates, David Dinkins and Rudolph Giuliani, ran against 'squeegeemen'—youths who extort money from car drivers by washing car windows."

minorities. For instance, the first settlers in New England drew on the law enforcement structure in their native England to monitor the conduct of Native Americans and slaves (Kappeler, & Gaines, 2012; National Constables Association, 1995). At the start of the 17th century, night watches began in the colonies to help manage public order. They were comprised of volunteer patrolmen supervised by constables (Kappeler, & Gaines, 2012). Their duties often involved managing the behavior and movement of slaves, Native Americans, and new immigrant groups in the 18th century (Kappeler, & Gaines, 2012). When demands for more effective mechanisms to manage social unrest intensified, night patrols gave way to the first official police departments in the North.

Further, slavery in the South facilitated an especially aggressive response to the management of the Black population immediately prior to the Civil War (Kappeler & Gaines, 2012). In the South, slave patrols are recognized as a direct antecedent to the police, emerging first in South Carolina in 1704, and later proliferating through other Southern states and colonies (Kappeler, & Gaines, 2012; Reichel, 1988; Walker, 1980). The power and function of slave patrols was established through states' slave codes regulating the enterprise, such as the common provision that slaves had to carry certain paperwork with them whenever traveling (Reichel, 1988). In practice, slave patrol duties centered broadly around the management of slaves as a dangerous class, inclusive of their potential to run away, commit crimes, and lead revolts (Reichel, 1988). While slave patrols were formally responsible for controlling the active slave population, Blacks were broadly targeted. Legislation in this time period commonly allowed patrols to assume that any Black individual was a slave, hence permitting them to levy discretionary punishments, such as lashings and other acts of violence, against any Blacks moving about public space (Hadden,

2001; Reichel, 1998). The patrol system existed throughout the South until the Civil War, sometimes manifesting itself as a highly organized and coordinated law enforcement apparatus. Further, as Southern states adopted fugitive slave laws, the need for enforcement mechanisms was realized through the use of militias in the North between the 18th and early 19th centuries (Reichel, 1998).

Beyond slave codes and fugitive laws, control over the movement and public behavior of undesirable or potentially dangerous groups can be traced back to the passage and expansion of vagrancy laws, starting in the 18th century (Stewart, 1998). In early states and colonies, vagrancy laws first diffused from similar statutes in England, though they continued to proliferate after the Civil War. Kelling and Coles note that "while legislation varied from state to state, in the tradition of dangerous classes approach, such laws clearly punished status—the poor and the idle, able-bodied individuals who could work, but did not. No illegal act was required: vagrancy alone was sufficient cause for arrest" (1996, p. 51). Lawmakers in the former Confederate states used vagrancy statutes to propagate so called "Black Codes," which flourished during the mid to late 1860s. These laws applied broad vagrancy provisions to punish recently freed Blacks and were used to manage the racial threat activated by formal end of slavery (Foner, 1988; Stewart, 1998).[21]

Black codes struck fear among freed slaves that they would be taken into custody and charged with crimes should they be found in public, and made many fearful to leave the plantations where they had recently been enslaved (Du Bois, 1935; Foner, 1988; Stewart, 1998). Though Black codes were formally repealed in the 1877, a new era of

[21] For instance, a 1905 Georgia law stipulated that "It shall be unlawful for colored people to frequent any park owned or maintained by the city for the benefit, use and enjoyment of White persons." (see Ferrante, 2014).

exceedingly punitive and racially directed vagrancy statutes emerged in the late 1800s, and those new laws "served as primary tools in defining and policing the racial landscape" (Stewart, 1998, p. 2262) well into the 20th century. By making it illegal to be unemployed, this new generation of vagrancy laws empowered police to target disenfranchised Blacks, who were often charged with related offenses, and then often sentenced to hard labor (Blackmon, 2008).[22] In turn, such vagrancy laws commonly compelled Blacks into indentured service for companies or plantations (Blackmon, 2008).

Northern cities were by no means immune to efforts by control agents to "police the racial landscape" (Stewart, 1998, p. 2262). Such strategies accelerated as Southern Blacks migrated north in the postbellum period (Muhammad, 2010). In the context of these new migratory patterns, caricatures about newly arrived Blacks as brute and prone to violence further propelled racially discriminatory policing practices. For instance, when race riots broke out in Northern cities following World War I, police failed to protect Blacks from White violence (Muhammad, 2010). Blacks were also arrested in disproportionately high numbers relative to Whites, often despite the absence of compelling evidence against them (Muhammad, 2010). As Muhammad (2010) describes, these discriminatory policing practices were typified during the Philadelphia race riots in summer of 1918:

[22]A well-known Virginia vagrancy code passed in 1866 stated: "Be it enacted by the general assembly, That the overseers of the poor, or other officers having charge of the poor, or the special county police, or the police of any corporation, or any one or more of such persons, shall be and are hereby empowered and required, upon discovering any vagrant or vagrants within their respective counties or corporations, to make information thereof to any justice of the peace of their county or corporation, and to require a warrant for apprehending such vagrant or vagrants, to be brought before him or some other justice." (Virginia General Assembly,1866).

> *An important factor in the disproportionate arrests of Blacks during the summer long rioting was the criminalization of Black resistance to White violence. Black self-defense, especially with the aide of a weapon, was treated as a criminal offense regardless of the circumstances. Police not only entered Blacks' homes without warrants to disarm them, but also repeatedly arrested them when they waged pitched battles against scores of White men, presumably to save their own lives.* (p. 217)

Mass arrests, such as those described above by Muhammad (2010), had the effect of artificially inflating Black arrest rates, which served to further legitimize the stereotype of Black criminality, and support the perceived need for intensive surveillance of, and interdiction into, Black individuals' lives in the name of maintaining order (Muhammad, 2010). Therefore, the Great Migration cemented a formidable stereotype of Black violence which was publicly affirmed by the policing patterns of the time. These patterns also made a host discriminatory practices outside of the criminal justice system such as residential redlining appear more credible, and further propelled the residential segregation and economic disadvantage of Blacks (e.g., Massey, 2007).

By the 1920s and 1930s, a number of Black activists sought to facilitate policing reforms in Northern cities by demonstrating that the pervasive stereotype of Black criminality was driven largely by discriminatory enforcement practices and structural inequality, rather than differential offending patterns (Muhammad, 2010). These efforts were supported by new wave of scholarship (Muhammad, 2010) conducted first by Black researchers, that emphasized the role of discriminatory minor crime and vice enforcement on stark arrest and imprisonment disparities between Blacks and Whites in Northern cities, especially among juvenile offenders (e.g., Donald, 1921; Du Bois, 1927). This research was novel in that it helped to further advance newly structural approaches to criminology, while also challenging the myth of Black criminality that had been manufactured and

sustained by dubious crime statistics since the post-bellum period (Hinton, 2016; Muhammad, 2010). This line of scholarship focused much of its attention on local level and highly discretionary responses to public order offenses "such as vagrancy, which preyed on the fact that Blacks' rights were the least respected, and that they only had a modicum of influence to hold officers accountable" (Muhammad, 2010, p. 251).

Starting in the 1940s, broader cultural shifts associated with the burgeoning Civil Rights movement recast the legal bounds of order maintenance policing, which had previously been supported largely through the vagrancy codes described above (Table 2). As Clement (2018) summarizes:

> *Vagrancy was teed up for dispositive judicial action by a combination of the clamor of social activists; tactical overreach by police forces tasked with maintaining order in turbulent times, and evolving social science perspectives on the problems of poverty, addiction, and difference… the anti-vagrancy case gained momentum as advocates battling on behalf of political, cultural, or sexual non-conformists borrowed arguments from one another, often incorporating strategies first developed in defense of civil rights demonstrators…in the case of vagrancy laws…what had been a problem for local administration became the subject of national concern, and national lawmaking.* (p. 543)

As general objections to such status-based laws grew in the Civil-rights era, courts began invalidating state and local vagrancy and begging laws for a variety of constitutional violations (Stewart, 1998). In the wake of such rulings, similar laws that prohibited loitering in general were also struck down for being unconstitutionally vague and arbitrary in their enforcement, and those rulings ushered in the passage of more specific statutes which required that loitering was done to advance a criminal purpose (e.g., gang activity).While some of these new laws, such as Chicago's 1992 gang loitering ordinance, were also struck down for due process violations, cities continued to pass legislation enabling the policing of public space. Attention simply shifted to new legal innovations

(Alexander, 2012; Murakawa & Beckett, 2010).

[Insert Table 2 About Here]

Discretionary Police Power in Order Maintenance Policing

Even as recent case law has necessitated greater specificity in public order ordinances, police remain equipped with considerable power to proactively enforce minor crimes throughout cities in the United States (e.g., Murakawa & Beckett, 2010). Despite concerns that the discretionary authority to enforce order is likely to engender ethnic and racial disparities in surveillance and enforcement (Foner, 1988; Stewart, 1998), OMP has been fiercely defended by many of its supporters as a highly effective community policing practice, whereby collaboration with community members and stakeholders is deemed a primary feature (Kelling & Coles, 1996; Sousa, 2010). For instance, writing in 1996, Kelling and Coles observed: "citizens…are demanding that order be restored to streets, parks, and other public spaces. Their voices and demands are starting to change how local political leaders especially, but many police and criminal professionals, are redefining and addressing our cities' crime problems" (p. 1). Likewise, in a 2018 report on proactive policing, the National Academies of Sciences classified OMP as a "community-based approach" (p. 44). On the other hand, scholars that problematize ethnoracial disparities in proactive policing tactics often challenge the inherent resonance of OMP strategies with community policing (Harcourt, 2001; Taylor, 2006; Weisburd & Braga, 2006). Weisburd and Braga (2006) define the tactic as a different innovation than community policing, and Taylor (2006) notes that focusing on a small number disorderly acts, as OMP often does, with the singular goal of removing such threats from public areas, tends to sidestep the involvement or buy in of the community all together, which is in fact more consistent with

severe approaches of the punitive turn and banishment tactics deployed in the era of "soft punishment" (Beckett & Herbert, 2009).

Much of the scholarship that explores OMP's resonance with community policing principles also focuses on the ways that QOL ordinances and similar proactive policies influence the function of the police. A major line of inquiry explores the parameters of acceptable police behavior sanctioned by OMP mandates, namely, as they relate to the extent and nature of frontline discretion (Sousa, 2010; Taylor, 2006; Tonry, 2010). Some (e.g., Harcourt, 2001; Taylor, 2006) criticize OMP policies as encouraging police to advance a "zero tolerance" approach towards disorder, while OMP champions (e.g., Kelling & Coles, 1996; Sousa, 2010) caution that such legal devices normally privilege officer discretion, hence making the "the equating of order maintenance with low discretion/high arrest/tolerance" (Sousa, 2010, p. 47) inaccurate. However, a number of commentators define zero tolerance not based on the amount or nature of discretion implied, but according to the approach's narrow focus on specific acts of disorder (which says nothing about the discretion officers exert in executing a narrow range of functions) (Harcourt, 2001; Oliver, 2006). As Oliver contends (2006), OMP addresses:

> *both crime and disorder problems through proactive means and calling upon criminal, civil, and administrative law. It does this by targeting a specific crime (e.g., prostitution) or disorder (panhandling, graffiti) that occurs in a specific time and place and then concentrating police resources around that problem. Police engaging in zero-tolerance policing tend to have a narrow range of focus, based upon the behavior they are trying to address.* (p. 58)

Taken together, scholarly contributions on OMP make a convincing case that the kind of interdiction into citizens' lives that accompanies such approaches need not be limited to arrest, particularly in cases where civil penalties are imposed by QOL ordinances, as has become common in the context of "soft punishment" (Beckett & Herbert, 2009). To that

end, “zero tolerance” policing may be interpreted as police involvement undergirded by a proactive approach to prohibiting specific acts, even though the kind or intensity of involvement may also vary according to a number factors, such as the discretion afforded to individual officers in defining and responding to threat (Harris & Beckett, 2010; Tonry, 2010).

Many scholars agree that laws aimed at advancing OMP principles, such as QOL ordinances, centralize the authority to problem solve and respond to crimes squarely in the hands of frontline officers (Harcourt, 2001; Murakawa & Beckett, 2010; Tonry, 2010). These sentiments are supplanted by broader observations made about the role of discretion in policing (e.g., Reiss, 1973). For example, in his book *The Police and the Public*, Albert Reis (1973) notes that in interacting with members of the public, police routinely “adapt universal standards of the law” (p. 1) to determine if law breaking has occurred, and if it has, to decide what course of action to take. It is also conceivable that opportunities for discretion vary based on the kinds of crimes policed. Discretion is said to be elevated in the enforcement of minor crimes (Murakawa & Beckett, 2010; Reiss, 1973), as autonomous authority is extended to frontline officers, meaning that they can take action without the prior authorization or knowledge of supervisors (Reiss, 1973). This point is buttressed by related findings that more offenders escape arrest for minor crimes than major crimes, and that legal facts may be more controversial for minor crimes than other offenses (Reiss, 1973).

Given the more nebulous circumstances surrounding minor crimes and their enforcement, it is not surprising that local QOL ordinances hold police to lower legal standards of enforcement than those expressed in similar state or federal laws (Fitzgibbon,

2007; Murakawa & Beckett, 2010). Unlike most criminal statutes, which require officers to demonstrate probable cause before executing an arrest, QOL ordinances often allow officers to initiate an arrest when circumstances of suspicious behavior accumulate but don't necessarily rise to probable cause (Murakawa & Beckett, 2010; National Academies of Sciences, 2018). In providing police the discretion to assess threat holistically, QOL ordinances reflect the privileging of crime control aims over due process concerns (Lynch, 2011; Packer, 1968), a sentiment which prevailed during the punitive turn (Fitzgibbon, 2007).

This extensive discretionary power is also similar to the local policing strategies described above that have disproportionately targeted minorities throughout history (Harcourt, 2001; Stewart, 1998), from night watches and slave patrols (e.g., Kappeler, & Gaines, 2012), to "Black Codes" in the postbellum period (e.g., Foner, 1988). Importantly, there is substantial empirical evidence that QOL ordinances and related policies, especially those in place in the 1990s, were associated with hard-line, or proactive order maintenance/zero tolerance approaches (Greene, 2000; Oliver, 2006; Taylor, 2006) to certain minor crimes, and that such practices were often directed at minorities. For instance, in responding to political pressures to alleviate citizens' fear of crime, the NYPD and other police departments advanced "zero tolerance" policies, which they classified as community policing programs (Harcourt, 2001; Kelling & Coles, 1996). Over time, city councils also increasingly adopted such initiatives as formal laws but did so in ways that comported with legal requirements mandated by precedent (Table 2).

The QOL ordinances in place during the punishing decade no doubt influenced the unprecedented expanse of the criminal justice responses, and the disproportionate

representation of minorities in the system. As researchers note, increased incarceration and community supervision rates in the 1990s were driven at least in part by changing police tactics and new or enhanced penalties for minor and nonviolent offenses (Beckett, Nyrop, & Pfingst, 2006; Gainsborough & Mauer, 2000; Western & Muller, 2013), such as drug-related crimes (e.g., loitering for the purpose of drug activity) which were often prohibited by QOL ordinances. Data also suggests that other kinds public order offenses targeted by cities' QOL ordinances contributed substantially to increasing punishment rates (Harcourt, 2001; Fitzgibbon, 2007). Beyond incarceration, additional punishments associated with minor crimes also leapt dramatically in the local context in the 2000s (Beckett & Herbert, 2009; Beckett & Murakawa, 2012), including in the realm of fines, fees, and restitution payments imposed on offenders (Harris & Beckett, 2010; Beckett & Harris, 2011), and community supervision rates (Kaeble, Glaze, Tsoutis, & Minton, 2015; Phelps, 2013).

While QOL ordinances and similar OMP policies were very popular among non-disenfranchised citizens, they were also associated with especially severe outcomes for Nonwhites, as other punitive turn era initiatives like three strikes laws were (Geller & Fagan, 2010; Harcourt, 2001; Murakawa & Beckett, 2010; Sekhon, 2011; Tonry, 2010). Relatedly, though the rhetoric surrounding their use was tied to tenents of community policing, literature suggests that many of the public safety policies advanced at this time were developed and enforced without the specific input or buy-in of minorities, or their representatives (e.g., community leaders) (Harcourt, 2001; Sharp, 2014).[23] In turn,

[23] There is an emerging cross-disciplinary literature that seeks to unravel exactly how and why local residents have been excluded from the policymaking process as a result of specific 20th century societal developments. This line of inquiry asserts that starting in the middle of the century, control over local crime issues was increasingly extended to the federal government (Miller, 2008). In this vein, even ostensibly liberal reforms passed under the auspices of Johnson's Great Society liberalism failed to address root causes of the urban ills for which legislation was ostensibly crafted (Woods, 2016). When blight and riots consumed Northern cities

questions have been raised about QOL ordinances' actual alignment with key features of community policing, such as coproduction, a process in which citizens provide feedback to the police to improve service delivery (Ostrom, 1996). Further, QOL ordinances and similar policies have been found to compromise citizens' procedural justice assessments of the police, not only because they tend to revolve around conflict-based encounters, but also because they are often perceived as targeting minorities unfairly (e.g., Brunson & Miller, 2006; Davis et al., 2018).

In line with broader contributions on police perceptions among Nonwhites, procedural justice research finds that minorities are much less likely to see the police as procedurally fair, especially when OMP policing is considered (Brunson, 2007; Brunson & Miller, 2006; Davis et al., 2018; Gau & Brunson, 2009; Geller, Fagan, Tyler, & Link, 2014; Tyler & Fagan, 2008 Tyler, Fagan, & Geller, 2014; Useem, 1997). For instance, an in-depth study of 40 young Black males' experiences with OMP in St Louis, Brunson (2007) found that the study sample overwhelmingly distrusted the police. This distrust was driven by respondents' perception that they were disproportionately targeted for surveillance and enforcement, and that they were treated unfairly by the police. While 83% of respondents reported that they had been harassed by officers before, 90% of respondents

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in the mid 1960's, conservatives in the national context pounced, reclaiming law an order as a signature issue and framing crime as a necessary campaign issue for politicians across the political aisle (Hinton, 2016). Within this context, a federally prescribed yet locally implemented War on Crime came into focus. As Miller (2008) and others have demonstrated effectively (see for example, Clement, 2018; Hinton, 2016; Stuntz, 2011), this shift magnified the voices of federal actors and well-resourced interest groups such as victims' rights advocates. While crime policy prior to this was fully under the scope of state and local governments, the federalism that swept the nation in the 1970s muted the ability of those disaffected communities most impacted by the social problems and prescribed solutions to shape such legislation (Miller, 2008). Instead, the added distance between constituents and federal legislators made it much more difficult for the actual targets of policy reforms, such as urban dwelling individuals color, to hold elected representatives' feet to the fire, as solutions advanced at the federal level took on an increasingly narrow and punitive turn.

noted that they had known someone who had experienced harassment (Brunson, 2007). Taken together, these common experiences, both direct and vicarious, served to reinforce cumulatively negative effects of OMP tactics on assessments of procedural justice. A recent quantitative study on investigatory traffic stops in Kansas City, Missouri raised similar concerns, as it found investigative stops eroded confidence in the police, because they, among Blacks in particular, were viewed as unpredictable, arbitrary and hostile interdictions into their daily lives (Epp at al., 2014). Another study exploring young men's' policing experiences and mental health in New York City by Geller, Fagan, and Link (2014) found that Nonwhites were more commonly subjected to more aggressive policing encounters, and that respondents with such experiences also reported greater symptoms of anxiety and trauma. These mental health conditions were connected to the extent to which participants viewed their interactions with the police as intrusive and unfair. In sum, procedural justice research has consistently demonstrated that OMP practices are likely to engender damaging effects on its subjects, beyond any outcomes relating to the adjudication of cases in the criminal justice system.

Other Recent Policing Trends

Findings from the 2000s demonstrating compromised procedural justice outcomes among respondents of color also coincided with police departments' waning reliance on community policing paradigms (Beckett & Murakawa, 2012; Desmond et al., 2016). Indeed, in recent years, law enforcement's overt fidelity to community policing has been complicated by a number of other trends in policing. These changes were no doubt influenced by dramatic decreases in federal funding for community policing initiatives that corresponded with a number of societal changes, including George W. Bush's presidency,

9/11, and the subsequent preeminence of terrorism concerns in the early to late 2000s. These circumstances fueled an investment in initiatives aimed at bolstering homeland security by enhancing the militaristic capabilities of the police, in what has been dubbed a fourth era of policing (Table 3) (Ahlin & Gibbs, 2012; Oliver, 2006). Supported both by the frequent transfer of military weapons and equipment to local police departments under the Obama administration (Apuzzo, 2014; Rizer & Hartman, 2011), and enhanced efforts to recruit militarily veterans into law enforcement positions (Community Oriented Policing Services, 2016), this trend has continued in recent years.

[Insert Table 3 About Here]

In addition to these homeland security efforts, an interest in other policing approaches nationally has muted the significance of community policing and prevention as an anchoring philosophy (Ahlin & Gibbs, 2012). Specifically, in the late 1990s and early 2000s, an interest in evidence-based policing grew (Sherman, 1998; Weisburd & Braga, 2006). The approach "involves the police using the highest quality available research evidence on what works best to reduce a specific crime problem, and tailoring the intervention to the local context and conditions" (Welsh, 2006, p. 305). Police departments throughout the country began incorporating a variety of related programs, such as COMPSTAT (inspired by the perceived success of the method in New York City), which privileges the use of crime data, mapping, and analytics (Silverman, 2006), as well as hot spots policing, which focuses on preventing and addressing crime in micro places (Weisburd & Braga, 2006; Weisburd & Green, 1994). These targeted methods have been touted by many as having potential to alleviate some of the perceived excesses of the punitive turn, by constraining police behavior only to those interventions that have been

proven to work (Welsh, 2006). They have accordingly been advanced in many areas, with the aim of effectively deterring and controlling crime in what appears to be a "relatively straightforward and, in theory, fairly non-contentious" (Huey & Ricciardelli, 2016, p. 124) manner. Revenue challenges following the Great Recession of 2007 further compromised police departments' ability to continue to invest in holistic community policing and prevention programs and catalyzed their use of evidence-based policing, given its cost effectiveness (Parlow, 2011; Police Executive Research Forum, 2013).

Other proactive strategies that grew in the mid to late 2000s undoubtedly reinforced zero tolerance approaches, including Stop Question and Frisk (SQF) and similar tactics popularized by the NYPD (Geller & Fagan, 2010; Harcourt & Ludwig, 2007; Murakawa & Beckett, 2010; Oliver, 2006; Tonry, 2010). Such punitively oriented initiatives not only cost financially stretched departments less than other approaches, but they also generated greater opportunities for police to collect revenue from costs levied against offenders who were fined, apprehended, and adjudicated (King & Mauer, 2006; Harvard Law Review, 2015). Some of the more punitive developments that emerged in recent years have likely also further compromised relations between the police and minority communities, especially in light of claims of misconduct (Weitzer, 2015) and high profile police killings of Black citizens including Michael Brown, Eric Garner, and Philando Castile (Funke & Susman, 2016; Pickett & Ryon, 2017) that have occurred in the past five years. As the police have come under immense scrutiny for their involvement in many incidents of brutality and misconduct, especially in minority communities (Shjarback, et al., 2017), some departments have also increasingly turned to new evidence-based approaches to improve the accuracy of surveillance and enforcement efforts (Braga, 2005; Carter, Carter,

Dannenberg, 2003; Jennings, Lynch, & Fridell, 2015; Reuter, Hirschfield, & Davies, 2003). For instance, in some contexts, body cameras are used to bolster officer accountability and perceptions of the police in communities that have been damaged by claims of misconduct and brutality (Jennings et al., 2015; Wasserman, 2015). Responses to these tense dynamics have in some places also inspired a recent trend called "depolicing" (Oliver, 2016; Shjarback et al., 2017), which is defined as a retreat from active policing, especially following critical reactions to prior tactics, such as officers' use of force.

Assessing the Durability of OMP Principles & Practices in the Current Context

Given all of these varied trends in the past twenty years, questions remain as to the durability of OMP principles in local policing since the 1990s. More specifically, little is known about the extent to which these diverse policing trends are reflected in current QOL laws, or whether a focus on these alternative strategies has displaced QOL laws in general, and the inclusion of OMP principles in QOL laws in particular. There is initial evidence that minor crimes continue to be policed vigorously at least in some local contexts (Subramanian, Delany, Roberts, Fishman, & McGarry, 2015). In 2008, for example, nearly three-quarters, or 74.5%, of all offenders in jails nationwide were incarcerated for nonviolent offenses, with 24.9% incarcerated for public order crimes specifically (Schmitt, Warner, & Gupta, 2010).[24]

Even as attention to local ordinances has been scant, there have been a number of case studies exploring recent policing tactics specific cities (e.g., Zimring, 2011), and these indicate that laws and policies regulating minor crimes are highly localized. For instance,

[24] Data on specific offenses often fail to categorize hybrid drug/order maintenance laws, such as drug loitering ordinances as "public order" offenses, meaning they could be captured in statistics about drug crimes, or not at all, depending on the offense types included by the researcher.

Frank Zimring's (2011) assessment of the nearly twenty-year crime decline in New York City, beginning in the 1990s, and continuing into the 2000s, attributes much of the drop in crime to new policing tactics. He argues that a blanket approach to policing public order offenses was replaced during this time by a targeted approach involving the aggressive surveillance and enforcement of micro locations of misdemeanors and drug crimes, and including the use of evidence-based practices like hot spots policing, which were disproportionately directed towards Nonwhites (Zimring, 2011; also see Elliot, Golub, & Dunlap, 2012). In her case study of selective drug enforcement in Cleveland OH, Mona Lynch explored the local police department's decision to arrest drug possessors apprehended with small amounts of drugs with felony charges, starting in the 1980s (2011). The practice diverged from the norm to treat such cases as misdemeanors in other counties at the time, and disproportionately ensnarled minority crack cocaine users in the criminal justice system (Lynch, 2011). It lasted until 2009, when the Cleveland City Council passed an ordinance mandating that the department revert to the prior practice of charging trace evidence possession cases as misdemeanors (Lynch, 2011). Further, Shjarback and colleagues (2017) recently evaluated the rate and quality of traffic stops in police departments across Missouri the year following the killing of Michael Brown in Ferguson. In the immediate aftermath of the incident, an unparalleled negative response to the local police permeated the area. While traffic stops do not necessarily reflect the kinds of offenses targeted by QOL ordinances, they do often emerge from departmental desires to engage in proactive policing, and also tend to result in the enforcement of minor and nonviolent offenses. Across the 118 cities that the authors profiled, the overall rate of investigatory traffic stops fell 6.10%, over twice as much as the rate of decrease in any of

the four years prior to Ferguson in the year following it, with particularly dramatic reductions evidenced in departments serving greater proportions of African American citizens. For instance, between 2014 and 2015, in the year following Ferguson, a 10% increase in the African American population in a given city resulted in a -.18 standard deviation reduction in vehicle stops, which was statistically significant when controlling for a host of other independent variables, including the violent crime rate, the percent of the driving population, and the percent in poverty over that same time period.

Apart from a few isolated studies that shine light on local OMP policies, we know little about national trends over time and the durability of race and ethnicity in shaping proactive policing practices codified into such laws. Further, questions remain as to whether related QOL ordinances have systematically adopted language that reflects recent support for new tactics such as spatial management, predictive and environmental policing, enduring fidelity to community policing principles, or a tendency towards depolicing. Finally, it remains unknown to what, extent policing practices sanctioned by QOL ordinance may signal racialized concerns, either as consistent facets of the urban landscape, responses to new phenomena, such as highly publicized police use of force, or both. In the next chapter, I look further at the nature and consequences of QOL ordinance language, particularly as they relate to the policing of minorities.

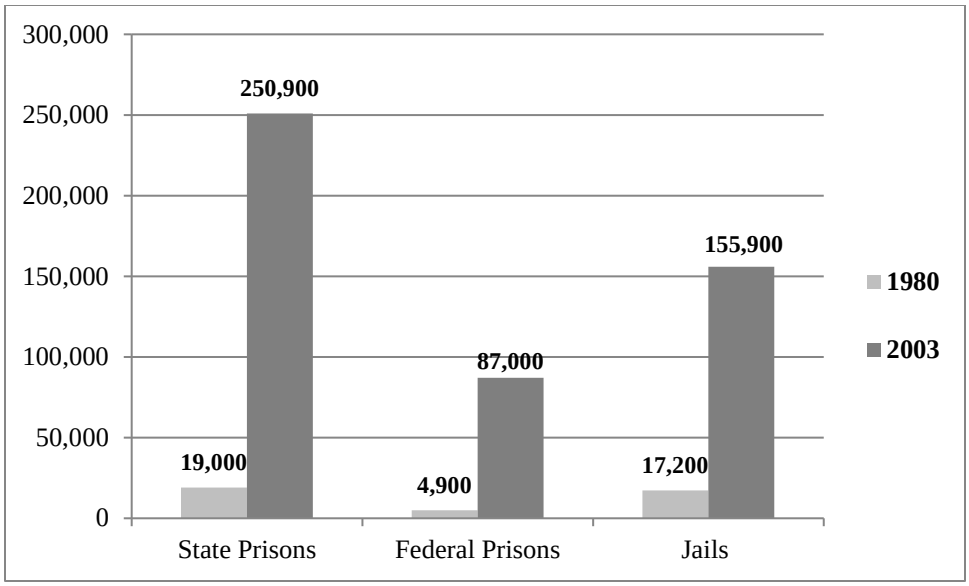

Figure 1. Drug offenders in prisons and jails, 1980-2003. Adapted from Mauer (2011).

Table 1

The First Three Eras of Policing, 1840s-1980s

Elements	**Political Era**	**Reform Era**	**Community Era**
Authorization	Politics and law	Law and professionalism	Community support (political), law, professionalism
Function	Broad social services	Broad	Provision of service
Organizational Design	Decentralized	Centralized	Decentralized
Relationship to Environments	Intimate	Professionally Remote	Intimate
Tactics and Technology	Foot patrol	Preventative patrol and rapid response to calls for service	Foot patrol, problem solving etc.
Outcome	Citizen and political satisfaction	Crime control	Quality of life and citizen satisfaction

Note. Adapted from Oliver, 2006

Table 2

Key Supreme Court Rulings on Policing Disorder: 1940s to 1980s

Case	Year	Ruling
Edwards v. California	1941	Per the 14th Amendment's Privileges and Immunities Clause, property status of individuals cannot be used as the sole reason for restricting citizens' rights, as was stipulated by a CA law.
Robinson v. California	1962	Per the 18th and 14 Amendment, it is unconstitutional to punish someone for the status of being a drug addict, as was stipulated by a CA law.
Powell v. Texas	1968	It is impermissible for the Texas Penal Code to include a law making it illegal to be intoxicated in public, because such a law prohibits a behavior rather than a status.
Shapiro v. Thompson	1969	It is a violation of citizens' rights to equal protection and interstate travel to be required to wait one year of residence in a state before being able to apply for welfare benefits, as requirements in CT, DC, and PA stipulated.
Papachristou v. City of Jacksonville	1972	A Jacksonville, FL law prohibiting vagrancy and loitering generally is struck down as being "void for vagueness" given that it made potentially innocent acts like strolling illegal and placed undue discretion in the hands of the police to determine whether the commission of a crime had occurred.
Kolender v. Lawson	1983	It is impermissible, and a violation of the 14th Amendment's Due Process Clause, for the CA Penal Code to prohibit loitering or wandering in public without specifying a criminal act with such clarity that it does not promote discriminatory or arbitrary enforcement by the police.
Wyche v. Florida	1993	A Tampa loitering for the purpose of prostitution ordinance is unconstitutional for violating the First Amendment by prohibiting constitutionally permissible actions such as walking on a sidewalk, without accompanying proof of intent to engage in prostitution.
Chicago v. Morales	1999	A Chicago anti-gang loitering ordinance prohibiting loitering by gang members violates the Due Process of the 14 Amendment for unacceptable vagueness and subjective enforcement parameters.

Note: Adapted by author from Kelling and Coles (1996)

Table 3

The Fourth Era of Policing: Homeland Security

Elements	**Homeland Security**
Authorization	National/international threats, law, professionalism
Function	Crime control, anti-terrorism, counter terrorism, intelligence gathering
Organizational Design	Centralized decision making, decentralized execution
Relationship to Environment	Professional
Demand	Centralized
Tactics and Technology	Risk assessment, police operation centers, information systems
Outcome	Crime control, anti-terrorism

Note. Adopted from Oliver, 2006

CHAPTER THREE: RACE-CODED QUALITY OF LIFE ORDINANCE LANGAUGE: CAUSES & CONSEQUENCES

Introduction

As I discussed in the prior chapter, laws such as Quality of Life (QOL) ordinances likely affect police-community dynamics, given that they sanction the roles and responsibilities of the police in surveilling and enforcing minor crimes (Murakawa & Beckett, 2010). Such impacts may be especially pronounced when minority individuals and communities are considered, owing to the breadth of research demonstrating both ethnoracial disparities in case processing outcomes and compromised procedural justice perceptions among Nonwhites (e.g., Brunson, 2007; Harcourt, 2001; Lynch, 2011; Tyler & Hua, 2002). To assess how QOL ordinances may influence the policing of minorities, the following should be considered: 1.) recent trends in criminal justice policy and policing, and their impact on Nonwhites, 2.) how legislative language created by political elites may impose a legitimizing framework for the police in targeting minorities, through coded statements that reflect implicit racial biases about crime and criminals and reinforce racial hierarchies and 3.) the various factors that might impact the development and interpretation of such language.

Chapter Two set the stage for assessing the production and content of QOL language by describing general trends in criminal justice policy and policing and the factors that have been found to influence these broad patterns. Because statutory language underpins criminal justice policy and policing protocols, it is of central importance when exploring the evolution of order maintenance efforts from the 1990s until today, and their effects on minorities. In this chapter, I drill down further into the idea that specific language

used in QOL ordinances of the post-Civil Rights era may prime police officers to target minorities, either intentionally or unintentionally, by including racially coded statements that may reflect and even reinforce stratification and discrimination in policing. This supposition is consistent with literature highlighting legislative provisions as a mechanism by which political elites respond to racial threat, whether threat is understood as relating predominately to the minority presence in a given area (e.g., Behrens et al., 2003) or more symbolic concerns (Chiricos et al., 2004). It is also consistent with evidence from an earlier study that highlights associations between city demographics and the character of race-coded (RC) language in the QOL ordinances of those cities (Trocchio, 2019). Finally, because this dissertation is focused on the production of formal legal language by politicians, this chapter further specifies the dynamics that might influence legislative decision making at the city-level.

Criminal Justice Policy Language in the Post-Civil Rights Era

Racial Rhetoric in the Second Reconstruction

As minority threat literature suggests, there is reason to believe that criminal justice policy language may be impacted by racialized concerns about certain populations (e.g., Blalock, 1957, 1967). There is also reason to believe that crime policy may further reinforce racial and ethnic biases, which is important given the sustained disparities noted in the surveillance and policing of minor crimes (Bonilla-Silva, 1997; Murakawa & Beckett, 2010; Tony, 2010). In particular, research suggests that the mechanisms that empower social control agents to act in ways that produce disproportionate outcomes may be related to the expression of minority threat in formal policy language (Behrens et al., 2003; Eitle, el a., 2002; Heimer, Stucky & Lang, 1999). However, pinpointing *how* threat

may be understood and communicated by legislators in modern legislation, and how it may be used to direct behaviors by actors like the police, has proven empirically challenging given substantial changes in the evocation of race by political actors over time. To understand the evolution of racial references in crime policy, a brief review of the history of racial rhetoric in such formal documents is warranted.

Historically, references to race and ethnicity were explicit. For instance, as was discussed earlier, “Black Codes” and other vagrancy laws punishing freed Blacks from being in public spaces proliferated in postbellum America, (Foner, 1988; Stewart, 1998). Discriminatory sentiments were also expressed in Jim Crow era laws that emerged in the aftermath of the Civil War, which centered around excluding Blacks from operating in public spaces and participating equally in societal institutions (e.g., Alexander, 2012). In the criminal justice system, Blacks were excluded from juries (Butler, 2010), though Jim Crow era laws affecting Nonwhite inclusion in education, transportation, employment and housing were also common (Alexander, 2012; Massey & Denton, 1993).

However, since the Civil- Rights era of the 1960s, the tone of rhetoric on race has changed substantially (Alexander, 2012; Bobo & Smith, 1998; Bobo & Thompson, 2006; Jacobs & Trope, 2007; Murakawa & Beckett, 2010; Tonry, 2010). In particular, successes from the “second reconstruction,” (Behrens et al., 2003), like the landmark *Brown v. Board* (1954) ruling, formally censured Jim Crow-era practices (Alexander, 2012; Massey & Denton, 1993). As rebukes of overtly racist statements grew, so too did the belief that the country had become “post-racial” or “colorblind” (Bonilla-Silva, 2001; Brown, Carnoy, Currie, Duster, & Oppenheimer, 2003; Butler, 2010; Murakawa & Beckett, 2010). Nonetheless, literature also shows that Civil-Rights reforms failed to dismantle

longstanding racial resentments, presented in manners consistent with "ethnic blame discourse" (Romner et al., 1997; Romner et al., 1998), such as faulting minorities for their relative socioeconomic disadvantage and fearing their capacity for violence (Hinton, 2016; Tonry, 2010).

Indeed, a number of scholars theorize that the second reconstruction drove racial biases underground, subsequently making them more difficult to detail. In the immediate aftermath of the Civil-rights era, evidence indicates that political elites maintained racial resentments, but they replaced explicitly racist sentiments about the inferiority of minorities in formal documents like legislation with more tacit messages that linked them to social ills like poverty and crime (Alexander, 2012; Murakawa & Beckett, 2010; Tonry, 2010). These coded sentiments were first noted in the "Republican Southern Strategy," in which Republican politicians, starting in the 1960s, began to "depart from the party's historical support for civil rights...and instead work to manipulate Whites' racial animus and anxiety in order to win votes" [25] (Tonry, 2010, p. 278).

While politicians abandoned the strategy as official party practice by the 1970s, it is reasonable to assume that similar appeals permeated bipartisan rhetoric in the punitive turn and beyond. In particular, there is evidence that legislative strategies in the post-Civil rights era continued to embrace opportunities to leverage historic myths about Black criminality, first promulgated by night watches and slave patrols, and later through "Black Codes" and vagrancy laws (e.g., Foner, 1988; Blackmon, 2009). This strategy became especially pronounced as politicians largely abandoned Johnson's federal War on Poverty in place of an aggressive war on crime in the punitive turn (Hinton, 2016). Even as language

[25] This divergence from the Republican Party's past support for civil rights issues was driven largely by efforts to attract resentful working-class White voters (Edsall & Edsall, 1991).

signaling discriminatory intent became absent from formal documents, certain threat scholarship suggests that the political elites who crafted them understood that certain language effectively signaled race (Alexander, 2012; Brewer & Heitzig, 2008; Mendelberg, 2001; Massey, 2007; Tonry, 2010; Weaver, 2007). Some researchers aligned with threat perspectives further claim that legislators in the later part of the 20th century invoked such well-known scripts about criminality with knowledge of the disparities they may generate (Behrens et al., 2003; Brewer & Heitzig, 2008; Haney-Lopez, 2014; Massey, 2007; Stewart, 1998; Tonry, 2010).

Questions about the extent to which the legacy of Republican Southern Strategy permeates QOL ordinances remain unanswered. While little can be known about the intent of politicians and other local stakeholders in crafting legislative language without directly questioning them, it is possible that coded racial references persist in recent crime policy for a multitude of reasons, and, depending on the particular circumstances in which laws are written. They may be a product of less than equitable intentions, the result of entrenched racial stereotypes, or some product of both. Nonetheless, a substantial body of literature suggests that across the political aisle and in progressive and conservative cities alike, local legislative decision making may continue to be responsive to racialized concerns (e.g., Doering, 2019).

Challenges to Capturing Threat Mechanisms in Policy Language

There have been few attempts by researchers to systematically account for the presence and nature of racially coded sentiments in contemporary crime policy. A significant reason cited for this lack of scholarship on racial sentiments in legislation pertains to legal trends that accompanied the second reconstruction (Murakawa & Beckett,

2010). Namely, at the same time that explicit references to ethnicity and race receded from public documents, legal standards for proving discrimination narrowed to require proof of individuals' specific intent (e.g., Crenshaw, 1988; Murakawa & Beckett, 2010).[26] These discrimination laws have made it particularly difficult to scrutinize the actions of political elites because crime policy often includes statements that make discrete decision making moments hard to disaggregate, especially given the diffuse discretion that QOL ordinances afford to officers, through nebulous standards such as "circumstances of suspicion" (Murakawa & Beckett, 2010).

Discrimination law also impacts research exploring empirical evidence of racial bias, since studies often follow legal standards of proof, especially in quantitative approaches (Murakawa and Beckett, 2010; Lynch, 2013). Specifically, social science inquiries about racial bias in crime policy often operationalize bias according to the legal definition of discrimination, which refers only to "intentional harm perpetrated at a discrete moment in time" (Murakawa and Beckett, 2010, p. 702). In essence, both legal definitions and quantitative approaches narrowly focus on casual mechanisms, hence activating "conceptual and methodological tools that take a 'snapshot view'" (Murakawa and Beckett, 2010, p. 698), rather than a holistic picture of the systemic and dynamic ways that race may influence the nature and consequences of crime policy (Pierson, 2004). To explore racially-influenced lawmaking in the post-racial context, then, Murakawa and Beckett (2010) advocate for the use of in-depth qualitative methods, such as interviews and case study analysis. These methods may reveal implicit racial messages that appeal to racialized hierarchies and commonly held resentments or concerns that lead to the disparately severe

[26] For a detailed legal summary of pertinent case law, see Murakawa & Beckett (2010).

treatment of minorities (Behrens et al., 2003; Tonry, 2010).

Linking Structural and Social Psychological Approaches to Understand Policy Language

In recent decades, social scientists hoping to bridge the gap between structural frameworks for understanding ethnoracial disparities in the criminal justice system, such as minority threat theory, and consequential individual-level decision making, have advanced hybrid theories of racial inequity relevant to the exploration of RC QOL ordinances (Lynch, 2011, 2013). While there are a number of variations in the particular explanations offered by such theories, they may be generally classified as models of institutional racism (Lynch, 2011, 2013). Institutional racism has historically been defined as the diffuse, embedded, and *cloaked* preferencing of Whites within the government and societal institutions (Charmichael & Hamilton, 1967), but has since evolved to include institutional actors across systems, including the police (see, for example, Lynch, 2011; Fitzgibbon, 2007).[27] By and large, these approaches integrate "systemic, institutional, and intersectional" approaches into inquiries about individual biases (Murakawa & Beckett, 2010, p. 703) that demonstrate the ways that bias may be communicated and acted upon by various actors operating across institutions (e.g., city councils, attorney's offices, and police departments).

These contributions are noteworthy for their attention to the multiple facets that

[27] For instance, an emerging body of case study scholarship critically informed by Beckett & Herbert (2009)'s notion of banishment theorizes on the ways in which newer policing paradigms that emphasize geographic control are products of racialized political considerations (Laniyonu, 2017; Lynch et al., 2013). To that end, race has been found to non-trivially inform the manner in which police resources are deployed to meet cities' spatial management objectives, for instance, as reflected in Lynch and colleagues' (2012) case study of divergent policing practices in San Francisco.

influence racial disparities across criminal justice institutions[28] (for example, see Fitzgibbon, 2007; Haney-Lopez, 2000; Henkel, Dovidio, & Gaertner, 2006; Lynch, 2011), and overlap with newer iterations of minority threat theory, particularly approaches that integrate the mechanisms cementing threat through "blame discourse" processes (see, for example, Chiricos et al., 2004). To that end, scholars assuming an institutional bias lens lean heavily on structural explanations (e.g., Blalock, 1967; Bonilla-Silva, 1997), while also engaging directly with individual-level cognitions and behaviors as well.

To achieve the later aim, theories aligned with institutional racism approaches often assume the perspective that implicit racial messages need not reflect or encourage intentional discrimination to represent or reinforce racialized control responses akin to minority threat. This argument is drawn out by a number of studies suggesting that unintentional psychological responses to subtle racial images may engender statistical discrimination (Dasgupta, Banaji & Abelson, 1999; Jolls & Sunstein, 2006; Levinson, 2007; Payne, 2001). While research on the "implicit biases" of legislators is scant, there is an emerging literature that explores the ways that racial assumptions manifest in the public and the police[29] (e.g., Correll, Park & Witterbrink, 2003; Eberhardt, Goff, Purdie, & Davies, 2004; King & Johnson, 2016; National Academies of Sciences, 2018). In a recent

[28] Lynch (2013) defines institutions as "the web of organizations and systems that make up American criminal justice in a network of formal bureaucratic structures, that, taken together, comprise a sub-type of legal institution imbued with cultural norms about how things are understood and done, as well as more formalized rules and regulations that set some parameters around those meaning-making processes" (p. 108).

[29] Implicit bias studies usually focus on implicit biases towards Blacks, rather than Blacks and Latinos. The Implicit Association Test (IAT), an assessment tool designed to uncover people's beliefs about certain groups of people, evaluated over 4.5 million people online and in other settings between 1998 and 2008, and found evidence of sweeping implicit biases against Blacks. As Tonry (2010) notes, "since the consensus view of the existence of implicit racial bias against Blacks is based on the results of millions of tests of every imaginable group in the population, it would be remarkable if criminal justice practitioners were not affected by it" (p.287). The IAT is part of the Harvard initiative, "Project Implicit" and available online (https://implicit.harvard.edu/implicit/).

study, Eberhardt and colleagues (2004) showed nearly 200 police officers pictures of the faces of White and Black males and asked them to assess their criminality; they found that officers were significantly more likely to associate Blackness with criminality (and that the darker the face, the greater danger was implied). A 2017 study by Nix and colleagues explored the phenomena outside of an experimental setting. Using data of 990 incidents of deadly police force nationally in 2015, which were collected by the *Washington Post*, the study authors reached similar conclusions about implicit bias in the real-world context, finding that Black citizens killed by the police were less likely than their White counterparts to have attacked officers proceeding the use of deadly force, and were over two times less likely to be armed when killed by officers (Nix et al., 2017). Taken together, these studies comport with research suggesting that implicit biases are most likely to be activated by automatic responses to individuals' physical features (Correll et al., 2003; Levinson, 2007; Plant & Peruche, 2005), also indicating that officers' unchecked, initial conclusions about risk may be most bias prone.

Institutional bias scholars leverage implicit bias literature (Fitzgibbon, 2004, 2007; Tonry, 2010) to assess the links between policy creation and officer-level attitudes and behavior, and to explore how legislative language may reflect and reinforce perceptions of minority threat.-In particular, protocols set by criminal justice policies provide officers with a set of potential responses to "manage routine tasks" (Lynch, 2011, p. 182) that may include biased decision making (Lipsky, 2010). As Reiss (1973) notes, "the absence of organizational provision for controlling discretion makes the sub-systems (i.e. police/ citizens) vulnerable to the exercise of unauthorized decisions and sanctions. In the relative absence of some organizational provision for control over discretion in the subsystems the

major form of control one sub-system has over others is exercised within each subsystem (e.g., police to citizens)" (p. 118). Notably, Fitzgibbon's (2004, 2007) insights center on a process known as "preemptive criminalization," which refers to the anticipatory nature of reactions by frontline officers. The tendency to focus on the *potential* for future criminal threat was common in the punitive turn more generally (Garland, 2001) and in QOL ordinances in particular (for example, see Stewart, 1998, on gang loitering laws). "Preemptive criminalization" is also sometimes aided by the use of risk analysis. In risk analysis, actuarial data, such as prior records of convictions, or crime hotspots, are used to infer that a suspect is part of a group that has a higher likelihood of committing a criminal offense, either owing to their own criminal record, their social associations with others with prior convictions (also see Stewart, 1998), or their presence in certain risky locations. According to Fitzgibbon (2007), policies with the highest potential for bias include those that permit officers to use crude proxies for group membership, rather than *known* associations or past behavior, to determine risk:

> *It is a small final step to infer dangerousness and liability to criminalization on the basis, not even from known association, but from simple membership of a group whose actuarial character constitutes a high probability of offending or anti-social behavior. The commission of a criminal act by an individual before recourse to the law could take place is increasingly overlaid by the evidence that a person is judged to belong to one of those identified groups whose aggregate behavior is considered a risk.* (p. 132)

Especially in the absence of other mandates, officers have been found to deploy conceptual shortcuts to aide them in processing information quickly (Schwalbe, 2004; Tversky & Kahneman, 1973 National Academies, 2018). These devices, known as heuristics, lead decision making processes to be driven more by intuition than empirical knowledge (Schwalbe, 2004; Tversky & Kahneman, 1973). In particular, proactive law

enforcement practices that afford wide discretion, common in many OMP approaches, may especially encourage officers to rely on cultural scripts and past professional experience in ways that link individuals' membership in an ethnoracial group, rather than other markers of risk, to criminality (Blumstein, 1993; Murakawa & Beckett, 2010; Reiss, 1973; Taylor, 2006). Finally, Reiss (1973) found the impact of extra-legal factors to be more influential in the policing of minor crimes than major crimes. In sum, when considering the impact that implicit biases may have on QOL ordinance language and its potential effects on the policing of minorities, research to date suggests that legislative language may prime frontline officers to act in racialized ways.

When thinking more broadly about legislative decision-making processes that may result in the passage and sustained use of QOL laws that allow officers to activate their implicit or even intentional biases through RC provisions, Haney-Lopez's (2000) model of institutional racism is especially instructive. In writing on judicial decision-making in the Los Angeles area, Haney-Lopez (2000) focuses on the attitudinal and behavioral mechanisms that create and sustain the selection of disproportionately White jury pools. Like Bonilla-Silva (1997), he argues that institutional racism exists when actors participate in processes that reinforce racial hegemony by embracing automatic racial scripts about themselves and others in the community. Importantly, however, he also details a model for considering how impervious to reform racialized policies and protocols may be, based in part on their sustained habituation and legitimization in bureaucratic settings (Haney-Lopez, 2000).

Specifically, Haney-Lopez (2000) proposes two kinds of institutional racism 1.) "script" racism, and 2.) "path" racism. Haney-Lopez (2000) describes the mutually

reinforcing effects of both types of institutionalized racism, neither of which requires institutional actors to have explicit biases. Script racism refers to the unconscious and automatic reliance of institutional actors on racialized scripts, for instance, in the crafting of legal language that identifies poor, predominately minority communities as those which will subject to extensive police scrutiny. Script racism implies that institutional actors lean on such scripts without giving much thought to the potential impacts of their choices, given the extreme embeddedness of racial hierarchies that contextualize their decision-making. Path racism, on the other hand, refers to the subsequent bounded rationality that decision makers in institutional settings operate within to more deliberately reinforce racialized policies and programs. Similar to Lipsky (1980)'s landmark contributions on bureaucrats, Haney-Lopez (2000) contends that despite being challenged to reconsider the potential consequences of relying on such devices through legal action and public outcry, reforms remain rare because the integration of racialized policies and practices into the routines and roles of institutional actors impedes their disruption. Finding support for this perspective in her case study of selective enforcement of crack paraphernalia offenses as felonies in Cleveland, Lynch (2011) demonstrates that, even in the wake of direct criticism from community leaders, journalists, and some legal actors, path racism was evident in the police and prosecutors' continued reliance on the felony charging policy. The detailed review that follows explores possible expressions of racialized sentiments in QOL ordinances and outlines the particular ways that language may reflect institutional bias in local laws.

Coded Racial Language in Quality of Life Ordinances

All criminal justice policy may be said to racialized in some way, given that entrenched stratification patterns make Nonwhites more likely to reside in disadvantaged

high crime locations, and to come in contact with the police (Beckett et al., 2006; Peterson & Krivo, 2009). However, the OMP approach in particular ascribes unique importance to contextual factors when determining whether offenses have occurred (see, for example, Kelling & Coles, 1996; Taylor, 2006), and in that vein, related laws provide opportunities for those effects to be exaggerated. Specifically, exacerbating impacts may be more likely to occur in QOL ordinances relative to other kinds of laws, as they focus on the discretionary enforcement of minor crimes, often through the sanctioning of proactive person and place-based tactics. To that end, such laws provide greater chances for racialized notions of crime and criminality to make their way into formal legal statements (Murakawa & Beckett, 2010) and more opportunities for police officers to activate their own biases, whether they are implicit or not. To the extent that QOL language itself appeals "to racial enmities and anxieties by use of seemingly neutral code words" (Tonry, 2010, p. 276) when outlining how disorder is assessed, certain places and people may serve as proxies for race. Race may in turn become a proxy for risk as such laws are interpreted and implemented (Fitzgibbon, 2007). Specifically, references to race may appear in ordinances through the tacit invocation of various messages that constitute "taken for granted scripts of racialized persons, places, and channels that enforce racial hierarchy" (Fleury-Steiner, Dunn, & Fleury-Steiner, 2009, p. 7); these kinds of statements may be said to constitute race-coded (RC) language.

Such language is different from non-RC statements because those tend to focus on offenses themselves, rather than contextual circumstances that heighten the likelihood of criminal events occurring.[30] Ordinances without RC language may include statements that

[30] For example, Kelling and Coles (1996) point to contextual factors that give meaning to disorder in OMP. Of the five they provide (time, place, previous behavior by a disorderly person, social status of the 'victim,'

prohibit any activity by any person, either in any area throughout the municipality in which it was drafted or in areas that are no less likely to emerge in segregated or disadvantaged areas than in integrated or advantaged areas. In these instances, language signifies a general concern for criminal threat, at least formally censures extensive frontline discretion, and minimizes the extent to which it would likely exacerbate ethnic and racial stratification. For example, a Fullerton, CA solicitation ordinance originally passed in 1975, and still in place in 2000, provides that "No person in a park shall solicit alms or contributions for any purpose, whether public or private" (Ord. 2833, 1993). Such language prohibiting certain behaviors, regardless of the identity of the offender or the location of the offense, no doubt implies that discretion will dictate which offenses and offenders are targeted for surveillance and enforcement.[31] Nonetheless, this kind of language does not *a priori establish policing practices* that are associated with the selective enforcement of minority neighborhoods and minority offenders as RC language does.

Given what is known about the ostensibly "color-blind" nature of legislation in the post-racial era (e.g., Alexander, 2012), it is expected that QOL ordinances will contain no explicit references to race, and that even implicit references will be somewhat rare. Nonetheless, QOL ordinance language may invoke race and ethnicity in a number of overlapping ways. First, it may refer to places and people (either groups or individuals) that are arguably connected to racial stereotypes, such as public housing premises and

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and aggregation or clustering of incidents) three include parameters that may said to be race-coded, especially when high levels of discretion are afforded to officers (i.e. place, previous behavior, and aggregation of incidents).

[31] For instance, the well-known Rockefeller drug laws in New York state typified this change to ostensibly race neutral policies (Kohler-Haussmann, 2010) by imposing extremely long mandatory minimum prison terms for all drug possession and sale offenses; however, these laws catalyzed the zealous enforcement of crack cocaine possession in particular, and led to striking disparities in enforcement despite the drug use pattern statistics highlighted above. In fact, 95% of all offenders incarcerated under such statutes were African-American or Latino (Maggio, 2006).

gangs (Bass, 2001; Beckett, Nyrop & Pfingst, 2006; Behrens et al., 2003; Dvorak, 1999). Such language reflects two common proactive policing tactics, known as “person-based” and “place-based strategies,” which collectively focus on identifying risky groups and locations, and then dispensing law enforcement energy on those specific targets (National Academies of Sciences 2018). It may also provide extensive discretion to officers in identifying risky places and people, such as in making the determination about whether an area is known for drugs (National Academies of Sciences, 2018), also suggesting that such language can prime officers to apply this discretion in racially biased ways (Fitzgibbon, 2007). Finally, even in the absence of references to arguably racialized imagery and statements that afford extensive officer discretion, language that includes objective metrics of risk, such as hot spots and criminal records, may be said to be RC in that it all but ensures disparate outcomes that disadvantage minorities in the enforcement of QOL ordinances.

An extensive literature points to the myriad of conditions that lead to the disparate surveillance and enforcement of minorities and minority neighborhoods, even when intentional bias may be absent. Places such as public housing premises and high drug areas may be said to be RC because such areas are most likely to emerge in disadvantaged and segregated nonwhite neighborhoods (Bass, 2001; Beckett, Nyrop and Pfingst, 2006; Fleury-Steiner et al., 2009; Geller & Fagan, 2010; Harcourt, 2001; Herbert, 1997; King & Mauer, 2006; Lynch, Omori, Roussell, & Valasick, 2013; Sekhon, 2011). The categorization of certain places as dangerous relates to structural features of minority neighborhoods that grew out of the historical exclusion of Blacks and Latinos from economic and social opportunities (e.g., in education and housing) in the centuries after slavery was formally dismantled (Alexander, 2012; Tonry, 2010; Muhammad, 2010;

Wacquant, 2001, 2012; Western, 2006). Associations between ethnoracial stratification at the neighborhood level and fears of disorder and violence are also commonly reflected in media depictions of minority neighborhoods, and reinforced by policies supporting disproportionate levels of policing in such locations (Bass, 2001; Beckett, 1998; Beckett et al, 2006; Blumstein, 1993; Fleury-Steiner et al., 2009; Geller & Fagan, 2010; Herbert, 1996, 1997; Harcourt, 2001; Macek, 2006).[32] Namely, legislative language may define contexts of disorder in a manner that all but ensures that there will be ethnoracial patterns in implementation and concentration of police attention on minority areas, even when objective parameters such as hot spots are used (National Academies of Sciences, 2018).

Similarly, references to people may be racialized in that they reflect conditions for risk that are more likely to be met by minorities, whether those conditions are centered around formal risk metrics or more discretionary protocols. Literature on disparities in criminal justice outcomes finds that disparate surveillance and enforcement of public behavior in disadvantaged minority neighborhoods disproportionately places individuals of color at risk of being arrested, charged, and convicted of crimes (Alexander, 2012; Beckett & Herbert, 2009; Provine, 2008), meaning that they are more likely to receive criminal records and also to associate with others with criminal records. Second, images of dangerous criminals often targeted by QOL ordinances such as drug dealers and gang members, rely on cultural scripts about individuals' membership in ethnoracial groups (see, for example, Behrens et al., 2003; Dvorak, 1999) more so than images of other kinds of criminals do, such as reckless drivers, burglars, and white-collar criminals. Thus, the

[32] Blumstein's 1993 exploration of the expanding US prison population is accompanied by the assertion that ethnoracial disparities in drug arrests were driven largely by the fact that "there does tend to be a more dense police presence where blacks reside" (p. 753).

person-based images in QOL ordinances may both reflect ethnoracial biases and reinforce them, when applied by officers enforcing such laws.

It is important to note that sometimes RC language may emerge in QOL ordinances even when well-intentioned legislators and police departments seek to institute sound evidence-based policy. To that end, many of the recent policing trends adopted as conventional and empirically vetted approaches (Huey & Ricciardelli, 2016; National Academies of Sciences, 2018; Sherman, 1998; Weisburd & Braga, 2006) may also inadvertently serve to reinforce ethnoracial disparities in the criminal justice system by advancing criteria for heightened risk that are also likely to be met by minorities and minority areas. These scenarios are of course different in nature from cases where legislators or frontline officers intentionally seek to discriminate against minorities, but may still generate similar *consequences* in terms of reinforcing and reproducing stratification. For instance, a Hartford, CT loitering ordinance from 1995 states that a circumstance of suspicion is that the suspect is "the subject of any court order which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity" (Ord. 9-5-95). Further, even formal risk metrics such as those mentioned in the Hartford ordinance may be borne from discretionary decisions by actors in the criminal justice system. These metrics also reflect outcomes (e.g., a court order prohibiting an offender's presence in a high drug activity area, or the criminal record of a suspect's known associates) that may have been impacted by the intentional or unintentional biases (Mauer, 2006; Lynch, 2011; Shirazi, 2016) of other actors in the criminal justice system. As a recent National Academies of Sciences report notes (2018),

a police department's classification of an area as a "high crime area" legitimizes officers' belief that extensive scrutiny in that area is warranted, even in cases where specific behavior may not actually rise to the mantle of suspicion (p. 92).

In theory however, risks for discrimination and more implicit bias are greatest when QOL language itself provides officers or other social control agents[33] with broad discretion to act on biases, namely by exempting them from having to integrate formal metrics of risk when assessing threat (e.g., Fitzgibbon, 2007). Specifically, language that encourages the anticipatory surveillance of risky individuals, groups and places may fortify, rather than mitigate, heuristic tendencies. In such cases, the potential influence of cultural scripts on officers' behavior is elevated, especially when language appeals directly to person-based stereotypes (e.g., gang membership).[34] For example, a 1992 loitering ordinance from Waco, Texas notes that an individual may be considered suspicious if they are "physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity" (Ord. No. 1992-48, § 1(17-84), 12-15-92). This kind of language more overtly signals race than images of dangerous places because it directly invites immediate responses that may lead gang membership to serve as a proxy for race, and in turn, heightens the likelihood that risk will be implicitly assumed by frontline officers where Nonwhite suspects are concerned (e.g., Levinson, 2007). Further, because the above ordinance language allows officers to make the physical determination of gang membership on their own, rather than relying on a formal risk metric (e.g., a criminal

[33] Most QOL ordinances designate police officers as responsible for surveillance and enforcement efforts. However, sometimes informal agents (e.g. Housing Authority employees) are deemed responsible for initiating civil protocols (e.g. eviction).

[34] For example, Blumstein's (1993) assessment ethnoracial disparities in arrests includes the observation that police officers have been found to use race subtly as they build profiles of drug offenders (see p. 753).

record), or consulting with others, it also presents opportunities for police to act on any explicit biases that they may have.

The current study seeks to measure the extent and nature of RC language in QOL ordinances over time, with the recognition that such statements may be said to reflect expressions of "racial threat." Literature dictates that ethnic disparities in the criminal justice system have sustained since the 1990s (e.g., Butler, 2010; Tonry, 2010) meaning that there could also be evidence of consistent, if not increased, use of implicit language sanctioning broad officer discretion in these laws today. However, given that there has been a greater reliance on evidence-based policing (e.g., Weisburd & Braga, 2006; Zimring, 2011) and recent attempts to respond to claims of police misconduct (Weitzer, 2015), it is also possible that since the 1990s there has been a general shift towards language that also integrates formal risk assessment protocols and limits frontline discretion.

This constrained RC language may be less likely to develop in areas impacted by significant budget cuts and financial pressures, and more likely to develop in areas where noteworthy events of police incidents of force or poor relations with citizens have led to greater pressures for officer accountability. Further, cities with certain social or demographic characteristics, such as those who have established predominately minority populations, may more explicitly incorporate efforts to return to holistic community policing principles in QOL legislative language by requiring the involvement of community stakeholders in determining surveillance and enforcement protocols, focusing on problem-oriented strategies, and in creating protocols to track and respond to disparities in enforcement, even when RC language is present.

QOL Ordinance Language Development & the Policing of Minorities

Evidence of Race-Coded Quality of Life Language & Its Role in the Policing of Minorities

QOL ordinances reflect an important juncture where policing philosophies and racialized policy language may meet and reinforce one another. In particular, they may encourage OMP policing principles, but do so in ways that differentially relate to and emphasize minority threat dynamics. For instance, an analysis of QOL ordinance language at the height of the punitive turn was already been completed for an earlier study (Trocchio, 2019). That prior analysis meets the dissertation's first aim to catalogue and assess RC language in QOL ordinances in place between 1997 and 2000 (see Chapter Four for greater detail). Results from that study demonstrate initial support for the idea that the ethnic and racial composition of cities influenced the presence and nature of language in OQL ordinances in place in the late 1990s (Trocchio, 2019). Specifically, nearly 20% (n=16) of the 80 cities in the full sample included any evidence of RC language. Half (n=8) of the cities with RC language in their QOL ordinances also had populations that suggested minority threat (Liska, 1987; Tittle & Curran, 1988) while nearly half of the remaining cities (n=7) had populations that suggested a predominately minority presence (Jacobs et al., 2007; Jacobs & Tope, 2007; Keen & Jacobs, 2009).

As such, it is conceivable that ordinance language may provide a legitimizing framework conducive to the over-policing of minorities. Though all QOL language may be said to be racialized to some extent, as was discussed earlier, policy language that includes RC references is unique because it reflects the communication of such racialization in formal policies crafted and approved by political elites. Evidence of this

language matters because it denotes, at minimum, the continued invocation of race in policies on the books in contemporary contexts, a phenomenon which a number of threat scholars have argued persists (e.g., Tonry, 2010). It also demonstrates the use of such language in local contexts. Beyond these more generally disquieting notions, RC provisions may also support concerns articulated by critical race scholars that laws outlining OMP practices in particular tend to provide the police with ample opportunities to unfairly target minorities in implicit ways, in part by sanctioning broad discretionary powers and using proxies for risk to identify appropriate targets of surveillance and enforcement (e.g., Alexander, 2012; Murakawa & Beckett, 2010). The conclusion drawn by such scholars is that even under the auspices of ostensibly objective policing innovations, such as evidence-based policing, implicit references to minorities may exist, and if they do, they likely function to exacerbate and encourage either ethnoracial disparities or discrimination.

Contextual Factors & Political Decision-Making Processes Relevant to Quality of Life Ordinance Development

As findings from Trocchio (2019) demonstrate, expressions of RC language in QOL ordinances across city contexts are not homogenous. That prior study suggests that at least one aggregate exogenous factor, ethnoracial composition, influences the extent to which racial scripts are reflected in formal QOL policy (Trocchio, 2019). While data from Trocchio (2019) are cross-sectional, it stands to reason that the presence and extent of RC references in ordinances within city contexts may also change over time. Indeed, divergent manifestations of QOL language may also depend on the shifting characteristics of the cities in which they emerge (Lynch et al., 2013). It is thus possible that variation in other

contextual factors discussed in the prior chapter, such as crime rates and socio-economic status, also influence the extent and scope of RC language in QOL ordinances over time.

Although research on the factors that influence legislative decision making at the local level (e.g., Canfield-Davis et al., 2009) is scant, recent contributions from Lynch and colleagues (2013) shed light on the potential impact of dynamic city-level characteristics. In their case study of racialized drug enforcement practices in San Francisco Lynch and colleagues (2013) anticipate different local responses to disorder according both to demographic and economic factors. Specifically, the authors suggest that leaders in declining cities with predominately minority populations may be likely to advance city-wide punitive policing practices that rely on the banishment of "problem" residents: such tactics more broadly engender tension between minority residents and the police, invoking distrust of the local government, while also failing to address root causes of crime and decline (Lynch et al., 2013). Alternatively, booming liberal cities with growing White populations may rely on aggressive policing approaches in specific 'contested' areas perceived as hampering further investment and development due to their crime problems, with the consequence of reinforcing spatial segregation patterns (Lynch et al., 2013).

Additionally, it is possible that particular configurations of local governments and the decision-making processes of city councils may influence the evolution of QOL ordinance language over time. In particular, organizational and compositional characteristics of city councils may impact the nature and tone of their QOL ordinance language. For instance, a community owned government model stresses the empowerment of community residents above other concerns, and thus elicits feedback and involvement from residents in the development, implementation and evaluation of policies (e.g., see

Savara, 2017) whereas a decentralized model privileges frontline discretion (see Savara, 2017). Relatedly, structural aspects of city councils may also affect QOL ordinance language. Traditional models of city governance include a "mayor-council" system in which the mayor serves as the chief executive of the city council. Legislation in these contexts may be much more based off the personal traits and priorities of mayors. Such systems may be defined as either "strong mayor" or "weak mayor" systems. In the former systems, mayors' control much of the agenda of city councils in a top down capacity, whereas in the other system types, councils have less restricted power to advance a legislative agenda on their own, because mayors cannot veto council decisions in weak mayor systems (Ward, 2017). In other areas, innovations in city governance structures apply a corporate framework informed by the use of city commissions. Such innovations reflect a "council-manager" model of governance, where mayors are replaced by city council appointed city managers.[35] In these cases, the cumulative experiences and priorities of the council may dominate.

While little is known about the specific political processes and factors that facilitate the introduction or maintenance of policing innovations (Weisburd & Braga, 2006), a line of political science literature broadly postulates that local legislators may be more responsive to concerns of their residents than their state or federal counterparts, since the smaller size of local governments allows constituents and resident groups to have greater access and contact with elected officials (e.g., Miller, 2008). Consequently, city council members may be more attuned to local race relations, or at least have greater opportunities

[35] Council manager models are becoming more popular throughout the U.S., especially in small to medium sized cities with populations up to 250,000 people (Ward, 2017). Some cities also employ a hybrid model with both a mayor and a city manager (Ward, 2017).

to hear constituents express racialized crime concerns when making and reviewing crime policy. Conversely, residents demanding improvements to police and citizen relations through increased accountability and oversight mechanisms may be able to communicate those desires directly to government officials.

The close proximity between residents and local leaders may also engender more opportunities for citizens to be formally involved in the policy making process, through structures such as Citizen Advisory Boards (CABs) (Houghton, 1988; Miller, 2008; Stout, Dougherty & Dudley, 2017). To that end, "unique race and ethnic tensions, community organizations, and coalitions of ad-hoc groups with QOL concerns are frequently participants in the policy process." (Miller, 2008, p. 6). For instance, findings from Lisa Miller (2008)'s case study of Philadelphia and Pittsburgh indicates constituents' vast and impactful participation in policy making at the local level. In stark contrast to state and federal contexts (for example, see Campbell, 2011), residents involved in local ordinance development were able to leverage expansive and effective constituent interest groups. As a result, community members were also able to demand that local leaders acknowledge and address quality of life issues, though they generally did not mandate that legislators advance a particular solution (Miller, 2008). Importantly, Miller (2008) found that local legislators understood their close proximity to constituents made it politically imperative if not also appealing for them to engage directly and often with concerned residents.

Studies that do exist on the political factors that affect legislative decision making are largely constrained to the state level (see, for example, Canfield-Davis et al., 2009; Flagel,1990; Keese, 1990; Patterson, 1983; Roberson et al., 1992). They also often exclude criminal justice policy, and do not discuss specific policy language or statements.

Nonetheless, extent research commonly finds that the same factors that influence human behavior and decision making more generally—such as personal affiliations and characteristics (e.g., gender and race/ethnicity)—also impact policy decision making (Canfield-Davis et al., 2009; Holman, 2014; Patterson, 1983; Wirt, Morey, & Brakeman, 1970). Additionally, these studies note that the specific districts and constituencies represented (e.g., ethnic/racial makeup), and professional contacts (e.g., committee members in the legislature, lobbyists, staff, etc.) legislators maintain, significantly impact legislative decision-making processes. In a number of studies evaluating the relative weight of these three factors, values and opinions, perceived requests of their constituents, and advice from others in their professional networks, each moderately or largely influenced decision making (Canfield-Davis et al., 2009, Flagel, 1990; Keese, 1990; Wirt et al., 1971).

Limited scholarship in the arena of local crime and police policy (e.g., Saltzstein, 1989) predominately focuses on the correlates of minority representation in city government (e.g., Karnig & Welch, 1982; MacManus, 1979), and, to a lesser extent, the impacts of that representation on local crime legislation and police practices.[36] (Hopkins & McCabe, 2012; Lynch et al., 2013; Muhammad, 2010; Saltzstein, 1989). However, this research largely focuses on city leaders such as mayors, rather than city council members at large. For instance, in a study of 105 municipal police departments, Saltzstein (1989) found that departments in cities with Black mayors were more likely to enact community policing policies that included consistent involvement and feedback from community members, and also institute Citizen Review Boards, while Hopkins and McCabe (2012)

[36] Both Muhammad (2010) and Lynch and colleagues (2013) caution that minority representation on legislatures has not been found to prevent the development or maintenance of racialized crime policies and policing practices throughout history.

found that Black mayors were more likely to recruit greater shares of Black police officers.[37] Literature also suggests that local political leaders' legislative decision making may be impacted by notable events, or "choice points," such as the shooting of Michael Brown in Ferguson, MO. These social forces may catalyze decision making in a particular direction (e.g., Blessett & Gaynor, 2017), for instance towards a commitment to improving racial equity in policing practices.[38]

A related body of literature, also centered predominately in the state context, examines the topic of policy diffusion, or the proliferation of similar policies across different locations (Bergin, 2011; Nicholson-Crotty, 2009; Walker, 1969). This research is undergirded by a key finding that most policy diffusion follows a similar *S* shaped pattern "with relatively few governments adopting a policy at the outset, followed by a short but rapid growth in the number of adopters, and finally concluded by a marked flattening out of the adoption rate"[39] (Nicholson-Crotty, 2009, p.192). This consistency is attributed to patterns found in the learning processes that govern legislators' policymaking behavior, namely that they seek to gather information about the potential political risks and rewards associated with specific policy adoption, and aim to be as cautious as possible in their adoption decision. Research tracking the variables that support such political learning find geographic proximity to other policy adopters and perceived ideological alignment with them to be significant (e.g., Berry & Berry, 1990; Volden, 2006; Walker, 1969), along with the nature and scope of media coverage of the issue (Bergin, 2011). This line of research

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[37] Relatedly, evidence from criminal justice scholarship finds that greater minority representation in police departments has been associated with the promulgation of values that more accurately reflect those of the communities they police (e.g. see Sherman, 1983; Weitzer, Tush, & Skogan, 2008).

[38] Blesset and Gaynor (2017) describe the shooting of Michael Brown in Ferguson, MO, as a "choice point" the city from which the city may begin to reassess its criminal justice policies and their resonance with racial equity claims.

[39] In contrast, around 25% of policies are believed to diffuse rapidly (Nicholson-Crotty, 2009).

also points to characteristics of legislation as catalyzing or stunting the learning that tends to precede policy adoption. For example, "salient" policies, or those which have generated a good deal of public support, have been found to increase the learning process and thus generate more rapid diffusion, whereas policies perceived as being complex tend to slow down the learning process and thus extend the diffusion process (Nicholson-Crotty, 2009): following this logic, highly salient and non-complex policy proposals have the highest chance of diffusing rapidly.

However, recent scholarship focusing specifically on the diffusion of criminal justice policies across states[40] diverges somewhat from broader policy diffusion literature (Bergin, 2011). In particular, in her review of 23 policy diffusion studies in the field of criminal justice, Bergin (2011) found that neither geographic proximity or ideological affiliations were significant factors among the majority of the twenty studies assessed.[41] Additionally, while only six of the studies she reviewed considered media coverage in their analyses of policy diffusion, every single one of those demonstrated associations between such attention and the proliferation of policy (Bergin, 2011).

An important qualification to the above scholarship on legislative action is that emerging contributions, mostly in the public health field, find local laws in particular to be "sticky," meaning that once legislation becomes law, it is likely to stay in city codes at least officially. Stickiness has been attributed to the lengthy protocols and decision-making process in legislatures, in addition to lawmaking institutions largely being resistant to

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[40] Bergin's (2011) review of policy diffusion studies in criminal justice journals did not find any abstracts that examined diffusion in the policy arena of policing, which the author intimates had occurred because policing policy is largely relegated to local, rather than state governments.

[41] However, Bergin (2011) noted that operationalization of political ideology in her study likely contributed to insignificant findings.

change (Satterlund, Cassady, Treiber, J., & Lemp, 2011; Shaikh, Stratton, Pardhan, & Chan, 2018).

In sum, the influence of minority threat and other city-level contextual and political factors on the evolution of QOL ordinance language over time has yet to be examined systematically. Of course, since the 1990s, the dynamic facets that impact QOL ordinance development, the use of particular legislative language, and their impact on minorities, may have changed. Assessing this evolution empirically is the focus of this dissertation.

CHAPTER FOUR: METHODS

Introduction

This dissertation advances two primary goals: 1.) explore the prevalence and evolution in race-coded (RC) language in Quality of Life (QOL) ordinances in U.S. cities over the past twenty years, and 2.) identify the demographic, geographic, political, and social forces that may account for any observed patterns. By examining the use of implicit racial language in local crime policy over time, the dissertation assumes minority threat theory as a central frame. Specifically, the study aims to extend knowledge on the development and nature of crime policies that disparately impact ethnoracial minorities at the local level, with an emphasis on illuminating mechanisms through which threat may operate. Relative to assessments of national and state policy, studies of disparities in local policy remain rare (e.g., Lynch, 2011). Nonetheless, cities have been longstanding sites of interest to sociologists and criminologists and are particularly relevant to this dissertation's core empirical objectives given they vary across time and location according to a host of dimensions, including population, economic vitality, and ethnoracial makeup (Lynch et al., 2013)—these dynamic characteristics can be assessed for their influence on ordinance language and the policing of minorities.

To answer the study questions, this dissertation employed a variety of quantitative and qualitative methods (Figure 2). Each of these methods will be described in detail in this chapter. Taken together, these methods were used 1.) to document and measure the extent and nature of RC language in city ordinances 2.) to deductively explore the assumption that minority threat theory may be applied to the development and evolution of RC QOL ordinances, and 3.) to inductively explore additional forces and processes that

may account for change in RC language use, with the aim of advancing a theoretical framework for understanding legislative action on RC QOL ordinances. Specifically, this dissertation uses QCA and descriptive bivariate analyses to empirically evaluate the applicability of minority threat theory to local crime policy, as well as to develop initial insights about other city-level factors that may be associated with RC language in QOL ordinances (Figure 2, Phases 2-4). This dissertation also employs case-study analysis to further explore the mechanisms that engender RC language and change in its use (Figure 2, Phase 5). This study's methods align with prior scholarship advocating for the integration of in-depth qualitative approaches to inquiries about the forces and processes that influence racial disparities across local institutions (e.g., Lynch et. al., 2013; Phillips, 2011).

[Insert Figure 2 About Here]

This dissertation study focuses on two time periods: TI (the late 1990s), which corresponds with the height of the "punitive turn" (Ziedenberg & Schiraldi, 2000), and T2, which represents the current period (i.e. 2018). The analysis centers on the evaluation of QOL ordinances for the following four offense types: 1.) panhandling, 2.) loitering (for any purpose), 3.) public sleeping, and 4.) graffiti. These offenses were selected because they reflect the kinds of public disorder targeted by Order Maintenance Policing (OMP) initiatives (Kelling & Coles, 1996). A city sample was selected from the National Neighborhood Crime Study (NNCS), given its creation of a nationally-representative sample of cities with populations of at least 100,000 by the year 2000. Once the city sample was selected, descriptive measures were collected at both T1 and T2, and assessed using univariate statistics. Data collection time points for these city-level measures aimed to

capture the approximate historical context prior to legislation being in place, meaning that city-level measures at T1 and T2 proceeded the dates of the QOL ordinances themselves by a few years (i.e. three to five) wherever possible (Figure 2, Phase 1).

The available text and all supporting documents for panhandling, loitering, public sleeping, and graffiti ordinances were also collected for T1 and T2. Qualitative Content Analysis (QCA) (Boss & Tarnai, 1999; Holsti, 1969; Hsieh & Shannon, 2005; Schreier, 2012) was then used to assess the presence and nature of RC language in QOL ordinances in the sample. This method provides a protocol for systematically inventorying the frequency and nature of RC language. Summary measures of RC language were created for each city and each time period, indicating the presence or absence of RC language, and its character (Figure 2, Phase 2). Variables capturing overall RC language presence and presence at each time period were used to explore the association between city-level features and such references cross-sectionally.

Based on these summary measures, a typology was generated that focused both on the presence (or absence) of RC language and its evolution through time (including cities that consistently used RC language across both time periods, those that repealed ordinance language in T2, those that adopted RC language in T2, and those that never adopted RC language) (Figure 2, Phase 3). Both summary variables and typology variables served as dependent variables in basic bivariate analyses that explored associations between ordinance language and city-level characteristics (Figure 2, Phase 4). Based on these analyses, quantitative support for minority threat was assessed. The typology and bivariate analyses then informed the selection of three case study cities that later served to provide further insights about the emergence and evolution of RC language in QOL ordinances

(Figure 2, Phase 5). The case study analysis included phone interviews with a handful of local stakeholders (e.g., city council members) in each site, and an assessment of relevant news archives and additional documents.

The overall analytic approach builds on prior QOL ordinance data collection and analysis focused on T1, in which available QOL ordinances were collected and evaluated for RC language using QCA for an earlier pilot study (Trocchio, 2019). QCA analysis revealed that 20% (n=16) of the 80 sample cities included any RC language. Summary measures regarding the nature and frequency of that language were compared with T1 data that had also been collected on the demographic composition of the cities with RC language.

City Sample

This dissertation uses cities as its primary unit of analysis. To explore the evolution of local ordinance language in the national context, the sample draws from cities included in the National Neighborhood Crime Survey (NNCS) (Peterson & Krivo, 2000). The NNCS was selected because the database includes a random sample of 91 cities with a minimum population of 100,000 in the year 2000. The sample size is comprised of 69 of the 91 NNCS cities (Appendix A) with a total of 22 cities that were excluded because of missing data. Seven cities[42] were missing data at T1 for a key local measure, the proportion

[42] These cities include Aurora, IL, Bellevue, WA, Carrollton, TX, Chandler, AZ, Coral Springs, FL, Naperville, IL, and Pembroke Pines, FL.

of the population that was Nonwhite.[43] Additionally, fifteen[44] cities from the NNCS had missing T1 data for each of the four QOL ordinance types included in the study, and were thus excluded from the final dissertation sample.[45]

City Demographic & Crime Measures

A host of city-level measures relevant to the study's primary research questions were collected for the two time periods. Those measures focus on a number of contextual factors that could conceivably impact the evolution of QOL ordinance language, including basic demographic descriptors like the total population and percent in poverty, demographic descriptors of the local government (e.g., the mayor and city council), local crime rates, and notable incidents of police use of force in the local community (Table 4).

[Insert Table 4 About Here]

Measures were collected to coincide with the period immediately prior to T1 (1997-2000), and the period immediately prior to T2 (2018) (Table 4). The three to five years prior to each time period were preferred because they provide a historical approximation of the local conditions that preceded ordinances being in place. For T1, this means that city-level data ideally spanned from the early to mid-1990s, while for T2, this means that city-level data ideally spanned from 2012 to 2015. However, for some variables, data was not available in that timeframe for either T1 or T2, and in those cases, data from years

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[43] Because minority threat scholarship stipulates that minority presence in a given area drives *subsequent* punitive responses by political elites (e.g. King & Wheelock, 2007) it was important that the T1 data on ethnoracial demographics precede the study period for T1 ordinances (from 1997 to 2000). Therefore, only data from the 1990 Census was considered for this variable, rather than later data, for example, from 2000. (see Row 6, Columns 2 and 3 in Table 4).

[44] Those cities are Dayton, OH, Denver, CO, Eugene, OR, Ft Wayne, IN, Ft Worth, TX, Hampton, VA, Livonia, MI, Louisville, KY, Memphis, TN, Pasadena TX, Phoenix, AZ, Plano, TX, St Louis, MO, Sterling Heights, MI, and Waterbury, CT.

[45] Because this dissertation is concerned with the evolution of ordinance language, it is important that the initial sample include cities with complete QOL ordinance data at T1.

slightly outside of these time periods were used.[46] All of the variables collected in the city-level database were stored as an Excel 2016 worksheet to facilitate import into STATA 15.

Identifying, Coding & Measuring Race Coded Language in City Quality of Life Ordinances

This study applies Qualitative Content Analysis (QCA) (Boss & Tarnai, 1999; Holsti, 1969; Hsieh & Shannon, 2005; Schreier, 2012) to QOL ordinances in place in the sample cities at T1 and T2 (Figure 2, Phase 2). The method involves reviewing available ordinances in each city and assessing them for RC language, and then applying RC codes. A detailed overview of the QCA method is provided in this section.

Quality of Life Ordinance Data Collection

All of the available text and any additional documents (e.g., letters of support from police departments) for ordinances pertaining to the four selected public order offenses were the focus of QOL data collection. QOL data for T1 was collected for a previous pilot study on the same topic between February 2015 and March 2016. T2 QOL data were collected between January and July 2018. During the data collection period for T2 QOL ordinances, the accuracy of T1 data was also checked, and any revisions to the full legislative datasets were made as necessary.[47] The majority of QOL data were accessible through legislative publishing companies such as Municode (https://library.municode.com/), and American Legal Publishing Company (AMLPC) (http://www.amlegal.com/), which serve as virtual libraries of city codes. Given that some

[46] For instance, city-level poverty rates for NNCS cities are only available for 2000 and later, meaning that the T1 measure for that variable will use data from that year (see Table 4). Additionally, in T2, the latest year that nationwide data on the ethnoracial composition of city councils is available is 2011 (see Table 4).

[47] For example, there were a number of cities for which T1 QOL data were missing during the pilot study, but complete data were able to be collected concurrently with the collection of T2 data for that site. This new data accounted for the change in the number of cities in T1 with RC language from 16 to 17.

cities had incomplete or missing data on these publishing sites for various reasons (for example, records posted to legal publishing websites did not always date as far back as T1), in some cases direct follow-up with city employees was necessary to confirm the presence or absence of certain ordinances, and to get the original text of such laws.[48] A dated record of contacts and exchange with city officials was maintained for each city. Following the collection of T2 QOL data, I created an Excel 2016 database to classify and catalogue cities with any missing data at either time period, (i.e. T1, T2) for any ordinance type (i.e. panhandling, public sleeping, loitering, public sleeping). The fifteen cities with missing data on any of those eight data features were dropped from the study sample and excluded from subsequent analyses. For the 69 cities in the final study sample, 1,396 pages of legislative data were ultimately collected; these were spread nearly evenly across the two time periods (692 in T1 and 704 in T2).

Qualitative Content Analysis

QOL ordinance data was then assessed using Qualitative Content Analysis (QCA). QCA is recommended when one topic is examined across units (e.g., QOL ordinances across cities) (Schreier, 2012). Unlike other qualitative approaches, QCA focuses on reducing data by using a specific, descriptive research question to guide data selection and analysis (i.e. how is criminal threat discussed in QOL ordinances?). The method is encouraged when a researcher has closely consulted literature for primary coding themes prior to analysis (Schreier, 2012). It employs a systematic approach to describe the explicit or implicit meaning of qualitative material (Weber, 1990), and integrates elements of more

[48] Sometimes clerical errors were also to blame for inaccurate information on publicly available websites. For instance, in Portland, OR, the city had an outdated Drug Free Zone (DFZ) ordinance posted to the website in which it shared its ostensibly current code, which was confirmed with a quick Google search and direct outreach to the city clerk's office.

traditional open coding strategies, while also embracing concept-driven coding processes (Schreier, 2012).

Data reduction is accomplished by developing a hierarchical coding frame that aims to describe a phenomenon along a number of theory and data-driven dimensions (and sub-dimensions) relevant to the research question, and then applying that frame only to the relevant material of a dataset. Directed and summative data reduction are two elements of QCA (Hsieh and Shannon, 2005). Directed reduction mandates a structured process for coding content but the presentation of findings is similar to more conventional approaches to qualitative coding; summative reduction, on the other hand, relies on quantitative approaches, such as counting. The summative approach is a defining feature of QCA (Schreier, 2012).

The QCA coding process involves a number of formal steps, including the development of a research question and an initial coding frame, selection of relevant material from the full dataset, marking of units of coding,[49] and completion of pilot coding and main analysis phases, in which sub-dimension codes are applied to each unit of coding[50] (Schreier, 2012). The method allows one analyst to code the same data so long as a waiting period of at least ten days has passed between coding rounds, and it encourages an auditing process wherein modifications to the coding frame are made between a pilot phase and the main analysis phase (Hseih and Shannon, 2005; Schreier, 2012). Finally, double coding of 10% of the full sample is recommended as a reliability check after the main analysis has been completed (Schreier, 2012).

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[49] This dissertation uses “thematic” units of coding, which relate to units being selected when distinct topics are covered in material (Schreier, 2012). The length of units ranged from about one to three sentences.

[50] Each dimension should capture one unique aspect of the selected material and there should be a miscellaneous subcategory to account for non-categorizable content in each dimension (Schreier, 2012).

QCA maintains a number of strengths that make it an appealing method for investigators engaged in qualitative research. Perhaps most notably, the method affords an "unobtrusive and nonreactive way to study the phenomenon of interest" (Hsieh & Shannon, 2005, p. 1285; also see Babbie, 1992), especially in comparison to other qualitative approaches. Similarly, QCA supports the use of random samples, which can help bolster generalizability claims. By focusing on data reduction as principal aim, QCA also lends itself to the quantitative presentation of findings, which addresses the challenge common in many other qualitative approaches of summarizing findings efficiently and clearly (Johnson & Onwuegbuzie, 2004). Still, the fact that the method uses a partially theory-driven to approach data selection and coding can lead to confirmation bias (Hsieh & Shannon, 2005). Further, because the method focuses on the selection and coding of only material relevant to the research questions, the importance of contextual factors may be downplayed; relatedly, results are often limited in scope since other themes in the data are ignored (Hsieh & Shannon, 2005). However, the use of multiple study methods, such as those advanced in this dissertation, aide in drawing out themes that may otherwise be subverted by QCA's narrow approach (Kohlbacher, 2006).

Generating & Applying the Coding Frame to Qualitative Content Analysis

To address this dissertation's first research question about the prevalence and evolution of RC language in QOL ordinances over time, I evaluated references to race and ethnicity that were present in QOL ordinances at each time period (Figure 2, Phase 2). To complete this analytic phase, I relied on a coding frame that captured a variety of expressions of reactions and responses to crime (Appendix B). Specifically, the coding frame was informed by a pilot QCA coding phase completed before the final T1 analysis,

in which two broad categories ("General Threat" and "Specific Threat") were created to capture differential expressions of threat by legislators (Trocchio, 2019). With defining features of the punitive turn in mind (Garland, 2001), I generated initial subcategories within the "General Threat" category, such as an articulated urgency in addressing crime problems, and a concern for public safety. I also created six subcategories under the "Specific Threat" category to capture alternative discussions of threat in QOL ordinances, particularly references to targeted approaches for identifying and responding to threat (e.g., the prohibition of certain behavior in "dangerous" places like public housing property).

The final QCA coding frame (Appendix B) used in this dissertation is based on the refinement of categories and subcategories from the pilot phase that was completed before the final T1 analysis (Trocchio, 2019). The final coding frame accounts specifically for ethnoracial references that arise in the discussion of criminal threat, and it includes the following three categories: 1.) General Threat, 2.) Race-Coded (RC) Language, and 3.) Racial Equity. The "General Threat" category from the pilot phase was retained, though a few subcategories were amended.[51] Subcategories from the "Specific Threat" category were separated into two distinct categories, "Race-Coded Language" and "Racial Equity," each with their own subcategories.[52] "Race-Coded Language" refers to any implicit references to race in the identification of threatening places or people, and the defining

[51] For example, in the final coding frame, two subcategories referring to new infrastructures and new policing policies were collapsed into one.

[52] The pilot coding frame had a number of subcategories referring to RC language that were amalgamated into their own category during the main QCA analysis for T1. For example, in the pilot phase I created a sub-category for RC language about gang members, as I expected legislation to distinguish between different types of offenders. However, during the pilot round, I found that references to gang members were also often included in references to drug offenders (possessors and users) in the same coding units, meaning that RC language pertaining to people should no longer classified that way. Additionally, descriptions of "oversight" protocols imposed over concerns about the disparity/discriminatory potential of certain policies was originally a sub-category of "Specific Threat," but I reassigned it as its own category to reflect the distinct nature of that concept following the pilot round of coding.

features of this category will be described in depth below (Table 5). The subcategories were developed in consultation with insights from stratification, minority threat, and institutional bias literature (e.g., Dvorak, 1999; Tonry, 2010). In particular, the criteria that distinguish the final four "Race-Coded Language" subcategories are based on a diverse literature exploring nuanced ways[53] that references to dangerous people and places may rely on racialized scripts (e.g., Fitzgibbon, 2007; Tonry, 2010). Finally, "Racial Equity" refers to instances in which city councils explicate equity protocols in their laws either by prohibiting race from being used in assessing threat, or creating oversight mechanisms to respond to disparities and discrimination in the implementation of a given ordinance.

While the other two coding categories provide important contextual information about the extent to which race is invoked in QOL ordinances, the research questions of this dissertation center around classifying and explaining the use of RC language, and assessing implications for minority threat theory, meaning that the primary objective of the QCA phase of analysis is to *identify the cities with any evidence of any RC language at both T1 and T2*. T1 QCA analysis was completed between April 2016 and October 2016, and T2 QCA analysis was completed between July and September of 2018. Recoding of 10% of the sample was conducted in both time periods, and the results of the recoding suggested high reliability.[54]

A Summary Coding Schema for Race-Coded Language

Summary measures of RC language in QOL ordinances were based on QCA results

[53] While no explicit references are expected to be found in the QOL ordinances, any references made will be accounted for during QCA coding.

[54] The percent of agreement (91%) calculated for the units coded in the main coding phase and the units coded during the double-coding phase exceeds the 75%, the minimum standard for high coding reliability (Schreier, 2012).

from the “Race Coded Language” coding frame category (Appendix B). These measures included a summary coding schema for describing the prevalence and nature of implicit racial language in QOL ordinances. Two of the measures captured person-based language (with greater or less discretion in enforcement) and two captured place-based language (with greater or less discretion in enforcement). The individual categories in the coding schema are as follows, with more implicit categories pertaining to racialized references to places, and the less implicit categories pertaining to racialized references to people (Table 5).

Most Implicit codes capture ordinance language referencing racialized *places* but also *require officers to incorporate formal risk assessment protocols* when determining threatening locations (Table 5), such as the identification of statistically risky micro places (e.g., hotspots), enforcement areas determined beforehand by a police superintendent, or a court order prohibiting a suspect from being in a particular area. These codes are predicated on enforcement practices that disproportionately target minority neighborhoods by drawing on entrenched stratification patterns. Yet, they are highly implicit because the identification of “risky” locations is based on actuarial data or formal assessments, meaning also that control agents’ discretion is limited.

Somewhat Implicit codes capture ostensibly race-neutral language to signal racialized *places*, but do so *without requiring formal risk assessment procedures to be used in determining threatening locations* (Table 5). By diffusing discretion widely to officers, such language also may provide greater opportunities for implicit or conscious biases to impact decision making. Somewhat Implicit codes differ from Most Implicit codes by using broad language about racialized places, such as “high activity drug areas” without

qualifying exactly how that place-based threat is known to officers.

Less Implicit codes, on the other hand, refer to *person-based* codes that draw on pervasive stereotypes of race/ethnicity and criminality, such as drug dealers and gang members (Table 5). These codes are less implicit than those constraining threat assessments to places, because there is less possible distance between officers' racialized cognitions of threat and a suspect's ethnoracial identity. However, like Most Implicit codes, this kind of legislative language also institutes *limits on officer discretion* by mandating the use of official metrics of risk (e.g., prior convictions) when determining assumptions of threat.

Least Implicit codes refer to racialized language about *people* that draws from pervasive cultural scripts of race/ethnicity and danger, and *excludes formal risk assessment procedures* that constrain discretion in determining threat (Table 5). Determinations of threat in this category may be based on an officer's instinct or initial assessment. Discretion is permitted either through language indicating that a suspect must be a "known" offender to the arresting officer, without requiring protocols as to how that status is ascertained, or by allowing threat determinations to be made solely from the physical appearance of an offender. In the latter case, the potential invocation of racial stereotypes is most direct.

[Insert Table 5 About Here]

Taken together, the RC summary measures enabled me to catalogue the presence and nuance of RC language as expressed in QOL ordinances. They included measures accounting for the presence or absence of any RC language in each city at each time period, as well as measures of the overall prevalence of coded units containing RC language, and the specific frequency of RC coding schema categories by city (Table 5). These measures also permitted the generation of a typology of RC language over time, which collectively

facilitated an empirical exploration of minority threat theory's applicability to the development and evolution of QOL ordinances.

As noted above, given this dissertation's focus on RC language, the decision was made just to report prior T1 QCA results for the "RC Language Theme" (Appendix B, Category 2) and only to code the full T2 study sample for results from that category, with the understanding that additional QCA themes such as concerns for racial equity would be further assessed qualitatively during the case study analysis. Per QCA best practices (e.g., Schreier, 2012), from those nearly 1,400 pages, I selected ordinance material that mentioned any RC language subthemes included in my final coding frame (Appendix B), resulting in 89 total pages of selected material subject to QCA in each study period (43 in T1 and 46 in T2). As had already been completed for T1 QOL data, selected material for T2 was then marked (via highlighting) for coded units. In July 2018, the QCA for T2 was completed and T1 QCA coding results were reviewed and checked for accuracy, with revisions being made as necessary.[55] At that point, RC QCA coding results for each time periods were finalized and transferred to an Excel 2016 database.

Creating & Applying A City-Level Typology of Quality of Life Ordinances: Accounting for Stasis & Change

Typology Creation

Because this dissertation seeks not only to explore the prevalence, but also the evolution, of RC ordinance language, classifying cities according to their stasis and change was necessary (Figure 2, Phase 3). In order to complete this step, I used summary RC measures to guide my generation of a typology of implicit racial references over time and

[55] There were three instances where human error in coding was discovered, wherein the coded unit was provided an inaccurate sub-theme name.

across the city sample. The typology variable captured the RC language trajectories of all of the 69 cities in the sample, including cities that consistently used RC language across both time periods, those that repealed such language T2, those that newly adopted it in T2, and those that never used RC language. Descriptive statistics of the full sample by typology category are provided in Appendix C.

Using Bivariate Analyses to Explore the Potential Influence of City-Level Factors on Differential Ordinance Use and Evolution

After cities in the sample were populated into typology categories based on their use of RC language use over time, basic quantitative methods were employed to evaluate empirical support for the applicability of minority threat theory to local QOL ordinances, as well as to consider what broader factors may account for differential ordinance evolution. These methods included Spearman correlations between city-level measures and various operationalizations of RC language at each time period, and Welch's tests exploring mean differences in city-level features among different typology categories (Figure 2, Phase 4).

Spearman rank order correlations. To capture the association between various city-level features and RC presence at a given point in time, Spearman rank order correlations were used. Spearman rank order correlations are non-parametric tests employed with non-interval or ratio data, or with interval and ratio-level data that does not meet normality assumptions (Acock, 2008; Akoglu, 2018). In my case, dependent variables capturing RC language presence were dichotomous. The test is used when data otherwise suitable for Pearson correlations fail to meet assumptions of homoscedasticity and normality (Coleman & Colbert, 2010). Unlike Pearson correlations, such as Pearson's r,

which evaluates the strength of two variables' linear association, Spearman rank order correlations assess two variables' monotonic relationship (Coleman & Colbert, 2010). While the correlation itself can provide instruction about the relative strength or weakness of the monotonic association between two variables, post-hoc tests of statistical significance are also required to evaluate whether or not to accept the null hypothesis. This step is considered especially critical whenever Spearman rank order correlations are run on small sample sizes (Coleman & Colbert, 2010).

Welch's tests. To assess the potential influence of city-level features on change over time in RC language use, Welch's tests were conducted. The core aim of this analytic stage was to gather additional insights about the adoption and repeal processes in particular. These tests afforded me more power than I would have had had I used non-parametric tests, given the small number of cities that evidenced either type of RC language change over time (either repeal or novel adoption). Welch's tests are independent samples t-tests where unequal variances are assumed (e.g., Kim, 2015). Independent sample t-tests assess the mean differences between two independent groups (Kim, 2015; Pagano, 2004). In particular, two grouping variables are used to assess mean differences for measures of interest (Pagano, 2004). Welch's tests are used in place of independent sample t-tests with equal variances (i.e. *Student's* t-tests) in cases in which assumptions of homogeneity of variances cannot be met**.** Welch's tests are parametric, meaning that they carry a primary assumption that sample data is normally distributed (Kim, 2015). While Welch's tests compromise some of the robustness afforded by independent sample t-tests with equal variances assumed, they help to mitigate some of the Type 1 error that otherwise occurs

when data fails to adhere to the heterogeneity of variance assumption.[56]

Further, there is at least some support for the feasibility of running independent sample t-tests on samples with five or fewer cases (de Winter, 2013; Ruxton, 2006). Indeed, Student (1908) first introduced the independent t-test with the aim of applying them to small sample sizes (for more on this, also consider Box, 1987; Lehmann, 2012; Welch, 1958; Zabell, 2008). Writing on the topic in 2013, de Winter found there to be "no fundamental objection to using a regular t-test with extremely small sample sizes" (p. 6), for sample sizes as small as two, given minimal Type 1 error impacts in these cases, especially where effect sizes are substantial.[57] De Winter (2013) also indicates that independent sample t-tests with unequal variance assumed (i.e. Welch's tests) are preferred when sample sizes are unequal (also see Ruxton, 2006), as is the case with the two sets of RC language evolution comparisons included in this study.

In this dissertation, four dichotomous RC trajectory variables were used as grouping variables in two sets of independent sample t-tests, in order to compare cities that started off in the same use category with respect to RC language in T1, but performed differently in T2. Specifically, Welch's tests were used to compare mean differences between 1.) repealing cities and consistent use cities, and 2.) novel adopting cities, and never adopting cities.

[56] Given that that this failure occurs often in social science research, some scholars have advocated for the use of Welch's tests as a default independent t-test approach in related disciplines (see for example, Delacre, Lakens, & Leys, 2017).
[57] Effect sizes are traditionally considered "small" at or below .3, and "large" starting around .5 (Coe, 2002).

Case Study Analysis

Further theorizing about possible reasons for QOL ordinance evolution was afforded by a case study analysis (Figure 2, Phase 5). In particular, the method inductively probed the processes that underlay changes in implicit racial references contained in QOL ordinances. Case studies refer to explorations of events within their real-life context (Yin, 2009). Case study approaches have a number of unique advantages, including their ability to facilitate an in-depth understanding of complex relationships and phenomena (Hodkinson & Hodkinson, 2001). By emphasizing current event perspectives from key stakeholders, case study approaches invite and illuminate the lived reality of social phenomenon in a way that other approaches (e.g., survey) cannot (Hodkinson & Hodkinson, 2001). Further, by affording such an intimate exploration of a smaller number of units of analysis, case study research can highlight meaningful variation from the normative patterns captured by correlational approaches and contribute to nuanced and thorough theoretical development (Hodkinson & Hodkinson, 2001). Nonetheless, a number of limitations to the method also exist. For one, the sheer amount of data accumulated per case makes thorough analysis of all forms of evidence cumbersome and inherently leads to the partial omission of data (Colley & Diment, 2001). Additionally, given the nuance facilitated by such in-depth explorations of a given topic, it can be difficult for investigators to simply or numerically summarize findings (Colley & Diment, 2001). Perhaps most importantly, the small sample sizes and sampling strategies employed in case study approaches do not predispose findings to being generalizable. Nonetheless, triangulation with other methods can help mitigate the extent of these limitations (for example, see Kohlbacher, 2006).

Case study methods are particularly encouraged when a researcher is interested in research questions that focus on evaluating how or why a phenomenon exists; they are especially well suited to inquires in which contemporary conditions are considered (at one point or over time),[58] and in which multiple forms of evidence are available (e.g., official documents, interviews, newspaper articles, archival records) [59] (Patton, 2002, Yin, 2009) (Table 6).[60]

[Insert Table 6 About Here]

Purposeful Sampling of Case Study Sites

Best practices for purposeful sampling (Maxwell, 2012; Neuman, 2012; Patton, 2002; Suri, 2011) informed selection of cities to be examined as case studies. Examining information-rich cases allows an analyst to develop in-depth insights about a phenomenon that can inform theory building. The selection process occurred after quantitative analyses of the city sample. Sites were selected using "maximum variation sampling" (Patton, 2002 p. 243; also see Maxell, 2013). To capture the differential evolution in RC language, typology categories were the basis on which case study sites were selected. However, I decided not to sample a city from the "never adopter" typology category, given the expectation that informants from such a city would not yield substantial insights on legislative action pertaining to RC QOL ordinances. Maximum variation sampling leads

[58] Yin (2009) does suggest that case study methodologies can be employed with longitudinal data.
[59] Using multiple sources of evidence (i.e. data triangulation) is a primary principle of case study data collection (Patton, 2002; Yin, 2009) and it is identified as a key tactic for construct validity in case study research (see Yin, 2009).
[60] Case studies can be conducted on as few as one case, though Yin's (2009) useful distinction between units of data collection and units of data analysis in case study research helps underscore the importance of collecting extensive data points per case, regardless of the total number of cases used in the analysis. There should be as many units of data collection (e.g. interviews, documents) as possible per unit of analysis (e.g. cities).

cases representing heterogeneity in conditions and responses to be selected, with an emphasis in the analysis phase on evaluating overlapping patterns that exist across cases (e.g., cities' common approaches to evaluating policies for adoption, despite any notable differences in their use of RC language over time). Using typology assignments based off of QCA results to guide purposeful case sampling comports with prior scholarship demonstrating the benefits of integrating QCA methods with case study research (e.g., Kohlbacher, 2006).

While there is no minimum threshold for the number of units of analysis included in a case study (Flyvbjerg, 2006; Yin, 2009), the case study analysis included three study sites. The three cities included in the case study site varied according to whether (1) they had race coded language across both time periods (2) they had previously had race coded language, but no longer did at Time 2, or (3) had more recently adopted this language. The cities were also chosen to ensure geographic variation,[61] though differences over time in some local features, such as overall population size, minority population, and crime rates, were also evident. To guard against identification, the three case study cities were assigned the following pseudonyms representing their RC evolution typology categories: Consistent City, which had a RC QOL ordinance on the books both in T1 and in T2, Noveluserville, which newly adopted a RC QOL ordinance in T2, but did not have one in T1, and Repealerboro, which had a RC QOL ordinance on its books in T1, but had repealed it by T2. More detailed case study summary points are provided Appendix D.

[61] The cities in the case study analysis included one city on the West Coast, and two in the Midwest, though the two midwestern cities were hundreds of miles apart from one another.

Interviews

As noted above, case study methodology stands apart from other qualitative approaches in its use of multiple sources of evidence (Flyvbjerg, 2006; Yin, 2009). Interviews are considered one of the most important data sources in case study research (Yin, 2009). In this dissertation, phone interviews were conducted rather than in-person interviews given the geographic spread of cities in the study sample. Guiding principles for conducting interviews in case studies informed my recruitment and screening procedures. Yin (2009) in particular stresses the importance of highly targeted interviews in case study research, while also cautioning against incredibly extensive screening protocols. This dissertation seeks to explore how the characteristics of cities, the composition of their local governments, and their legislative decision-making processes may impact the nature and tone of QOL ordinances over time. Accordingly, when recruiting interview participants, a primary condition for eligibility was that respondents were members of the local community and knowledgeable about the local policy making process. Given the study's focus on the evolution of QOL ordinances over time, my goal was to recruit longstanding residents who had served or presently serve on city council.[62] I also hoped to achieve as much demographic diversity as possible in my interview sample, particularly with regards to race/ethnicity, to account for the central focus on this topic in the dissertation.

Fourteen phone interviews served as the primary data source for the case study analysis. The interviews were completed between August 2018 and November 2018. Interview respondents were recruited via both snowball sampling and cold calling. As I

[62] While it was critical to interview at least some legislative insiders for purposes of the current study, other kinds of local stakeholders were also interviewed, both when city council members/and or their staff were not available, and when additional gatekeepers, like city attorneys, were identified during snowball sampling as key informants.

will discuss further, while I had hoped most of my interviewees would be longstanding city leaders and their staff that were involved directly in, or at least worked in local government at the time of key legislative action pertaining to RC QOL ordinances, this aim was not ultimately successful.[63] The reason for this was that much of my direct outreach to such individuals went unanswered, and referrals from other interview respondents tended to result in the identification of stakeholders that had been involved in city politics for less than a decade. Figure 3 provides a summary of the demographic and professional distribution of the interview sample across the three case study sites.

[Insert Figure 3 About Here]

While the interview process required collecting information from individual respondents, these participants did not constitute vulnerable subjects[64] [45 Code of Federal Regulations 46.101(b)], meaning that the study was qualified for expedited review by the Rutgers University Institutional Review Board (IRB). To protect the human subjects I interviewed as part of my case study analysis, I demonstrated specific plans their protection (e.g., gaining informed consent, protecting privacy and confidentiality) in an IRB application for expedited panel review. That application was submitted in May of 2018 and

[63] In Consistent City, a city attorney that did not participate in the interviews served as the primary source for interview respondents, as he referred eight possible respondents, five of whom ended up participating in interviews. An additional four potential respondents were identified by my own internet research on key legislative stakeholders in the city, and one of those individuals was subsequently interviewed. In Noveluserville, Jeff, an official with the City Attorney's office, was the primary source for interview respondents, as he referred me to three additional individuals, two of whom I subsequently interviewed. Wes, one of the respondents referred by Jeff, also referred me to Hazel. Of the eleven city council members that I cold called, one ended up participating in the project. In Repealerboro, a city clerk whom I consulted for QOL ordinance data collection referred me to Hank and Todd, both of whom I interviewed. The other two respondents were identified via an internet search and then cold called. Of those two, Joe referred me to two potential respondents, but neither were successfully recruited.

[64] Rutgers' Office of Research Regulatory Affairs lists the following populations as "vulnerable subjects": 1.) children, 2.) cognitively impaired persons, 3.) deceased individuals, 4.) the elderly, 5.) non-English speakers, 6.) pregnant women and fetuses, 7.) prisoners, and 8.) Rutgers students and employees (https://orra.rutgers.edu/artscipolicies).

was approved in July of 2018. The final study screening questionnaire and verbal consent form used on the interview subjects are included in Appendix E.

Finally, best practices for conducting interviews in case study analysis guided my development of interview protocols (Rubin & Rubin, 1995; Yin, 2009). Experts in case study methodology suggest that investigators take a fluid rather than rigid approach to interviewing participants, wherein interviews should serve as “guided conversations rather than structured queries” (Yin, 2009, p. 106). An open-ended format was advanced, given that it invites the opinions of participants, which is important when considering the causes and manifestations of a phenomenon. This format can also accelerate snowball sampling and point investigators to additional sources of evidence beyond interview data (Yin, 2009).

The scope and themes covered in the interviews related to the intended purposes of the interviews, which are two-fold: 1.) elaborate on findings from analyses conducted with the city-level measures (e.g., the influence on high profile events of police brutality on QOL ordinance language evolution), 2.) explore themes not captured by variables in the city-level database (e.g., attitudes and professional experiences of interviewees). The final interview guide used during phone interviews informed by the results from prior analytic phases. It is included in Appendix F.

A number of questions were asked across case study sites (e.g., “How would you classify the current status of race relations in your city?”) in order to compare participant responses by their city typology category, and also to look for shared themes across each. In terms of variables from the city-level database, I posed questions about any significant demographic, crime, policing, with a focus on themes relevant to minority threat theory

(e.g., Blalock, 1957, 1967), and related perspectives on institutional bias (e.g., Haney-Lopez, 2000). Regarding themes not accounted for in the city-level database, I focused a good deal of interview questions on uncovering participants' perceptions of the internal processes (e.g., committee hearings) and external forces (e.g., the overall crime rate) that guided the development of local crime policy in general, and the evolution of RC QOL ordinances specifically, in their respective cities. These questions, and their follow-up inquiries, were adjusted somewhat by site (e.g., a repealing city vs. a novel adopting city) and respondent type (a city counselor vs. a city attorney). I also posed open-ended questions about notable current events (e.g., notable incidents of police use of force), which in some cases elicited responses that led me to seek supplemental data on a given issue or topic, as I explain below. Additionally, I asked informants about their personal attitudes on crime, crime control, and relationships with their peers and their constituents, reflecting findings from the political science literature on factors that influence legislative decision making (e.g., Canfield-Davis et al., 2009; Holman, 2014). This variation in interview questions was based off of Yin's (2009) classification of levels of questions in case studies, which are summarized in Figure 4. In this hierarchy, Level 1 questions refer to questions posed to particular interview respondents (e.g., a community leader vs. a city council member) and Level 2 questions refer to questions posed about each unit of analysis in the case study (e.g., what patterns emerge from interviews with all of the interviewees in an individual case?) (Yin, 2009).

[Insert Figure 4 About Here]

Supplemental data sources included QOL ordinance text, which was collected prior to the case study analysis, and new sources, such as news coverage, press releases, and

court documents (i.e. legal filings and enforcement data). As described above, supplemental documents were obtained in a targeted fashion, either directly from interview respondents, or from my own internet searches based on the identification of specific local events or issues that respondents said were notable during interviews (e.g., a race riot following an officer involved shooting). In the latter case, I focused my attention on identifying media coverage.[65] Finally, standard APA citing protocols were suspended in the reporting of case study data to allow for the integration of supplemental data while also providing an additional layer of protection against the identification of study sites.

Analysis

The case study analysis phase of this dissertation sought to inductively explore themes invoked by the city-level analyses (e.g., influence of ethnoracial makeup on RC language), the text of QOL ordinances themselves, interview responses, and findings from additional sources identified by interview participants (e.g., media coverage) using NVivo 12 (Edhlund & McDougall, 2016). My analytic strategy centered largely around open coding for themes (or "nodes") in NVivio, and then querying various nodes for their presence and frequency across and within case study sites to identify patterns. Finally, case study themes were then leveraged in conjunction with findings from bivariate analyses to begin building a theoretical framework on the mechanisms that account for the processes leading local ordinances to evolve, with a focus on assessing the consequences of those mechanisms for race coded language, and implications for minority threat theory.

[65] Media representation was especially of interest to me given the demonstrated importance of media portrayals of minorities in levels of support for certain kinds of crime policies in minority threat scholarship (Dixon & Linz, 2000; Jacobs & Tope, 2008).

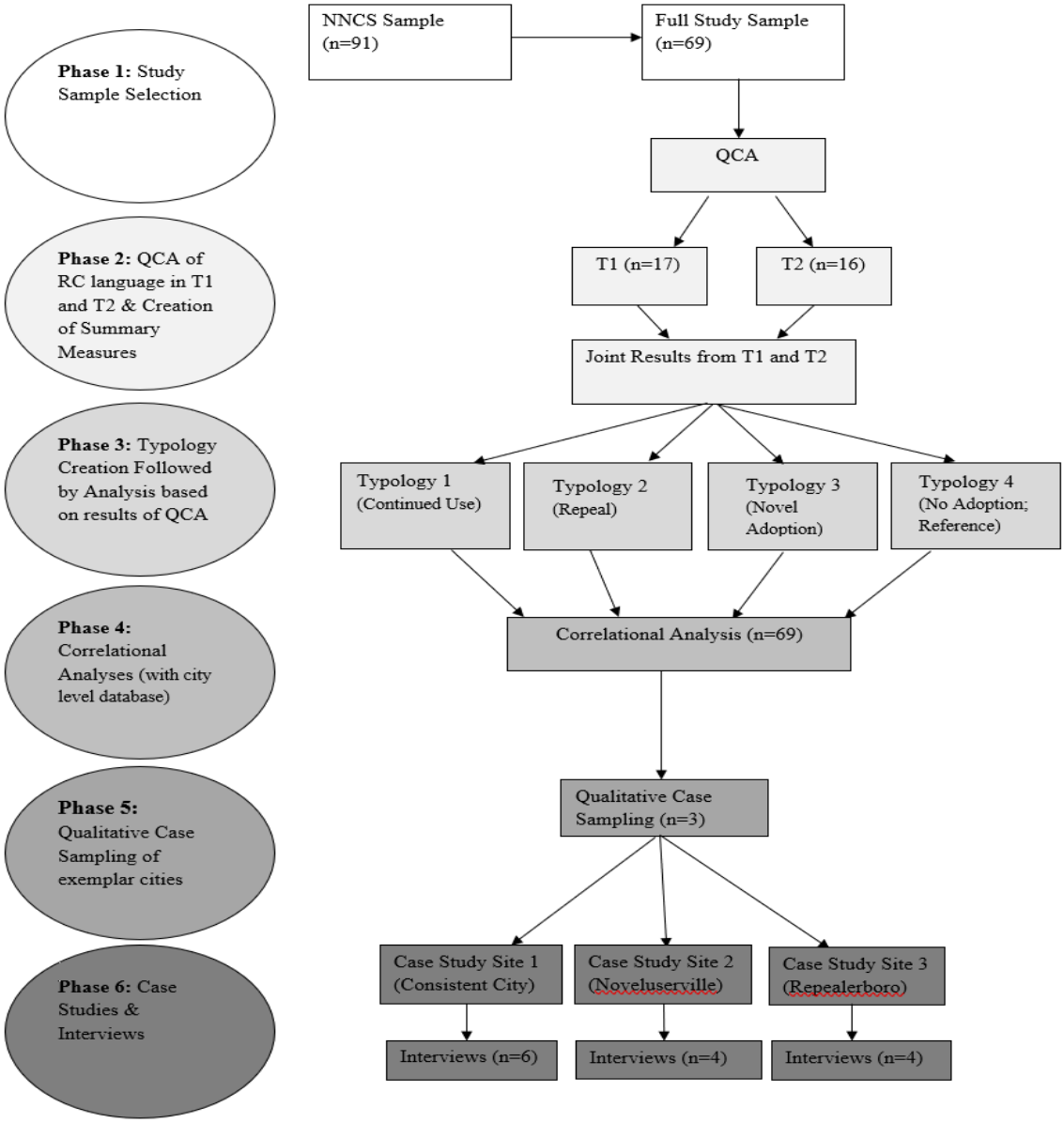

Figure 2. Analytic phases logic map. Developed by author.

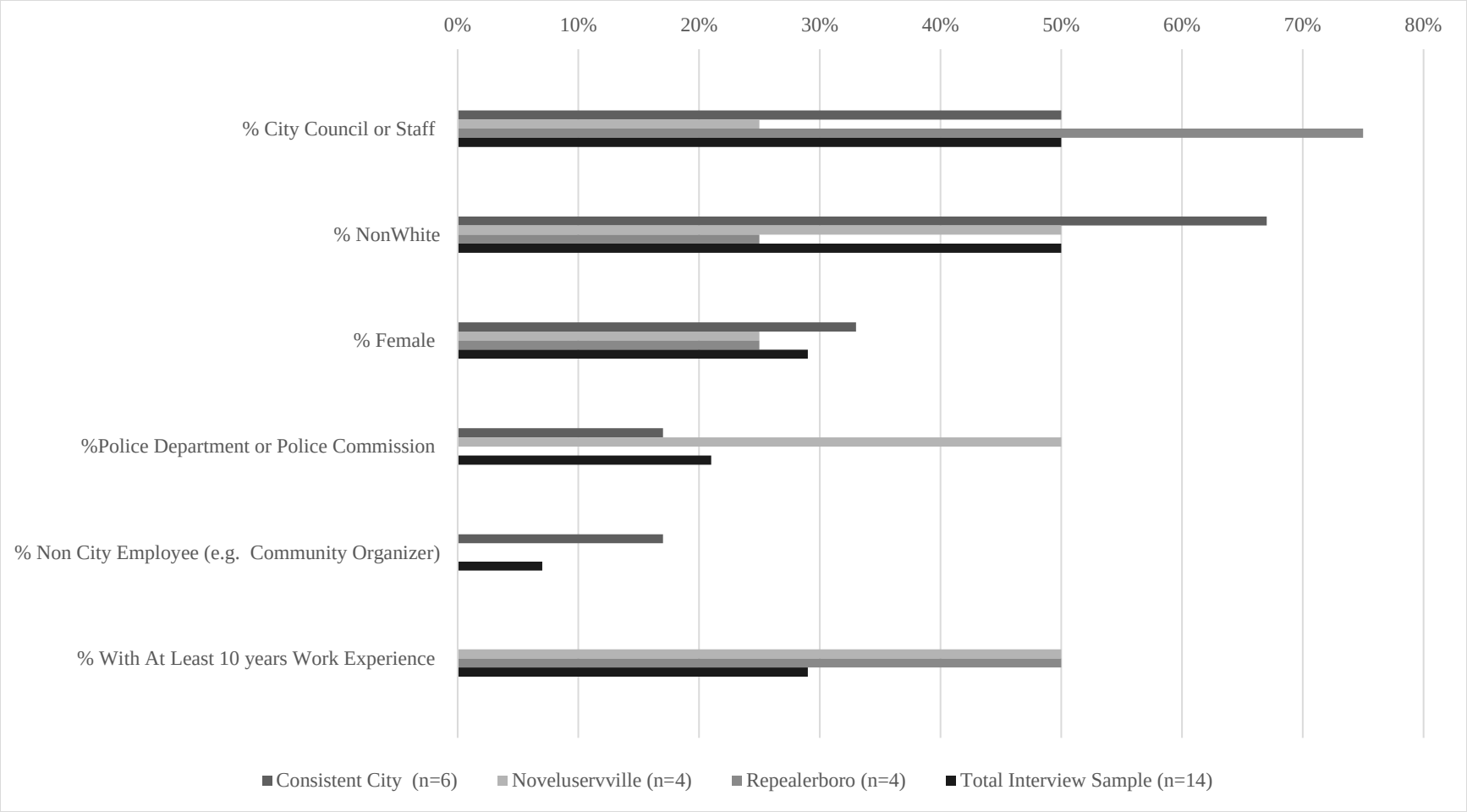

Figure 3. Interview respondent characteristics (n=14). Developed by author.

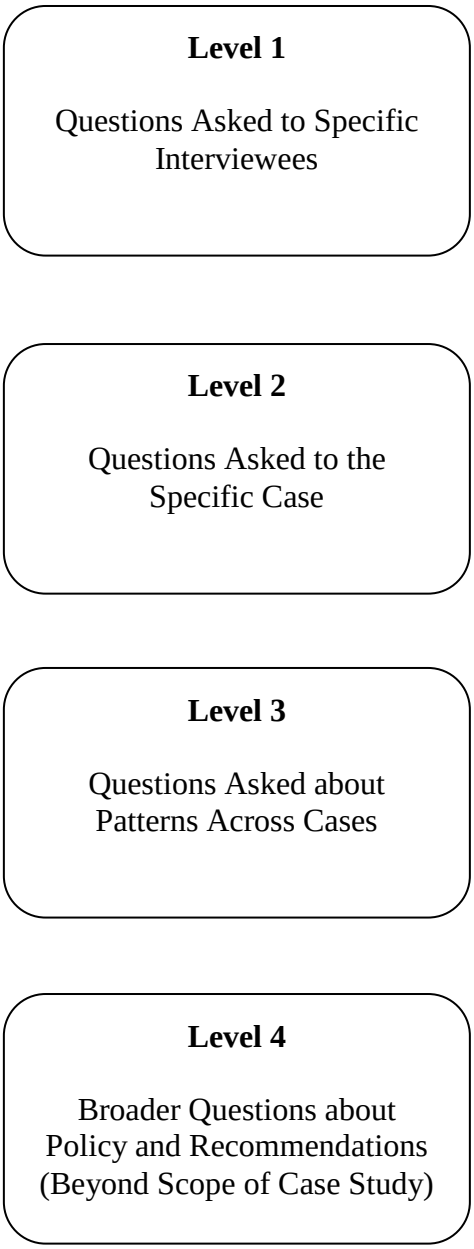

Figure 4. Levels of questions in case study analysis*:* Adapted from Yin, 2009.

Table 4

City Sample Measures: Sources and Time Periods

Variable	**Time Period**			
	Time 1 (T1)		**Time 2 (T2)**	
	Source	**Year**	**Source**	**Year**
Population Size	U.S. Census*	1990	U.S. Census	2017**
Percent in Poverty	U.S. Census*	2000	U.S. Census	2017**
Percent Minority	U.S. Census	1990	U.S. Census	2017**
Percent Foreign Born	US Census ****	1990	U.S. Census	2017**
Unemployment	U.S Bureau of Labor Statistics, Local Area Unemployment Statistics****	1990	U.S. Census, American Community Survey (ACS)	2016***
Property Crime Rate	Uniform Crime Survey (UCR)	1995	UCR	2014
Violent Crime Rate	Uniform Crime Survey (UCR)	1995	UCR	2014
Ethnoracial makeup of the city council (including Mayor)	The International City/ County Management Association's (ICMA) 2011 Municipal Form of Government Survey.	1996	The International City/ County Management Association's (ICMA) 2011 Municipal Form of Government Survey.	2011
Ethnoracial makeup of the police force	Law Enforcement Management Administration and Statistics	2000	Law Enforcement Administration and Statistics	2013
Deadly Use of Force Incident(s)	Fatal Encounters	2000	*Fatal Encounters*	2015

Note.
* These Census data are also presented in the NNCS.
** 2017 estimates are rendered as of July 1, 2017 and based largely on 2010 Census values.
*** 5-year estimates from 2012-2016.
**** All compiled for Metropolitan Statistical Areas (MSA), rather than cities specifically, though sample city is largest in each MSA.

Table 5

Summary Race Coded Language Coding Schema

Level of Implicitness			
Most	**Somewhat**	**Less**	**Least**
Place Based	Place Based	Person Based	Person Based
Use of Official Metrics	High Officer Discretion	Use of Official Metrics	High Officer Discretion
Example: Circumstances of suspicion include if "the subject of any court order which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity" (New Haven, Ct, 1995)	*Example:* Among circumstances of suspicion for drug loitering, "The person is at a location frequented by persons who use, possess, or sell drugs" (Austin,1994)	*Example:* Provisions permitting landlords to evict tenants engaging in gang related crime, where: [(ii) the tenant has been convicted of a crime wherein the underlying offense involves illegal drug activity, drug-related nuisance activity or a gang-related crime on the premises.] (Los Angeles, n.d.)	*Example:* Included in the list of circumstances of suspicion for drug-loitering is that "is physically identified by an officer as a member of a "gang" (San Diego, 1993)

Table 6

Case Study Data Sources: Strengths and Limitations

Source	Strengths	Limitations
Documents	❖ *Stable:* can be reviewed repeatedly ❖ *Unobtrusive*: not generated as part of case study ❖ *Exact Information:* contains references to events, names, additional details ❖ *Broad Coverage:* many events and settings	❖ *Retrievability*; can be hard to find & access ❖ *Biased Selectivity*, if collection is incomplete ❖ *Reporting bias*; reflects unknown bias of the author
Archival Records	❖ *[Same as above points for Documents]* ❖ *Precise and Usually Quantitative*	❖ *[Same as above points for Documents]* ❖ Accessibility owing to privacy concerns
Interviews	❖ *Targeted*: focuses directly on case study themes ❖ *Insightful*: provides perceived causal inferences and explanations	❖ Bias due to poorly articulated questions ❖ Response, recall and social desirability bias

Note. Adapted from Yin, 2009

CHAPTER FIVE: QUALITATIVE CONTENT FINDING ANALYSIS FINDINGS & RESULTS FROM BIVARIATE ANALYSES

Introduction

The two research questions addressed in this chapter are 1.) What is the extent and character of race-coded (RC) language in Quality of Life (QOL) ordinances in cities across the United States, and how has it evolved in the last twenty years? And 2.) What city-level factors (e.g., racial composition, crime rates, SES) are associated with the presence of RC language in QOL ordinances over that same time period?

This chapter reviews the initial steps taken to empirically explore whether minority threat theory can be applied to QOL ordinances and speculate about additional city-level factors that may also influence differential evolution of RC language in such laws. It details the results of the Qualitative Content Analysis (QCA), which served as the basis from which various operationalizations of RC language were developed as dependent variables, including its presence and nature at each time period, and its use across T1 and T2. The chapter goes on to summarize the results of descriptive quantitative analyses, including univariate statistics of the dependent variables and city-level independent variables at T1 and T2, as well as bivariate analyses spanning both study periods. Analyses examined RC language presence both in a cross-sectional and longitudinal context. With respect to the later, longitudinal patterns were assessed using typology categories based on RC language evolution. Both the results of the cross-sectional and longitudinal bivariate analyses informed the selection of case study sites, as well as the themes to be further explored inductively.

QCA Results

As noted in Chapter 4, the main purpose of the QCA was to assess the extent, character, and evolution of RC language in 69 cities at both T1 and T2, and to permit the empirical exploration of the idea that the processes underlaying such language use reflect mechanisms of racial threat. QCA was conducted on material pertaining to RC language from nearly 1,400 pages of collected QOL ordinance data. Specifically, any phrases and/or sentences that reflected the theme of RC language (i.e. coding units) were coded according to the decision rules set forth by the Coding Frame (see Appendix B).

Extent and Nature

The primary purpose of QCA analysis was to classify cities in the sample according to the extent and nature of discrete phrases and/or sentences containing RC language, also known as "coding units" in QCA parlance (Schreier, 2012). The total number of coded units in T1 and T2 were about equal across each time period: of the 106 total coding units that included RC language, 52 (49.06%) were from T1 and 54 (50.94%) were from T2. The majority of cities had no RC language during either study period. Overall, 19 cities, or 27.54% of the full sample, (N=69) had at least one coded RC language unit in their QOL ordinances in either T1 or T2. There were no notable differences in the average number of RC statements per city in each time period, with cities T1 averaging 3.06 coded statements in T1, and 3.13 in T2. Figure 5 illustrates the distribution of RC language presence and type for both T1 and T2 in the full study sample (N=69).

[Insert Figure 5 About Here]

The two bars are nearly identical reflections of one another, indicating that RC language

remained rare in each wave. In T1, 17 cities, or 24.63% of the full sample (N=69), had QOL ordinances on the books with any kind of RC language. In T2, that number shrunk slightly, with 16 cities, or 23.19% of the full sample (N=69) maintaining QOL ordinances with RC language. The similarity in prevalence of RC language across time periods speaks to the relative intractability of QOL legislation. City councils were unlikely to amend or repeal QOL ordinances between T1 and T2. Importantly, the cities with RC QOL ordinances in T1 tended to be the same cities that had it in T2. In other words, there was not only similar prevalence in the presence of RC language across each study wave, but there was also notable stability in the cities that account for that similarity between T1 and T2.

To interrogate the distribution of RC language according to the original implicitness scale used to code statements during the QCA (Table 5) counts of cities with each type of code (i.e. *most* implicit, *somewhat* implicit, *less* implicit, and *least* implicit) were represented graphically in Figure 6. Across both T1 and T2, among the cities with RC language, *less* implicit codes remained the most common, followed by *most* implicit codes, *somewhat* implicit codes, and *least* implicit codes. However, there were some notable differences in the distribution of cities with RC language according to study period.

[Insert Figure 6 About Here]

In T1, just over 8 % (n=6) of cities in the sample (N=69) maintained ordinances with *least* implicit RC language, and that percent contracted to 6% (n=4) in T2. Further, the percent of cities with RC language remained consistent in their QOL ordinances' inclusion of *less* implicit codes (20.3% in T1 and 18.8% in T2), there were no changes in the overall percent of cities employing *somewhat* implicit codes from T1 to T2 (at 11.5% in each time period).

Finally, the percent of cities *with most implicit* codes decreased slightly from 15% in T1(n=10) to 17.5% in T2 (n=12). Taken together, these univariate statistics suggest a very tendency towards less discretionary, and more ostensibly objective risk metrics, and a greater emphasis on racialized places, rather than people, in T2 QOL ordinances.

The overall rarity of RC language in either time period substantially limited the percent of cities in the full sample populating each implicitness category. This rarity compromised the ability to use categories with that degree of specificity in subsequent analyses, owing to constraints on statistical power. Accordingly, Figure 5 presents the distribution of cities according to two collapsed implicitness categories. The two collapsed categories are mutually exclusive, and were created by combining *most* and *somewhat* implicit codes into one "place-based" category, and combining any *less* and *least* implicit codes into one "person-based" category, in order to assess city distributions in the targets of their RC language. By and large, cities with RC language were likely to include both place and person-based references. Around 15% (n=10) of cities in the full sample included both person and place-based references in their QOL ordinances in both T1 and T2 (Figure 5). In T1, only about 3% (n=2) of cities included just place-based RC language, whereas that percent declined to just over 1% (n=1) in T2. Alternatively, approximately 7% (n=5) of cities in both T1 and T2 included just person-based language in their QOL ordinances. Based on these descriptive findings, a total of six dichotomous variables describing general RC presence or absence at each time period, as well as place-based and person-based RC language at T1 and T2 were created in STATA 15.

Among the 19 cities with RC language use at either T1 or T2, 85% (n=16) evidenced RC language in ordinance provisions establishing criteria for circumstances of

suspicion. Only three cities (the same in both T1 and T2) had RC language embedded in more general or blanket provisions against certain behavior.[66] Finally, RC language was found exclusively in loitering ordinances, rather than any other ordinance types (Figure 7). As Figure 7 demonstrates drug loitering ordinances were the most likely to produce RC language, with close to 20% of cities in the full sample (N=69) evidencing RC language through drug loitering ordinances in T1 (n=12) and T2 (n=11). Across both study periods, RC statements were also found in gang-loitering and housing related ordinances. Cities much more rarely exhibited RC language use in such laws, as only 4% of cities (n=3) demonstrated RC language through gang loitering ordinances and 4% of cities (n=3) demonstrated RC language through housing-related ordinances.[67]

[Insert Figure 7 About Here]

Evolution

To evaluate the evolution of RC language in QOL ordinances over the past two decades, and to assess city-level features that may account for differences in use between T1 and T2, it was also necessary to create mutually exclusive variables that captured change over time in overall RC language presence in their QOL ordinances. The following categories were ultimately used: 1.) cities that had no RC language at either T1 or T2, 2.) cities that had RC language at T1 but not T2, 3.) cities that had RC language in T2 but not T1, and 4.) cities that had RC language at both T1 and T2. In STATA 15, the previously mentioned dichotomous variables representing presence of RC language at both T1 and

[66] For example, a gang loitering ordinance from 1999, still on the books in T1, notes that: "It is unlawful for any person who is a member of a "criminal street gang" as that term is defined in California Penal Code § 186.22(f) or who is in the company of or acting in concert with a member of a "criminal street gang" to loiter or idle in a "public place."

[67] One of these ordinances stipulated no loitering on public housing grounds.

T2, respectively, were used to generate to represent the full range of RC language evolution trends evidenced across cities.[68] Figure 8 illustrates the distribution of cities in the study sample according their typology category.

[Insert Figure 8 About Here]

As intimated earlier, just under ¾ of cities (n=50) were classified as never adopters (Figure 8). Of the over ¼ of cities in the sample with RC language at either time period (n=19), nearly over 70% (n=14) were consistent users, thus reinforcing the earlier observation from Figure 5 that RC language presence or absence in QOL ordinances tends to be quite "sticky." In other words, cities that passed order maintenance laws in T1 were unlikely to evidence change with respect to their RC language use. Study sites that included RC language in legal provisions in the late 1990s were likely to keep such laws on the books, whereas those that failed to introduce ordinances with such language during that time period were unlikely to amend their original ordinances to include RC language, or to pass new RC ordinances in T2. Indeed, nearly 93% of the sample failed to change their typology category from T1 to T2. Nonetheless, it is worth noting that among the 19 cities with RC language, close to 30% of those (n=5) evidenced change in their QOL ordinance's inclusion or exclusion of RC language, substantiating further exploration of the factors that may engender differential patterns in use over time.

[68] The following evolution typology was generated by first creating four dichotomous variables: 1.) Never Adopters (0/1), 2.) Consistent Users (0/1), 3.) Repealers (0/1) and Novel Adopters (0/1). Never adopters are those cities that never had QOL ordinances that contained RC language during either T1 or T2, consistent users are those cities that included RC language in their QOL ordinances in both T1 and T2, repealers are those cities that had QOL ordinances with RC language in T1 but not T2, and novel adopters are those cities that had no RC language in their T1 QOL ordinances, but did in T2.

Univariate and Bivariate Analyses

Descriptive Statistics of City-Level Features

Aggregate data were collected at both T1 and T2 for all of the 69 cities in the study sample. As noted in Chapter 4, given this dissertation's focus on racial threat, eight[69] cities were excluded from the study sample for having missing data on the T1 minority population variable.[70] City-level data were sourced largely from Census, but also came from other sources, including the FBI's Uniform Crime Reports, and the Law Enforcement Management Administration and Statistics (LEMAS) (Table 4). These data were collected between September 2017 and August 2018. Following the logic outlined in Chapter 4, wherever possible, every effort was made to obtain data from a three-five-year window immediately preceding each of the time periods used for QOL ordinance data (1997-2000 and 2018). City-level data for T1 spans from 1990 to 2000, while T2 city-level data spans from 2011 to 2017. These measures were collected in Excel 2016, and then exported to STATA 15 for analysis.

Table 7 presents descriptive statistics for city-level independent variables in each time period.

[Insert Table 7 About Here]

Figures 9 through 16 univariate statistics for a number of T1 and T2 variables. By and large, from T1 to T2, city populations on average grew (Figure 9), and their minority populations increased by nearly 11%, rising from an average of 34.36% in T1 to 45.20%

[69] These cities include Aurora, IL, Bellevue, WA, Carrollton, TX, Chandler, AZ, Coral Springs, FL, Evansville, IN, Naperville, IL, and Pembroke Pines, FL.

in T2 (Figure 10). The average percent of minority police officers and percent minority city council members also grew slightly from T1 to T2. Further, foreign-born populations grew between T1 and T2 (Figure 11), though cities also evidenced increases in their mean unemployment (Figure 12) and poverty rates (Figure 13). Additionally, the numbers of deadly incidents of police force nearly doubled between T1 and T2[71] (Figure 14). As is consistent with overall national trends (e.g., Gramlich, 2018), both the property (Figure 15) and violent crime (Figure 16) rates fell by around 50% in T2, relative to T1.

[Insert Figures 9-16 About Here]

An intercorrelation matrix and brief discussion of the intercorrelations among each of the independent variables is included in Appendix G. Given this dissertations' interest in evaluating the influence of racial demography on QOL ordinance language use, a core objective in conducting intercorrelations prior to the core bivariate analyses was to evaluate the measures that capture minority presence (generally, and among police departments and city councils) to check for intercorrelation between them prior to conducting bivariate analyses. As the intercorrelation matrix indicates (Appendix G), both the percent minority officers and percent minority city council members were significantly correlated with percent minority at both T1 and T2. In particular, the percent of minority officers at T1 and T2 were both strongly positively associated with percent minority at each time period (at T1, $r=.82$, $p<.001$ and at T2, $r=.84$, $p<.001$). Additionally, the percent of minority city council members variables evidenced slightly weaker, though still significant and positive correlations (at T1, $r=.86$, $p<.001$, and at T2, $r=.58$, $p<.001$). Taken together, these

[71] As has been noted elsewhere in this dissertation, early attempts to capture police use of force have been critiqued for their lack of accuracy. For instance, in a 1999 report issued by the National Institutes of Justice, Adams and colleagues stated "Current indicators of excessive force…are all critically flawed" (p. ix). Accordingly, T1 use of force data should be interpreted with caution.

intercorrelation results suggest that the percent minority officer and, to a lesser extent,[72] percent minority city council member variables at each time period, serve as a proxy for percent minority, rather than representing standalone aspects of cities' demographic composition within key institutions. In turn, those two measures were taken out of all subsequent analyses, leaving the total number of aggerate city measures at eight (city population, percent minority, percent foreign born, percent poverty, percent unemployed, property crime rate, violent crime rate, and incidents of deadly use of police force).

Testing Associations Between Race-Coded Language and City-Level Features

To assess whether there was quantitative support for the application of minority threat theory to local QOL ordinances, and to explore the extent to which other aggregate factors may also be associated with RC language change over time, it was necessary to conduct bivariate analyses. Specifically, Spearman's rank-order correlations were conducted to assess significant associations between the final eight city level features, such as minority population, and six dichotomous dependent variables capturing the presence of RC language in QOL ordinances cross-sectionally (e.g., the association between the percent of the minority population at T1 and the presence of RC language at T1). Additionally, Welch's tests were conducted to explore potentially significant mean differences in city-level characteristics and RC language longitudinally, using dichotomous dependent variables capturing various RC evolution trajectories (e.g., a consistent user vs. other typology categories). Each of the eight independent variables used in the quantitative analyses were interval or ratio-level data. Given the importance of both deductive and

[72] Intercorrelations around or above .70 commonly are understood as very high, and therefore, concerns about the interdependence among variables (Mukaka, 2012). While correlations of .50 are generally considered moderate, at least one measure for city council members was close enough to the threshold to consider the variable a proxy for minority population.

inductive analyses in this dissertation, and the power problems inherent to the small sample size (N=69) (de Winter, 2013), caution should be yielded when interpreting results from these bivariate analyses.

Point in time city-level associations with RC language. To examine the relationships between the eight final aggregate characteristics and RC language presence at each time period, Spearman's rank-order correlations were conducted using the following dichotomous (and non-mutually exclusive) dependent variables: 1.) RC presence generally (at T1 and T2), 2.) Place-based RC language (at T1 and T2), and 3.) Person-based RC language at (T1 and T2). As noted in Chapter Four, Spearman correlations were chosen because of the dichotomous nature of the dependent variables, and the relaxed assumptions about sample distributions that such tests allow. Spearman's rank order correlations are non-parametric tests employed with non-interval or ratio data, or with interval and ratio-level data that does not meet normality assumptions (Acock, 2008; Akoglu, 2018). A total of six Spearman correlations were run to capture each RC language type at each time period.

Of all of the rank order correlations conducted, only one independent variable, percent minority population, was significantly associated with all three of the RC language presence dependent variables (i.e. RC language presence in general, place-based RC language, and person-based RC language) in at least one time period, and was in fact significant in basically all time periods (barring one marginal case). Table 8 highlights the Spearman correlation results for RC language generally at each study period. At both T1 (r_s=.34, p<.01) and T2 (r_s=.28, p<.05), percent minority population was positively and significantly correlated with the presence of RC language (either place or person-based).

However, no support for the "tipping point hypothesis" was found, suggesting that the influence of minority population on race coded language in QOL ordinances is linear, rather than curvilinear.[73]

[Insert Table 8 About Here]

Further, though T1 police use of force was not significantly correlated with RC language, there is reason to believe that police data from T1 may have some validity issues, hence inviting additional caution in interpreting results from this variable (e.g., Adams et al., 1999). In T2 however, incidents of deadly police force demonstrated a weak,[74] but significant and positive relationship with RC language presence (r_s=.26, p<.05). In addition to significant findings for percent minority in T1 (r_s=.33, p<.01) and use of deadly police force in T2, (r_s=.42, p<.001), place-based RC language demonstrated significant and positive correlations with city population in T1 and T2, and the violent crime rate in T1 (Table 9).

[Insert Table 9 About Here]

As Table 10 illustrates, with respect to person-based RC language, the only independent variable significant correlated with its presence was percent minority, and there was a weak but positive correlation with at both T1 (r_s=.30, p<.05) and T2 (r_s=.30,

[73] As a sensitivity analysis to test the "tipping point hypothesis" (e.g., DeFina & Hannon, 2009), if not disappear (Keen & Jacobs, 2009), I assessed the association between cities with a minority population of 50% or greater (i.e. "predominately minority") and race coded language through Spearman correlations as well. No significant findings were generated for T1 RC language, but at T2, the rank-order correlations garnered a *p* value of .05. The relationship was also assessed via Pearson's Chi-square, (McHugh, 2013) and that test statistic found no significant association between the T1 predominately minority population variable and T1 RC language, but it did find a significant relationship in T2 at *p* <.01. The distribution of cases in the T2 analyses point to the possibility that cities with predominately minority populations may actually be *more* likely to evidence RC language in more recent local QOL ordinances, as 69% (n=11) of the sixteen cities that had RC language at T2 were also cities with minority populations over 50%.

[74] Guidelines for determining the strength of correlation coefficients were based on Dancey and Reidy (2007).

p<.05). Taken together, the results from the Spearman correlations indicate at least initial empirical support for the applicability of racial threat theory to RC QOL ordinances, while also suggesting that other city characteristics, such as police use of force and the violent crime rate, are factors in cities' use of RC language.

[Insert Table 10 About Here]

City-level associations with RC language use over time. Welch's tests were then used to explore the reasons for change in RC QOL ordinances across time periods to hone in on tentative conclusions about differentiates cities with static QOL ordinances, and those whose invocation of RC language evolves. This set of analyses also permitted me to further evaluate quantitative evidence in support of a racial threat explanation of RC ordinance language. As was discussed in Chapter 4, independent sample t-tests assess the mean differences between two independent groups (Kim, 2015; Pagano, 2004). In particular, two grouping variables are used to assess mean differences for measures of interest (Pagano, 2004). Welch's tests are used in place of *Student's* t-tests when assumptions of homogeneity of variances cannot be met, for instance, when the sizes of grouping categories are uneven (de Winter, 2013), as is the case with this dissertation's data.[75]

Specifically, four dichotomous RC evolution variables (Figure 9) were used as grouping variables in two sets of Welch's tests. In the first set of analyses, repealers (n=3) were compared to consistent users (n=14), and in the second set of analyses, new adopters (n=2) were compared with those who never adopted RC language (n=50). The logic behind using these two sets of analyses was to facilitate the comparison of cities that had the same

[75] For these reasons, Welch's tests are reported in this study rather than *Student's* t-tests, though sensitivity analyses replicating each of the two comparisons with Student's t-tests found no substantial differences in results.

original RC use, but then either changed in their use or stayed the same. Setting up comparison groups in this way helped to highlight city-level characteristics that may differentially account for RC QOL ordinance adoption and repeal processes. In line with best practices in statistics (for example, see Hardy, 1993) the comparison set's largest (i.e. static) categories were selected as reference groups.

Though the full 69 city sample was included in one or other of the two sets of Welch's tests I conducted, each set had a smaller sample size; the first round only had an *N* of 17 while the second only had an *N* of 52. Most notably, the groups that reflected change, rather than stasis, in each comparison group (i.e. repealers and new adopters) had three or fewer cases. While these are undoubtedly extremely small sample sizes, Chapter Four discussed scholastic support for running independent sample t-tests on samples with five or fewer cases in each comparison group (see, for example, de Winter, 2013 & Ruxton, 2006). Though these bivariate analyses were used primarily for the purposes of theory building, rather than to rigorously test a number of study hypotheses, every effort was made to include normally distributed city-level test variables whenever possible.[76] To attempt to meet normality assumptions articulated for Welch's tests, I checked each independent variable for normality, and logged where necessary to improve their conformity with those

[76] To assess normality, I employed both graphical and numerical methods (Park, 2015) before running Welsh's tests. Specifically, the visual inspection of histograms and the interpretation of Skewness-Kurtosis tests were used to evaluate the normality of variables. The Skewness-Kurtosis test yields two statistics based on a chi-square distribution, one for skewness and one for kurtosis. When both statistics are not significant at $p < .05$, the null hypothesis of normality is accepted (Park, 2015). Any test variables that were deemed non-normal using this graphical and numerical approach were logged transformed. However, because log transforming does not always result in the conformity of data to a normal distribution (for example, see Feng, et al., 2014), graphical and numerical comparisons of the original and logged versions of variables were also assessed. Whenever log transforming failed to generate Skewness-Kurtosis statistics that accepted the null of normality, graphical assessment was used to select the version of the variable with the most normal distribution shape. Appendix H provides the final variables selected for use in the Welch's t-tests. While not all final versions selected conform to a normal distribution (e.g. logged percent unemployed in T1), those most closely approximating normality were selected.

expectations, even though results were imperfect (Appendix H).

Table 11 presents the final results for the Welch's tests conducted on the first set of comparisons, repealers and consistent users (N=17), with consistent users serving as the reference category. For each set of comparisons of RC language evaluation, standard effect sizes (Cohen's D) were requested and reported. There were no significant relationships between any of the 16 city-level variables (i.e. the eight measures at both T1 and T2), suggesting that there were no significant mean differences between cities that repealed RC language and those that consistently used it across study waves. Notably, none of the Welch tests even approximated significance at or below the $p < .01$ level. An important caveat to these findings is that the risk for Type 2 error was elevated owing to the small size of the sub-group comparison. For more than half of the city level measures, including those with significant Spearman correlation findings (e.g., number of incidents of deadly police force), no discernable differences in means were noted across both time periods. However, while at best only suggestive, it is notable perhaps that city population and percent foreign born averages were lower for repealers relative to consistent users at both T1 and T2, while repealers actually had slightly higher average logged violent crime rates at both T1 and T2, relative to consistent users at both T1and T2 (Table 11).

[Insert Table 11 About Here]

Table 12 presents the final results for the Welch's tests conducted on the second set of comparisons, between novel adopters, and never adopters (N=52). Unlike the comparison between repealers and consistent users, a number of significant mean differences emerge in this set of analyses. Specifically, the mean value for the logged percent minority of novel users of RC at T1 was significantly higher than the average

percent minority at T1 for never adopters. While T2 percent minority was not significant, the mean difference between novel adopters and never adopters was also positive. At both T1 and T2, the percent of the population in poverty was significantly higher for novel adopters than never adopters. Interestingly, at T1, new adopters had higher logged mean incidents of deadly police force than never adopters. While results from T2 did not approach significance, mean incidents for novel adopters were greater than for never adopters.

[Insert Table 12 About Here]

It is worth noting that the novel adopter group only had two cities in it, or the minimum number of cases suggested by de Winter (2013) for running independent sample t-tests. Still, given the small number of new users we should again exercise some caution in interpreting results (De Winter, 2013), as the possibility of Type 2 error is heightened by the very small size of the sub-sample. Nonetheless, results from these Welch's tests evidenced larger effect sizes than those commonly found behavioral sciences, which commonly hover around .3 (see de Winter, 2013). Effect sizes were especially large for the percent in poverty and percent minority variables (and to a lesser extent with police incidents of deadly force). As such, there is tentative evidence of potential effects of minority population, poverty, and police killings on the new adoption of RC language in QOL ordinances.

Summary of bivariate findings. Taken together, results from the Spearman rank order correlations and Welch's tests provide support for the notion that minority threat theory can be applied to coded legislative language at the local level, as minority population levels were associated with the presence (and new adoption) of RC language in QOL

ordinances – though apparently not their repeal. The completed bivariate analyses also suggest some other factors may be relevant to explaining ordinance language, namely: police use of force, violent crime rates (at least in T1) and poverty rates, in supporting the adoption of RC provisions in QOL ordinances.

Conclusion

This chapter utilized Qualitative Content Analysis (QCA) and descriptive quantitative methods to 1.) to document and measure the extent and nature of RC language in city ordinances 2.) test support for considering RC QOL ordinance language through the lens of minority threat and 3.) to further speculate about additional city-level factors that may also influence differential evolution of RC language in such laws. These analyses were used both to advance deductive aims testing the association between minority population and RC QOL language, and inductively, to inform additional themes to be explored in the case study analysis.

One of the most striking results profiled in this chapter pertains to the rarity of RC QOL ordinance language at either time period, as evidenced by QCA. While only 19 cities, or 27.54% of the full sample (N=69), had at least one coded RC language unit in their QOL ordinances in either T1 or T2, these findings do resonate with literature on the "post-racial" context (Murakawa & Beckett, 2010; Tonry, 2010). Such contributions argue that since the latter half of the 20th century, lawmakers have embraced race-neutrality in official statements and documents, a trend which would predict that even coded references in QOL ordinances would be rare. Another notable result from the QCA centers on the stability of ordinance language in cities in the study sample. By and large, cities were unlikely to make changes to their city codes between T1 and T2, meaning also that cities that failed to adopt

RC language in T1 were unlikely to do so in T2, whereas cities that adopted RC language in T1 were likely to keep it on the books in T2. Of the 19 cities that used RC language in T1 or T2, five of those, or just over a quarter of cities with RC QOL ordinances at some point during the study window, evidenced change in their use over time (either in repealing RC language or adopting new laws with RC language). The finding of ordinance "stickiness" comports with recent literature, largely in public health, indicating that once local laws are passed, they more often than not remain on the books (see, for example, Sanders-Jackson et al., 2013). The general reason for this stickiness is often attributed to drawn out procedures and decision making that constitute legislative protocols (Satterlund et al., 2011), and a broader "lack of change culture" in local governments (Shaikh et al., 2018). While local lawmaking processes have also been found to be impacted substantially by the particular topic of a particular policy (Bergin, 2011), descriptive results about the limited presence of RC QOL ordinance language in the study sample, and its relatively minimal change over time, aligns with prior research demonstrating the often-intractable nature of local legislation.

A few additional themes pertaining to the nature of RC language in QOL ordinances also emerged. A minor descriptive finding that comports with the shift towards preemptive criminalization and risk assessment in policing (Fitzgibbon, 2007) is that less discretionary references to places (*most* implicit) and people (*least* implicit) were more common in both T1 and T2 then more discretionary references to places (*somewhat* implicit) and people (*least* implicit). In line with scholarship on punishment in the "post-racial context" would expect, less implicit racial references were slightly more common in T1 than in T2, suggesting that local governments have adopted increasingly implicit racial language over

time. Also consistent with expectations from related literature (e.g., Harcourt, & Ludwig, 2007; Geller & Fagan, 2010; Murakawa & Beckett, 2010), for the vast majority of cities with RC language (n=19) in either time period, such codes were embedded in statements establishing criteria for circumstances of suspicion. Only for 17.65% of cities in T1 and 18.75% of cities in T2 was RC language embedded in more general or blanket provisions against certain behavior.[77]

Furthermore, RC language was found exclusively in various kinds of loitering ordinances, such as local laws prohibiting loitering for the purpose of drug activity. While literature supports the notion that Nonwhites tend to use public spaces more than their White counterparts, and are thus more often subject to surveillance and enforcement for public order offenses generally (e.g., Harcourt, 2001), these findings imply that certain QOL offense categories, such as public sleeping, may target other identities, such as the homeless, or mentally ill, more saliently than race, at least in their official legal language. This is not to say that disadvantages do not converge intersectionally (i.e. racially and economically) in the local management of public spaces and behavior; however, the QCA results suggest that enforcement parameters set a priori by ordinance language for certain public order offenses do not seem to signal race as they do in loitering ordinances. However, it also stands to reason that additional public order offenses, such as graffiti ordinances, that too are commonly associated with racially stereotyped groups (like gang members) would evidence similar rates of RC language as loitering ordinances. Curiously,

[77] For example, Chicago's city's gang loitering law indicates that when officers observe gang members loitering in enforcement areas, they should first issue an initial warning, and then arrest offenders that refuse to disperse. There are no provisions providing officers with a list of circumstances of suspicion to consider before issuing a warning or arrest.

no RC references were found in any graffiti ordinances in the study sample.[78]

A key strategy employed in this chapter to advance the dissertation's theory building aims centered on the exploration of bivariate associations between different operationalizations of RC QOL language and the racial demography of the study sample. These descriptive quantitative analyses considered RC language from a cross-sectional and longitudinal perspective. The strongest findings from these analyses were evidenced for the percent of the minority population, or the variable capturing racial threat. Indeed, in line with the core tenents of minority threat theory (Blalock, 1957, 1967), greater representations of minorities in city populations were associated with the adoption of RC language, both at T1 and T2. The extent of the minority population in a given city was not only positively correlated with overall RC language presence at T1 and T2 in Spearman rank-order correlations, but was also associated with being a novel adopters of RC language (rather than a city without RC language)—at least for T1 measures. While it is curious that the value for T2 percent minority did not achieve significance, mean differences nonetheless displayed the same pattern for the second wave as they did for the first wave, with novel users maintaining higher minority populations in their overall populations than never users Evaluated collectively, these deductive assessments of minority threat theory are commensurate with prior threat scholarship (e.g., Behrens et al., 2003; Holmes, 2000), and provide at least basic quantitative confirmation that the theory can be applied to QOL ordinances.

However, additional significant findings also suggest that the underlying

[78] There is some indication in the multiple references to "juveniles" in graffiti ordinances that "youth" should be considered a RC category in further research, given what we know about the targeting of young men of color, especially, for minor crimes.

mechanisms that drive threat responses in local crime legislation may also be shaped by other city-level forces. Beyond characteristics such as population size, various aspects of urban strife, such as violent crime and poverty rates, were positively associated with RC language in local ordinances in at least some analyses, suggesting that minority threat responses may be triggered by a combination of demographic and structural challenges.[79] These findings lead to the initial conclusion that "threat" responses in local legislation may have more nuanced determinants than those accounted for in traditional formulations of threat. For instance, significant and positive associations between deadly incidents of police force[80] and RC language in local ordinances indicate that problematic police and citizen relations may facilitate RC QOL adoption and maintenance. Additionally, significant and positive associations were evidenced between the T1 violent crime rate and the presence of T1 place-based RC language. Initial evidence supports the idea that these two city-level characteristics at least contribute somewhat independently to the *emergence* of RC language in QOL ordinances, whether such adoption occurs in T1 or T2. While poverty variables did not generate significant results in the correlational analyses of RC language presence, both measures at T1 and T2 were significant in the Welch's tests comparing novel adopters to never adopters, thus also generating support for the notion that minority threat mechanisms may work in confluence with other characteristics of the cities in which they emerge, such as the overall socio-economic status of residents.[81] In

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[79] As the correlation matrix in Appendix G indicates, the poverty and violent crime measures at their respective time periods were moderately and significantly associated with minority presence measures, though each Pearson's correlation hovered at or below .50, which is generally considered "moderate" rather than large (Mukaka, 2012).

[80] As discussed earlier, there are a few caveats regarding the police use of force variable, namely concerns about the accuracy of the T1 data, which in turn effect about the ability to assess variable's influence over time.

[81] As Appendix G indicates, correlations between minority population and poverty are moderate at each time period (with r's around .50). While they are significantly correlated with one another at each time period at

turn, racial threat responses may also be prompted by economic factors, as some scholars have recently suggested (for example, see Kent & Charmichael, 2014).

Despite providing some instructive insights into the processes that support the passage of RC QOL ordinances, bivariate analyses were not able to identify aggregate factors that contribute specifically to the *repealing* of RC language. Taken together, these bivariate results resonate with policy diffusion literature suggesting that the factors that shape differential policy use are nuanced and complex (Bergin, 2011; Williams, 2003), and support the use of qualitative methods. Case study analysis were next used to shed greater light on the aggregate patterns identified, to probe the mechanisms of change and stability with respect to cities' RC language use, and to begin to provide a theoretical understanding of local policy-making in which the racial threat findings (and perhaps some of the other statistical patterns) can be understood.

$p < .05$, some correlation between these two city-level features is expected. However, the lack of a strong correlation at either time period also suggests that minority population and poverty exert an independent influence on RC language use in the study sample.

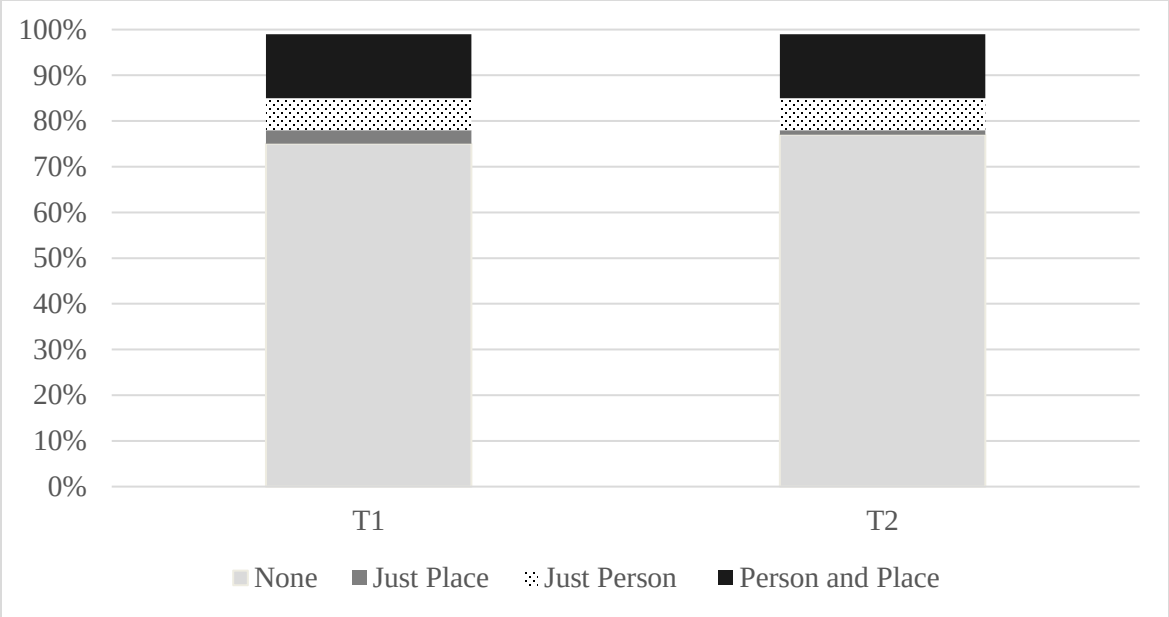

Figure 5. Percent of cities with race-coded language, by type (N=69)

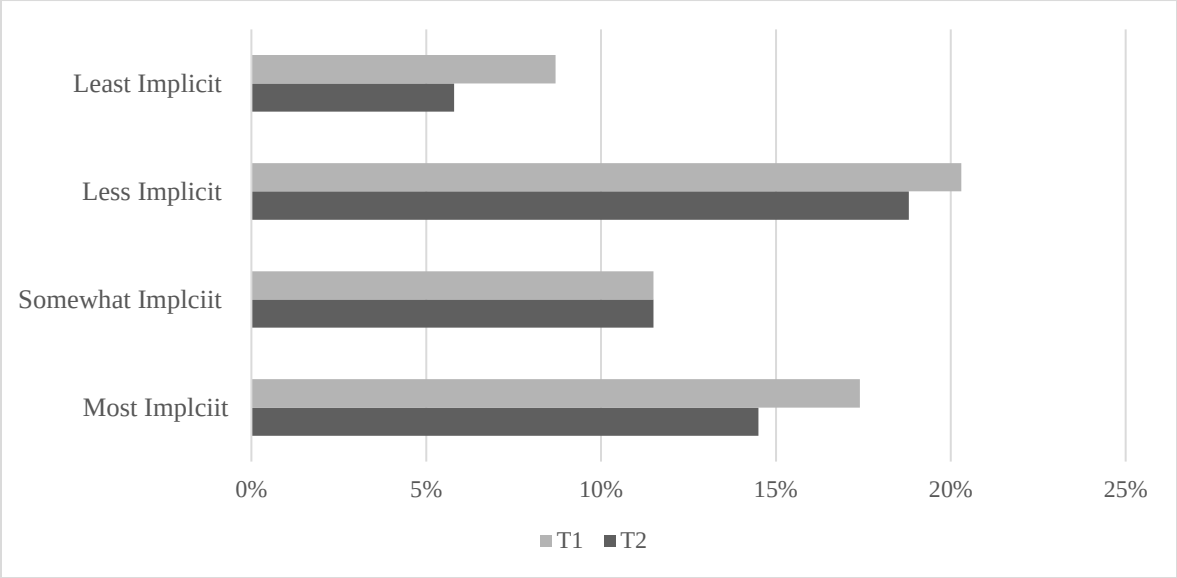

Figure 6. Percent of cities with race-coded language, by implicitness (N=69)

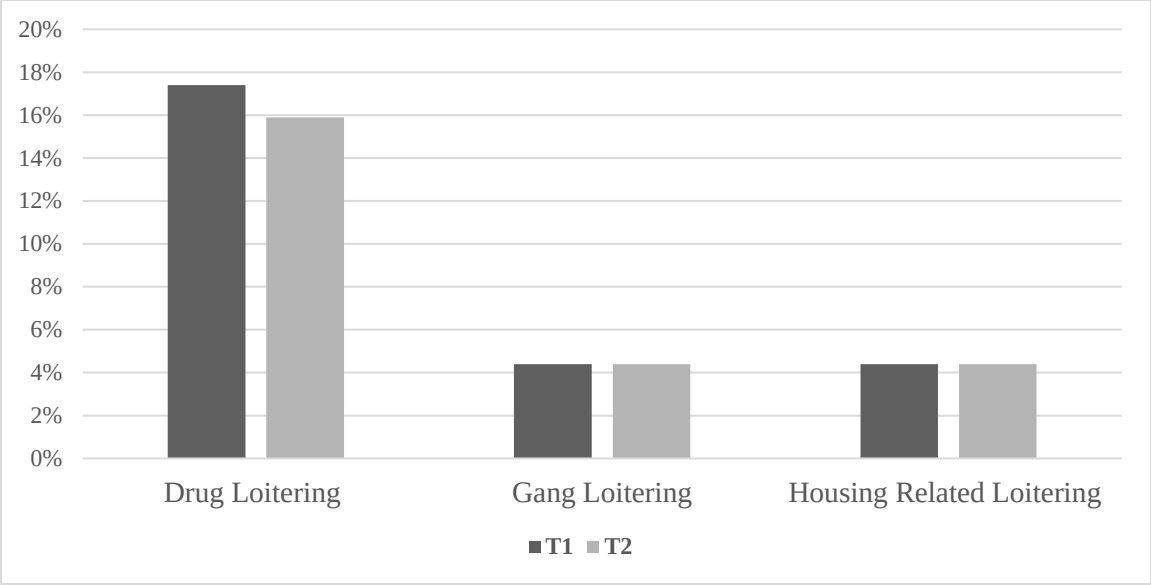

Figure 7. Percent of cities with race-coded language, by ordinance type (N=69)

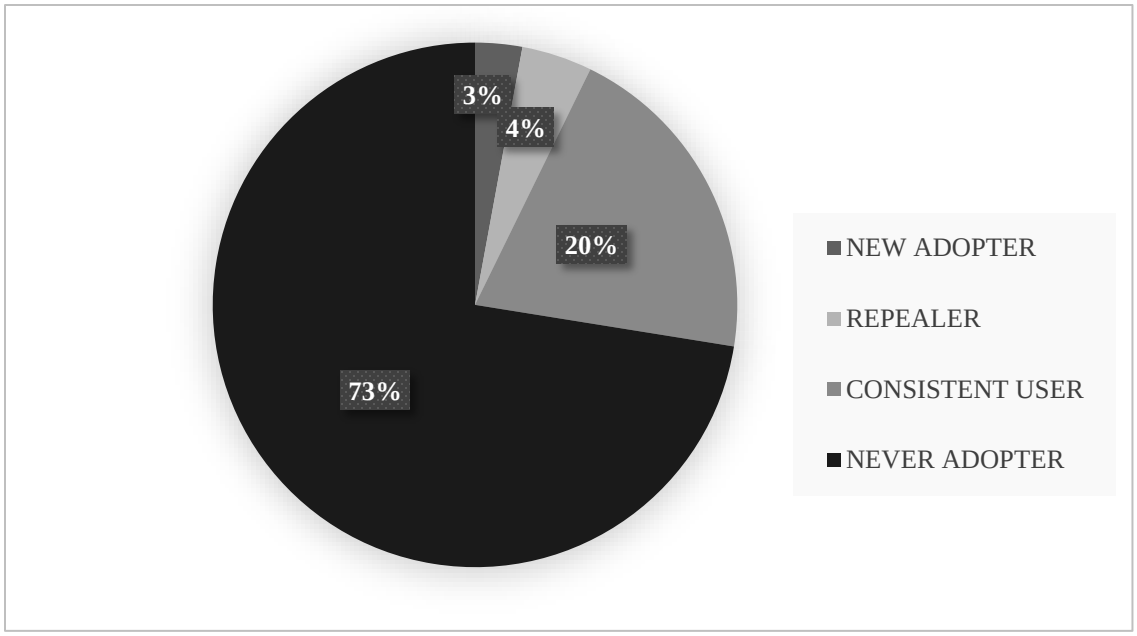

Figure 8: Race-coded language evolution typology (N=69)

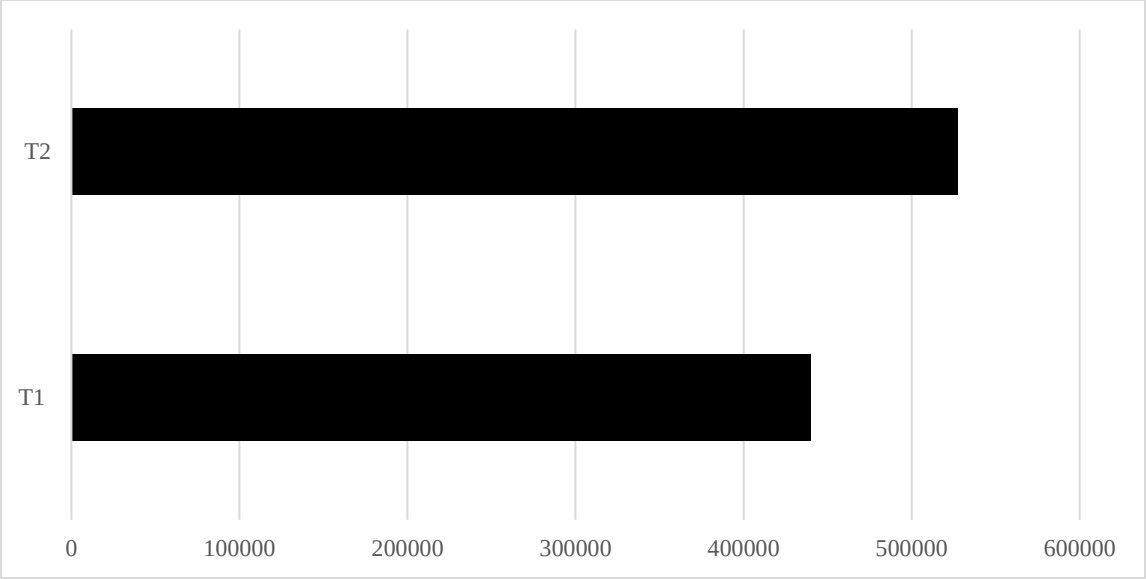

Figure 9. City population in full sample, at T1 and T2 (N=69)

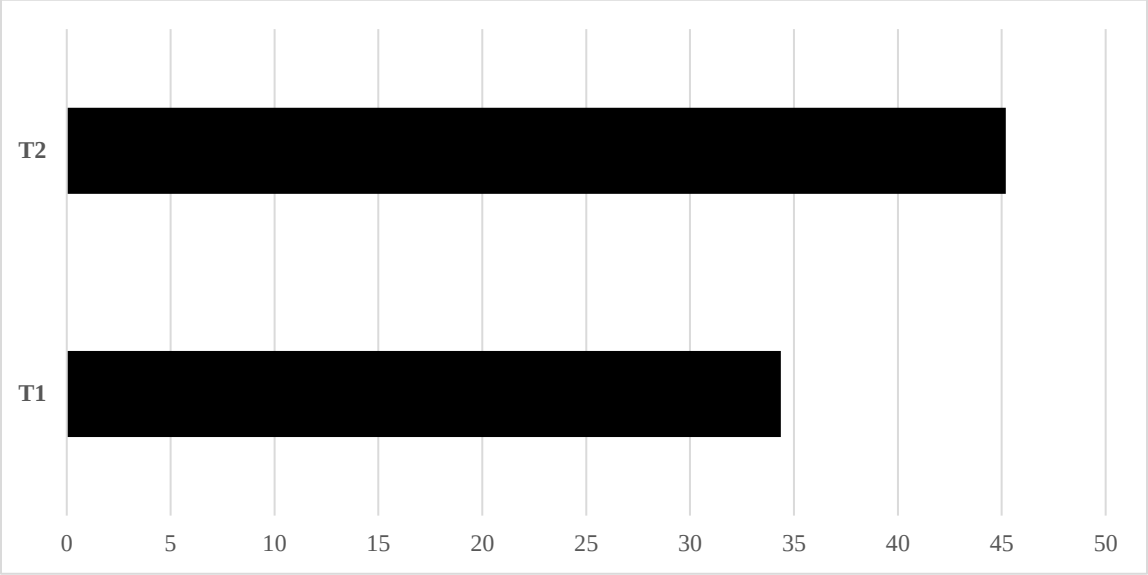

Figure 10. Percent minority in full sample, at T1 and T2 (N=69)

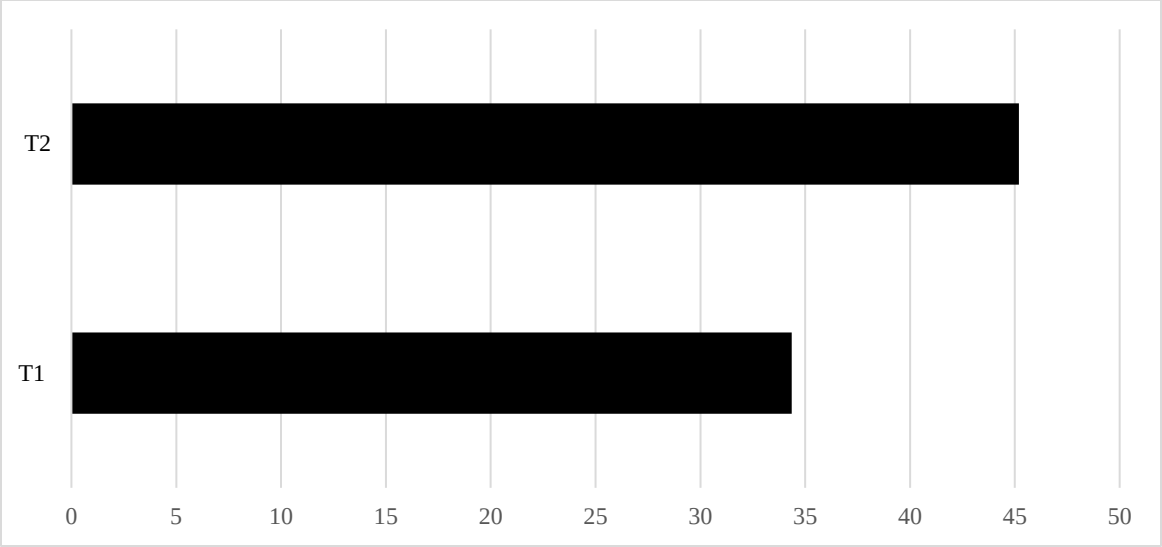

Figure 11. Percent foreign born in full sample, at T1 and T2 (N=69)

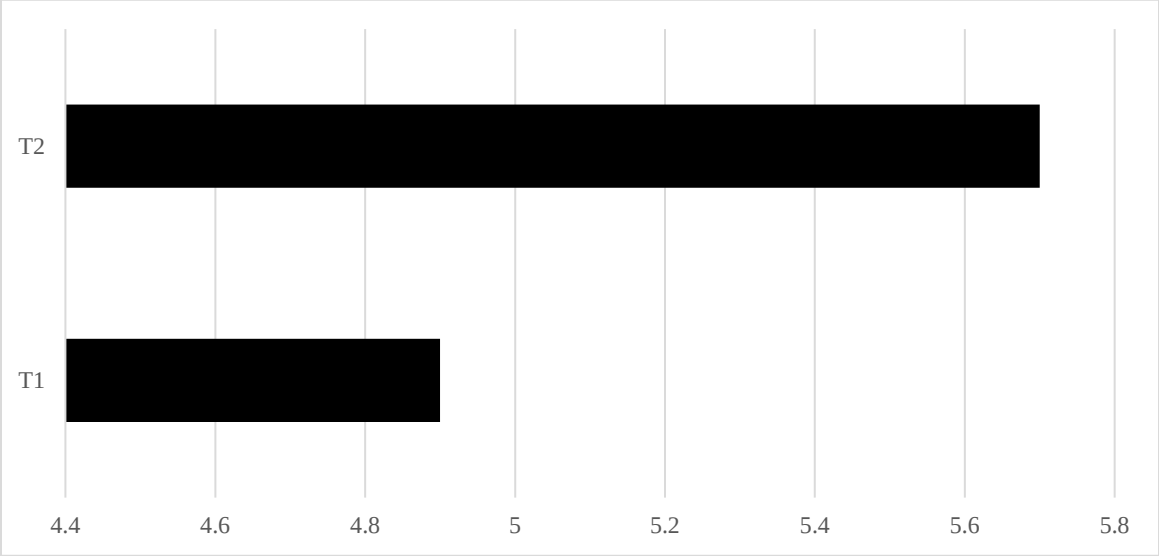

Figure 12. Percent unemployed in full sample, at T1 and T2 (N=69)

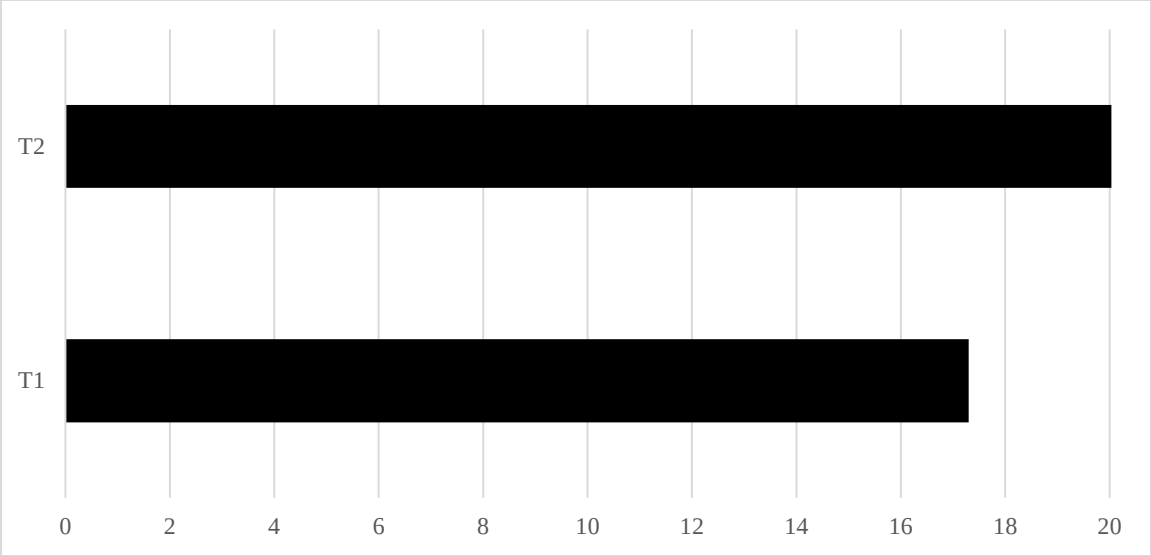

Figure 13. Percent in poverty in full sample, at T1 and T2 (N=69)

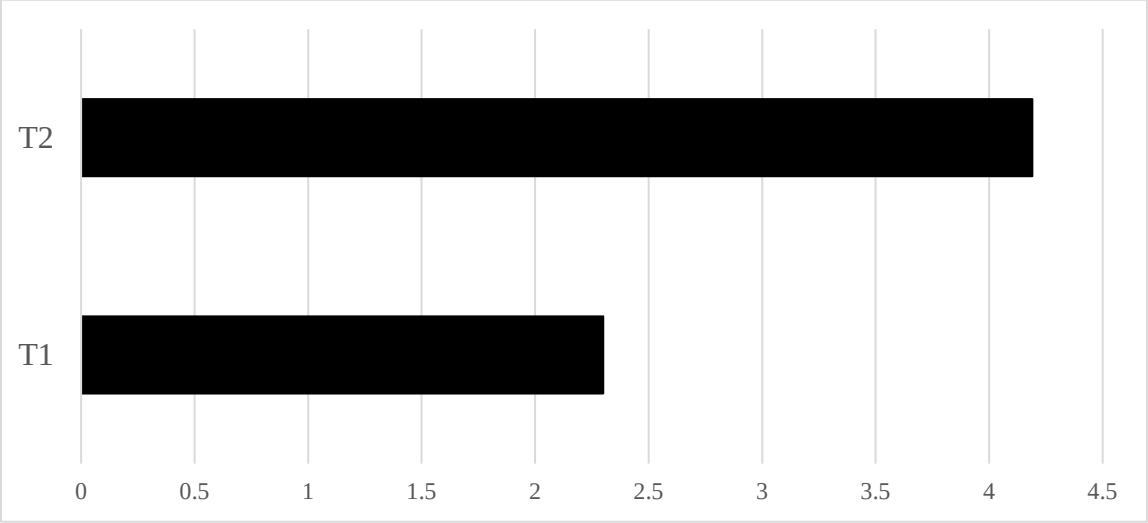

Figure 14. Number of deadly incidents of police force in full sample, at T1 and T2 (N=69)

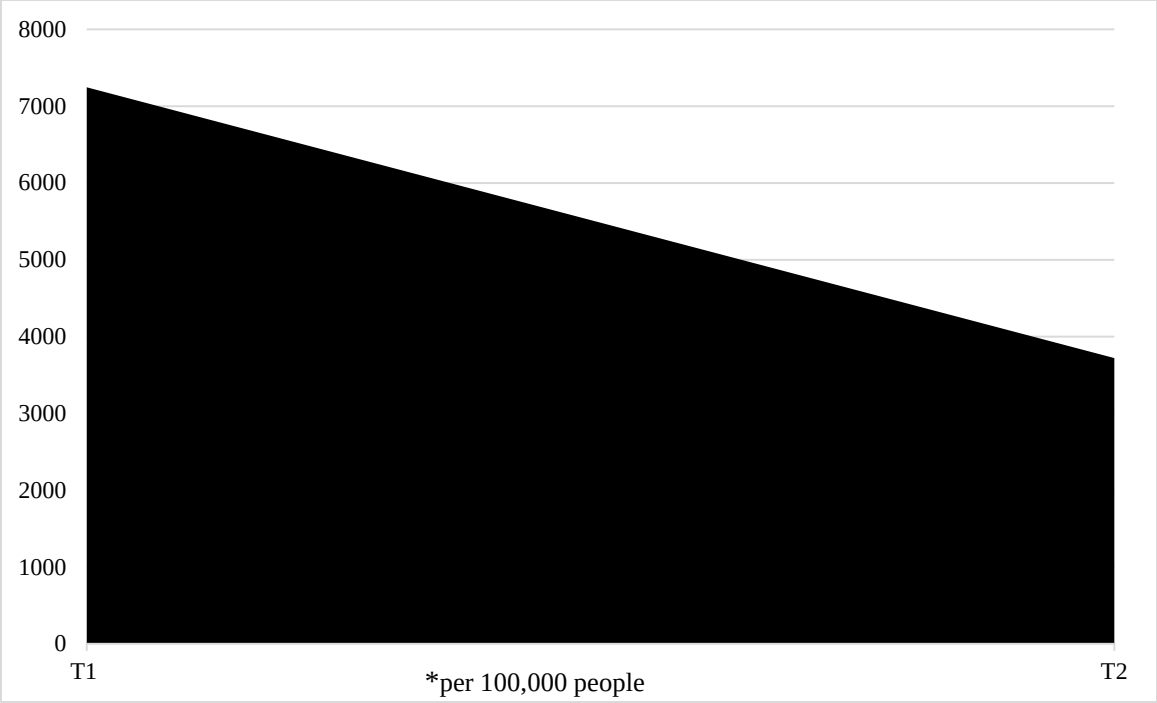

Figure 15. Property crime rate* in full sample, at T1 and T2 (N=69)

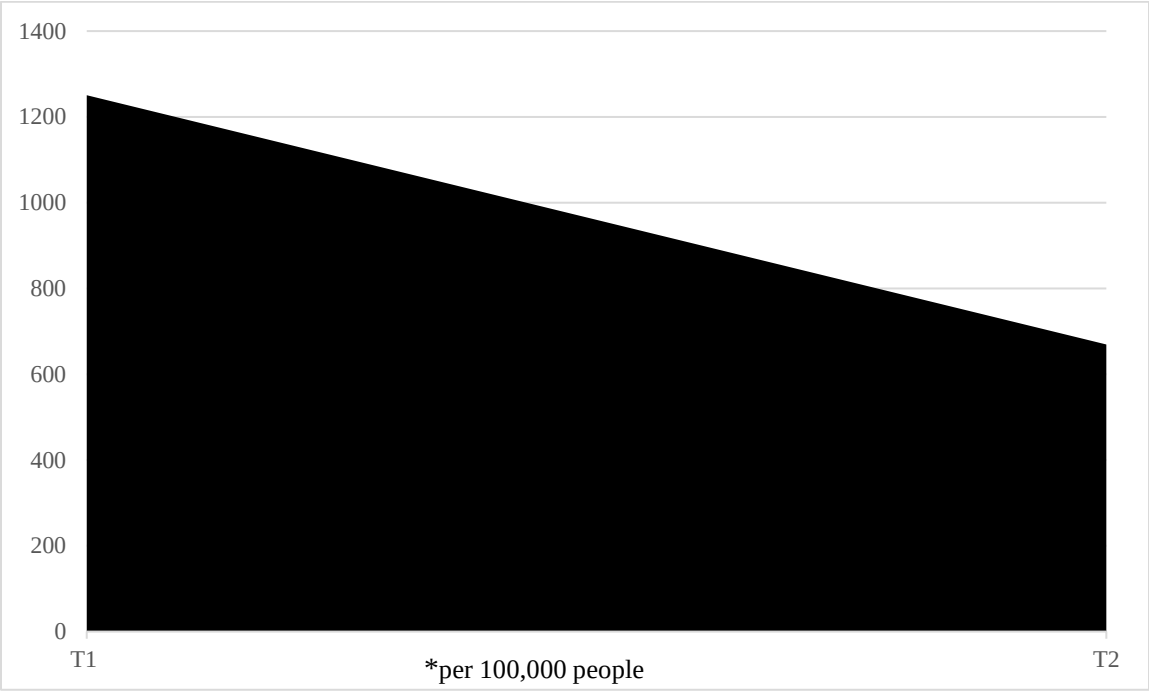

Figure 16. Violent crime rate* in full sample, at T1 and T2 (N=69)

Table 7

Descriptive Statistics of City-Level Features (N=69)

	Mean		**Median**		**Min**		**Max**		**SD**	
	T1	**T2**	**T1**	**T2**	**T1**	**T2**	**T1**	**T2**	**T1**	**T2**
City Population	440090	527295	261229	280364	81188	110654	3485398	3976322	570563	648227
% Minority	34.36	45.20	31.30	43.40	1.20	11.30	90.40	99.00	21.86	21.30
% Foreign Born	12.89	17.47	7.90	14.00	1.40	2.50	87.30	74.00	15.74	12.84
% Poverty	17.27	20.09	16.90	19.50	5.80	6.00	32.00	39.40	6.22	6.50
% Unemployment	4.92	5.66	4.80	5.10	.50	2.80	22.40	11.90	2.44	1.94
Property Crime Rate	7245.39	3718.43	7187.90	3646.80	2507.40	1095.30	12264.50	6642.80	2208.95	1425.69
Violent Crime Rate	1250.52	669.20	1062.70	589.80	182.30	110.60	3413.30	1989.50	690.77	397.53
% Minority Officers	26.13	27.29	23.98	23.25	2.38	0.00	93.1	95.85	19.17	20.79
% Minority City Council Members	25.02	25.56	22.00	23.61	0.00	0.00	85.71	92.28	22.77	20.42
# of Incidents of Deadly Police Force	2.30	4.19	1.00	2.00	0.00	0.00	16.00	22.00	3.36	5.03

Table 8

Spearman Correlations Between City-Level Features and RC Language Presence[a] (N=69)

Variable	**RC Language Presence**	
	T1	***T2***
City Population	.22+	.21+
% Minority	.34**	.28*
% Foreign Born	.11	.23
% Poverty	.18	.09
% Unemployment	-.02	.20
Property Crime Rate	.11	.04
Violent Crime Rate	.24+	.13
# of Deadly Police Use of Force Incidents	.18	.26*

Notes. Each city-level measure was assessed at the same study period as the period in which the RC language measure corresponds, meaning that different variables for each city-level variable (e.g., T1 poverty) and RC language (e.g., T1 RC language presence) were included for each point in time correlation of city-level features and RC language**.**
+ (p <.1), *(p <.05), ** (p<.01), ***(p<.001).

Table 9

Spearman Correlations Between City-Level Features and Place-Based RC Language [a] Presence (N=69)

Variable	**Presence of Place-Based RC Language**	
	T1	***T2***
City Population	.34**	.32**
% Minority	.33**	.23+
% Foreign Born	.15	.10
% Poverty	.24+	.13
% Unemployment	.00	.18
Property Crime Rate	.12	.07
Violent Crime Rate	.30*	.12
# Deadly Police Use of Force Incidents	.19	.42***

Notes. Each city-level measure was assessed at the same study period as the period in which the RC language measure corresponds, meaning that different variables for each city-level variable (e.g., T1 poverty) and RC language (e.g., T1 RC language presence) were included for each point in time correlation of city-level features and RC language**.**
+ (p <.1), *(p <.05), ** (p<.01), ***(p<.001).

Table 10

Spearman Correlations Between City-Level Features and RC Person- Based Language[a] Presence (N=69)

Variable	**Presence of Person-Based RC Language**	
	T1	***T2***
City Population	.21+	.20+
% Minority	.30*	.27*
% Foreign Born	.07	.20
% Poverty	.16	.09
% Unemployment	.03	.17
Property Crime Rate	.08	-.02
Violent Crime Rate	.18	.07
# Deadly Police Use of Force Incidents	.14	.22+

Notes. Each city-level measure was assessed at the same study period as the period in which the RC language measure corresponds, meaning that different variables for each city-level variable (e.g., T1 poverty) and RC language (e.g., T1 RC language presence) were included for each point in time correlation of city-level features and RC language**.**
+ (p <.1), *(p <.05), ** (p<.01), ***(p<.001).

Table 11.

Welch's Test Results: Repealers Versus Consistent Users (N=17)

	Repealers (n=3) vs Consistent Users (n=14)				
	Mean for Repealers[b]	**Mean for Consistent Users**	**Mean difference direction**	**P Value**	**Standardized Effect Size (Cohen's *d*)**
T1 City Population [a]			-	.949	-.03
T2 City Population [a]			-	.836	-.11
T1 % Minority [a]			-	.981	-.02
T2 % Minority	41.57	53.80	+	.281	.67
T1 % Foreign Born [a]			-	.221	-1.02
T2 % Foreign Born [a]			-	.100	-1.55
T1 % Poverty	17.50	19.43	-	.438	-.31
T2 % Poverty	21.50	19.86	+	.577	.282
T1 % Unemployment [a]			-	.368	-.90
T2 % Unemployment [a]			+	.528	.62
T1 Property Crime Rate	7925.83	7358.86	+	.641	.32
T2 Property Crime Rate	3572.63	3654.60	-	.955	-.06
T1 Violent Crime Rate [a]			+	.920	.08
T2 Violent Crime Rate [a]			+	.420	.49
T1 Police Use of Deadly Force [a]			-	.820	-.17
T2 Police Use of Deadly Force [a]			+	.730	.18

Notes: [a]=logged variables; + (p <.1), *(p <.05), ** (p<.01), ***(p<.001). [b] Means for repealing and consistent use cities only included for non-logged variables for ease of interpretation.

Table 12.

Welch's Test Results: New Adopters Versus Never Adopters (N=52)

	New Adopter (n=2) Vs Never Adopter (n=50)				
	Mean for Novel Adopters	**Mean for Never Adopter**	**Mean Difference Direction**	**P Value**	**Standardized Effect Size (Cohen's *d*)**
T1 City Population [a]			+	.213	.93
T2 City Population [a]			+	.476	.52
T1 % Minority [a]			+	.000***	.60
T2 % Minority	51.85	42.75	+	.306	.412
T1 % Foreign Born [a]			-	.181	-1.05
T2 % Foreign Born [a]			-	.289	-.80
T1 % Poverty	21.60	16.45	+	.000***	.832
T2 % Poverty	29.15	19.70	+	.000***	1.40
T1 % Unemployment [a]			-	.092+	-.23
T2 % Unemployment [a]			+	.127	1.03
T1 Property Crime Rate	6788.45	7187.60	-	.63	-.17
T2 Property Crime Rate	5095.90	3688.77	+	.18	.98
T1 Violent Crime Rate [a]			+	.19	.31
T2 Violent Crime Rate [a]			+	.14	1.17
T1 Police Use of Deadly [a] Force			+	.001***	.41
T2 Police Use of Deadly Force [a]			+	0.17	.63

Notes: [a]=logged variables; + (p <.1), *(p <.05), ** (p<.01), ***(p<.001). [b] Means for repealing and consistent use cities only included for non-logged variables for ease of interpretation.

CHAPTER SIX: CASE STUDY ANALYSIS

Introduction

Having found statistical evidence in the last chapter to initially support a minority threat explanation for racialized language in U.S. city ordinances, this chapter is devoted to understanding the local processes that might explicate why and how this has happened. In doing so, it develops the beginnings of a theoretical framework concerning the mechanisms that account for the ways city level ordnances evolve, with a focus on the implications of this for race coded language. To achieve that aim, this chapter focuses on three cities that had a history of race-coded (RC) language, but varied according to the typology developed in the last chapter. Specifically, they varied according to whether (1) they had race coded language across both time periods (2) they had previously had race coded language, but no longer did at T2, or (3) had more recently adopted this language. While the case studies chosen provide a diversity of examples which allow for theorization of city level dynamics, they are not necessarily representative of other cities in the broader typological categories from which they are drawn. As noted in Chapter Four, to prevent against identification, the three case study cities were each assigned a pseudonym representing their RC evolution typology category: Consistent User, which had a RC Quality of Life Ordinance (QOL) ordinance on the books both in T1 and in T2, Noveluserville, which newly adopted a RC QOL ordinance in T2, but did not have one in T1, and Repealerboro, which had a RC QOL ordinance on its books in T1, but had repealed it by T2. General city descriptors for the case study sites are summarized in Chapter 5. More detailed case study summary points are provided in Appendix D.

As was also detailed in Chapter Four, fourteen phone interviews across each of the

three case study sites served as the primary data for the case study analysis. They were conducted between August and November 2018. Interview respondents were recruited using both snowball sampling and cold calling strategies. Of the 35 people that were recruited for the study, 14 participated (40%), three (9%) turned down my request for an interview, and 18 (51%) failed to respond. While I hoped to recruit longstanding city leaders and their staff that were involved directly in, or at least worked in local government, at the time of key legislative action with respect to RC QOL ordinances, I was unable to achieve that goal. Given that my direct outreach to many of those gatekeepers was unsuccessful, and that snowball sampling tended to lead to the identification of local leaders that had been in their roles for less than 10 years, my final interview sample was skewed more towards recently employed stakeholders. Averages per case study site varied from 3.40 years in Consistent City to closer to 10 years in Repealerboro and Noveluserville (8.75 and 9.50 year respectively). An important consequence of this feature of the interview sample is that nearly a third of respondents across case study sites didn't know about the RC QOL ordinances in question, meaning also that in most cases, inferences had to be drawn about RC QOL legislative action based on their broader discussions of the legislative process and punishment trends.

Additional data sources used in the case study analysis included QOL ordinance text, which was already collected prior to the interviews, and supplemental sources, such as news coverage, press releases, and court documents (i.e. legal filings and enforcement data). The latter were either sent to me directly by interview respondents (e.g., emailed spreadsheets of arrests for a given offense) or found through my own internet searches after specific themes or events were mentioned in interviews (e.g., a suit filed against the police

department for racial profiling). As noted in Chapter Four, APA citing standards are suspended in this chapter to allow for the integration of supplemental data while also further guarding against the ability of readers to identify case study sites.

I begin my discussion of case study analysis by providing an introduction to each of the three cities included as study sites, which includes a brief overview of their socio-demographic characteristics, government structure, and some history concerning their evolution of ordinances. Subsequently, I articulate and illustrate five key principles or "dynamics" that could be used to account for the evolution of RC QOL ordinances across cities. These dynamics apply consistently across the cities and provide a common framework for understanding how the unique histories and circumstances of each city led to a distinctive ordinance trajectory with respect to RC language. In the concluding section of this chapter, I will draw out the implications of these findings for minority threat theory, that I have concluded previously seems to be relevant in understanding the patterning of RCL QOL ordinances.

Case Study Summaries

Consistent City

Consistent City is a medium sized[82] city on the West Coast. The city is a majority-minority city with a longstanding history of progressive and radical activism. Consistent City is currently experiencing a population and housing boom, which has resulted in a 10% reduction in its minority population, rapidly gentrifying neighborhoods, and housing instability for the city's lower income populations. Once known for being crime-ridden,

[82] Since there are not clear and consistently used standard definitions of city sized (rather than metro areas), I have applied my own definitions that loosely follows this and the Census: Small city is under 250,0000. Small-medium city is 250,000-500,000. Medium cities have populations that are 500,000+. Medium/large cities have populations that are 750,000+. Large cities have populations that are over 1,000,000+.

both violent and property crime have fallen throughout the city over time, though not as extensively as is evidenced by national trends. Consistent City's police department has been under federal oversight since 2003, owing to a Negotiated Settlement Agreement (NSA) stemming from extensive corruption and constitutional violations, especially those impacting Nonwhite residents.

Consistent City's RC public housing loitering ordinance was passed in the early 1980s. The ordinance's place-based race coded language appeared in prohibitions of loitering in and around public housing property. Enforcement data from the city police department from 2008 to 2014 (later data not available) shows that the ordinance was rarely enforced. Over the course of the case study interviews, the public housing ordinance was repealed. The repeal was triggered by a suit initiated by local and national legal services agencies, as well as other community advocates/ organizers. The suit was built around the idea that the law led to harassment of young men of color by the police and its grounds, and therefore did not emphasize actual enforcement patterns related to citations and arrests.

Table 13 summarizes the six interview respondents from Consistent City. The majority (67%) were elected city officials or their staff, and four specifically being current city council members or their staff. There were two female respondents, and two-thirds of the participants identified as Nonwhite. The percent of Nonwhite respondents in City Consistent (67%) is similar to, but a little higher than, the T2 Nonwhite population in the city (51%).

[Insert Table 13 About Here]

Noveluserville

Noveluserville is a medium sized city in the Midwest, known for having a strong Democratic presence in the midst of a largely rural and Republican state. Even though the minority population in the city has increased by over 50% since T1, its overall population is declining: between T1 and T2 the total city population decreased by more than 5%. The rust belt city was hit especially hard by de-industrialization and White flight in the 1970s and the 1980s, and it remains incredibly segregated today. In the latter half of the 20th century, Noveluserville experienced ballooning property and violent crime rates on par with trends in other similarly sized cities in the United States. However, while both property and violent crime rates in other cities have dropped propitiously over the past 30-40 years, in Noveluserville, only property crime rates have fallen, while the city's violent crime rate grew by nearly 40% between T1 and T2.[83] Fraught and racialized tensions between the police and the public have also plagued the city since the 1960s, when riots erupted across the nation. In subsequent decades, Noveluserville's police department has been subject to a host of controversies, including extensive incidents of deadly force levied against Nonwhite city residents. Specifically, since 2018, the city has subject to a Negotiated Settlement Agreement (NSA) and related federal oversight, owing to the police department's use of a pedestrian and traffic stop program that was found to target minorities.

The city's RC gang loitering ordinance was passed in the mid-late 2000s, following support from a champion in the city council and the police chief at the time. The

[83] In the full study sample of 69 cities, and average decrease in violent crime rates between T1 and T2 was 42%. Among all of the cities in the sample, only four other cities experienced violent crime increases, and the mean rate of increase was 19%. Noveluserville had the highest rate of increase of each of the five cities experiencing violent crime rate, by nearly 106%, relative to the mean.

ordinance's RC language is evidenced in person-based provisions preventing individuals identified as gang members or associating with known gang members from loitering. While the law was introduced under the auspices of tackling the city's gang problem at the time, concerns were raised by some city council members and other stakeholder groups that the law would fail to tackle the issue effectively, owing to restrictions on enforcement generated by a need to make the law constitutional. There were also some apprehensions that the ordinance may lead to the targeting of young male residents, with implications for racial targeting. However, since its passage, the gang loitering ordinance has only been enforced a handful of times, and no charges have been filed since 2016.

Table 14 summarizes the four interview respondents from Noveluserville, who represented four separate agencies: 50% of respondents were affiliated with the police department or the police review commission, while the remaining half was from the city council and the City Attorney's office, respectively. Participants were mostly male (75%). Two respondents (50%) identified as Black, meaning that the ethnoracial distribution of interview respondents in Noveluserville (50%) closely tracks the city's Nonwhite population at T2 (57%)

[Insert Table 14 About Here]

Repealerboro

Repealerboro is the third case study site. It is a medium to large city in the Midwest that has been experiencing a population boom in recent years. The city's population was majority White in T1 and remains that way in T2. As Repealerboro experiences notable economic growth and diversifies its economy, its minority population continues to decrease. While the full study sample evidenced a nearly one-third increase in its minority

population over time, Repealerboro experienced a nearly 20% decrease.[84] Violent crime in Repealerboro decreased by 40% between T1 and T2, a rate of decline similar to national averages and the full study sample mean. While Repealerboro also experienced a record high number of homicides in 2017, that number dropped dramatically in 2018. Additionally, the city experienced a nearly 90% decline in its property crime rate across study periods, which eclipsed the nation and full study sample in rates of decline by nearly 50%.[85] The police department struggles to maintain sufficient personnel and services (e.g., homicide investigations) as the city continues to grow rapidly. Tensions between the police and public also run high, especially along racial lines. Though Repealerboro is not currently subject to a formal negotiated agreement, the city is facing a number of suits that center on a number of related concerns, including recent deadly use of force incidents involving African Americans. As the city prepares to appointment a new chief of police in 2019, the city council recently established a police review commission to provide recommendations for reform.

During T1, RC language appeared in Repealerboro in a drug loitering ordinance, first passed in the mid-1990s, that made it illegal for individuals to loiter in service of drug related activity. Its RC person-based language was found in provisions indicating that individuals with prior drug convictions (whether adults or juveniles) constituted suspicious circumstances that police could use to initiate enforcement proceedings. In the late 2000s, local stakeholders involved in the economic redevelopment of certain neighborhoods in the

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[84] Like Consistent City, Repealerboro was one of only four other cities in the full study that experienced a decline in its minority population between T1 and T2.

[85] Average decrease between T1 and T2 in the full sample was 48.6% Repealerboro's property crime rate reduction was the largest of any city in the entire 69 city sample.

city pressured the city council to take additional legislative action against drug loiters, based on the argument that such disorder was hampering revitalization efforts, and that T1 ordinance that was still on the books did not do enough to legally facilitate enforcement. Interview respondents indicated that at this time, the city council considered how to strategically make changes to the ordinance so that those constituents would be satisfied, while also working to prevent the ordinance from being used to target Nonwhites, and making sure that it met the requirements for constitutionality. As a result, the new drug loitering ordinance, passed in 2012, removed the person-based RC reference to drug users, while adding language imposing mandatory 10-day jail offenses to anyone found loitering for drug offenses within 1,000-foot buffers within city areas serving children, such as schools and libraries.

Table 15 summarizes the four interview respondents from Repealerboro, with the vast majority (75%) working for the city council during the time of interviews. Participants were predominately male (75%) and predominately White (75%). However, the proportion of interview respondents in Repealerboro that was White generally reflects T2 population data for the city as a whole, as only 34% of city residents identified as Nonwhite. Finally, Repealerboro was the only city in which none of the interview respondents were affiliated with the police department or one its ancillary agencies (like a review commission).

[Insert Table 15 About Here]

The Dynamics of Race-Coded QOL Adoption and Evolution

Notwithstanding the unique nature of cities' RC QOL ordinance use, case study data suggests the presence of a number of city characteristics and processes that can be used to generate the start of a common theoretical framework for understanding RC QOL

ordinance evolution. Looking across each of the three case-study sites, five dynamics emerge. These include 1.) Cultural anxiety about crime and urban strife was an impetus for RC QOL ordinance creation, but race was not explicitly invoked, 2.) RC QOL ordinances are largely symbolic devices used by politicians to placate key stakeholders in discrete moments, though they may endure after their initial symbolic value has subsided, and are sometimes challenged by activists on racial justice grounds, 3.) Local policy making is significantly shaped by informal and vocal demands from residents, 4.) Local policy making is also shaped by idiosyncratic constellations of local stakeholders and traditions and 5.) Stakeholders today acknowledge that racial inequity is an ongoing public policy challenge in cities.

Dynamic 1: Cultural Anxiety About Crime and Urban Strife Was an Impetus for RC QOL Ordinance Creation, But Race was not Explicitly Invoked

Case study data suggests that RC QOL ordinance creation was driven principally by cultural anxiety about crime and urban strife, rather than Whites' racial hostility towards minorities. The data indicates the cultural trends of the 1980ss-mid 2000s stoked fear of crime and suggested proactive if not punitive, responses to offending, which supported the emergence of QOL ordinances in general. QOL laws nodded to theories of crime prevention and control that were popular in the punitive turn, namely a "get tough" approach to offenders, and an expanse of the criminal justice apparatus. This theme is evident both in interview responses, and in ordinance language itself. These cultural trends presumably became a vehicle for RC language in local laws, though connections with racial "threat" were not explicit in case study data. Importantly, interview respondents failed to claim that race as a motivating factor in the adoption of RC QOL ordinances, even though,

as I will detail below, they sometimes discussed race and racism by city officials in other contexts (e.g., the presence of racist frontline officers in their cities). In sharing stories and hypotheses about the emergence of RC QOL ordinances, informants invoked more race-neutral explanations about broader trends in punishment, like the "War on Drugs." Though respondents did not ascribe any racialized intent to the city leaders that authorized such practices through the adoption of RC QOL ordinances, they did, however, acknowledge—in retrospect—the disparate and potentially discriminatory impact of broken windows policing on Nonwhite neighborhoods. Evidence from supplemental sources in Noveluserville[86] intimates that at least some legislators foresaw the law's likely disproportionate impact on minority residents, but championed it anyways.[87]

Whether they directly witnessed RC QOL ordinance adoption or not, interview respondents across case study sites consistently understood such laws primarily as products of the punitive culture that prevailed when they were passed. For instance, when asked to remark on Consistent City's RC public housing loitering ordinance, Gavin compared the cultural imperatives driving local policy making in the punitive turn and today: "in terms of…quality of life crimes, my understanding, my view is that the city's posture is very different from the posture you saw in various jurisdictions in the '90s, where you had this tough on crime approach and this clean up our city kinda viewpoint." Jeff, one of the two

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[86] Supplemental materials speaking to city government and/or community responses to RC QOL ordinances were not available for Consistent City or Repealerboro.

[87] Specifically, a memo asking the mayor to consider vetoing the law, a city council member argued that the ordinance itself would not address any of the root causes of gang activity in Noveluserville, while also running the risk of targeting certain city residents. While not explicitly expressing concern about racial targeting, it stands to reason that in the context of prevailing stereotypes about the race and ethnicity of gang members, the lawmaker's inability to support the law was motivated by related concerns: "Unfortunately, the ordinance that passed yesterday does nothing to address criminal activity. It does nothing to address gang activity. What it does, rather, is punish people for simply existing and assembling…. I am against this resolution because people should be punished for illegal activities, not for who they are or who we imagine them to be."

respondents who directly worked on drafting the RC ordinance in Noveluserville, described the main impetus driving its adoption as a desire to be “tough on gangs.” Thirty-six percent of interview respondents (n=5) used the term “War on Drugs” to summarize the prevailing punishment philosophy in earlier decades, in contrast to newer models that stress, or at least are working towards, positive and collaborative relationships between the police and the public.

As a result of this previous allegiance to proactivity and punitiveness, respondents discussed the fact that QOL laws did not integrate co-production aspects of community policing, harm reduction, and problem-oriented policing that city officials now more openly embrace, which are also understand as supporting attempts to address ethnoracial inequities. However, not one respondent traced the adoption of such laws to city leaders’ efforts to exert especially punitive controls on minorities, either owing to their own hostility, or in attempting to be responsive to dominant group demands. Interestingly, interview participants suggested that concerns about crime and disorder were often raised by minority residents, who constituted a substantial portion of the overall city population at the time of ordinance adoption). Namely, 43% (n=6) of participants specifically discussed that resident concerns about illicit activity in city neighborhoods besieged by deindustrialization, blight, and concentrated poverty were prominent the time of RC QOL ordinance passage. Indeed, these concerns were largely described as being raised by neighborhood insiders rather than outsiders.

QOL ordinances in case study sites, both those with RC language and those without, support the idea that traditionally punitive models reigned when these laws were initiated, between the 1990s and mid-2000s. Not surprisingly, these formal legal documents do not

explicitly invoke racial threat. Legislative language, particularly in T1, often refers to widespread concern about a particular kind of disorder as a justification for creating a new QOL ordinance, or bolstering the enforcement scope of police officers through amendments to existing laws. One representative example is found in Repealerboro's T1 panhandling ordinance, passed in the late 1990s, whereby the introductory language discusses both the extent of the problem and urgent need for a new law. Though the ordinance does not include RC language, it typifies the kind of background anxiety about crime that motivated these kinds of laws. For instance, in an early section, the law states:

> *Residents, students, business owners, and banking institutions in the university district, and elsewhere in the community, have expressed concerns about the aggressive, intrusive, disruptive, and intimidating conduct of certain panhandlers…Some panhandlers will follow pedestrians and repeatedly ask for money. Some panhandlers will block the path of pedestrians and vehicles while asking for money. Still others when turned down, will shout offensive epithets at pedestrians or vehicle occupants. This type of aggressive conduct by panhandlers intimidates pedestrians.*

This language aims not only to justify the scope of the panhandling issue as being sufficiently concerning to warrant legislative action, but the sanctions described later in the ordinance also suggest that an exclusively punitive approach will be taken with offenders: "Pedestrian or Vehicle Interference is a misdemeanor of the fourth degree. When a person has been previously convicted under this ordinance, or any other substantially similar state statute or municipal ordinance, the offense… is a misdemeanor of the third degree." Even for first offenders, state law allows for up to a 30-day jail stay and a $250 fine. Noticeably absent in much of this language are references to rehabilitative ideals, or the involvement of less formal control mechanisms for responding to offenders (e.g., community service/mandated involvement of social services agencies).

Similar themes are also represented in the text of case study sites' RC QOL

ordinances. As has been noted in earlier chapters, RC QOL ordinances stipulate that police officers can surveil and question community residents about a host of potentially innocuous public actions (e.g., standing in a group with more than three people). For example, in Consistent City, "every person…who is present without lawful business on the property of the Housing Authority" is subject to law enforcement scrutiny. Additionally, individuals found guilty of gang loitering in Noveluserville are subject to fines ranging from $500 to $5,000, and in the case of default, up to a 90-day jail stay, or "or until such forfeiture costs are paid in full."

Dynamic 2: RC QOL Ordinances are Largely Symbolic Political Devices Used to Placate Key Stakeholders in Discrete Moments, Though They May Endure After Their Initial Symbolic Value has Subsided, and are Sometimes Challenged by Activists on Racial Justice Grounds

Case study data establishes support for the idea that RC QOL operate largely symbolically, though some questions remain as to the extent to which they materially influence police action, especially with respect to suspect surveillance and questioning, and implications for the policing of minorities. Owing to their predominately symbolic value, such ordinances 1.) emerge at key political moments, 2.) are commonly forgotten by city leaders in the time between their passage and repeal and 3.) appear largely detached from front-line policing priorities and outcomes, meaning that they are rarely used to issue citations and arrests, though are sometimes challenged by advocates claiming that police invoke them to harass residents of color.

RC QOL ordinance adoption served as a largely symbolic gesture to advance political aims, rather than a reflection of elected officials' core legislative priorities. In turn,

such laws matter less instrumentally than I anticipated they would at the outset of my dissertation. Case study data suggests that because RC QOL laws were largely advanced by city legislators to demonstrate to a segment or segments of the concerned public that a specific crime or disorder issue was being addressed, neither innovation or careful consideration of the provisions to be included were prioritized in the legislative process. Instead, specific ordinance language was commonly taken from other cities that already had similar laws, at which point it was either directly copied or adopted to prevent against potential constitutional challenges, such as claims that legal language preventing groups from congregating in public violated the due process protections owing to its vagueness.[88] No interview respondents recalled or stipulated that RC QOL laws were written from scratch by legislators or city attorneys. Instead, interview respondents described policy diffusion as a primary mechanism through which ideas for policy changes were translated into specific laws, with the possibility that racial threat expressions were at times imported by accident.

The clearest data evidencing policy diffusion effects is found in Noveluserville, given that a number of respondents there could speak directly to the processes that underlaid RC QOL adoption. For example, in speaking about how the city poached official ordinance language from Chicago's gang loitering ordinance, Jeff described how the specific content of the law mattered less to legislators than the political desire to create a similar law as Chicago, given that lawmakers there had garnered extensive media attention for their ordinance. In this key moment, much of the direction he received from the city council requested that he replicate as much of Chicago's law as possible while also

[88] See *Morales vs. Chicago* (1999) for a detailed legal discussion of these kind of claims.

integrating provisions that would mitigate the threat of future legal challenges. There was minimal critical reflection paid to the particular idiosyncrasies of Noveluserville's gang problem, how it was materially different than Chicago's, or how those differences may support the advancement of a distinct public policy solution. These factors made Jeff reticent to draft the law, and also primed it for minimal use upon passage:

> *The elected officials came to us as a request to whether or not the city could criminalize membership in a gang, and we issued a legal opinion in response…saying no, that there was a First Amendment right to association that you couldn't ban people from associating with each other. Then it led to, here is the Ordinance of Chicago that was discussing Morales vs Chicago. Can we adopt this ordinance? And so we wrote another legal opinion saying, "Yes we could", using Sandra Day O'Connor's concurrence…because …the Chicago vs Morales Supreme Court case struck down Chicago's anti-gang loitering ordinance, but the concurrence gave some measure of due process….but we also highlighted what the difficulties would be in prosecution…notably that we don't have criminal jurisdiction in the city…we wrote that opinion, and I think for political reasons, the ordinance was passed to say we were tough on gangs.*

Finally, informants like Jeff failed to indicate that stakeholders engaged in the adoption of the ordinance reflected critically about possible consequences of importing Chicago's gang loitering provisions, with respect to their potential for generating disparate or discriminatory enforcement.

In Noveluserville and the other study sites, interview respondents demonstrated that soon after their adoption, RC QOL laws receded from city leaders' view, though they remained on the books. This point is consistent with a broader observation, made across case study sites, that ordinances in general are not considered by city leaders as a primary vehicle through which they advance criminal justice policy goals. Especially in the current context, the prioritization of other kinds of criminal justice policy also served to limit the perceived significance of RC QOL ordinances. Across case study sites, interview respondents like Ruby mentioned the allocation of money for police personnel, contracts,

and other public safety initiatives, such as pilot programs, as being far more influential in the local context. All told, over a third (n=5) of interview respondents made statements in support of alternative policy making pathways apart from local ordinances. A few interview respondents further mused that laws on the books fail to keep pace with the quick pace in which policy needs change on the ground.[89]

Unsurprisingly, given their limited relevance to current city leaders, and how much time had passed since each case study site's RC QOL ordinance was initially adopted,[90] current leaders in case study sites also expressed rather limited knowledge of RC QOL ordinances that were still on the books in their cities. As Table 16 summarizes, 57% (n=8) of interview respondents across case study sites reflected either no or extremely limited knowledge about the current or recent existence of RC QOL laws. For instance, when asked why he thought Noveluserville's gang loitering ordinance was still in place, longstanding city councilmember Albert remarked that its sustained presence on the books was likely due to the fact that he and other legislators had simply forgotten about it.

[Insert Table 16 About Here]

Compared with the other two case study sites, Consistent City had the smallest proportion of interview respondents with knowledge of the RC QOL ordinance on the

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[89] Because code changes are relatively infrequent and often involve minor amendments when they occur, legislative action is understood by Joe and a handful of other respondents as serving largely to initiate a policy discussion on a given topic: "there may be a few code changes kind of sprinkled in there just as we identify kind of a need and filled it, but overwhelmingly, it's more policy and practice than it is changing the law…There's a handful of tweaks we've made to the code to facilitate those priorities, but I don't feel like, if you look at city code 10 years ago and the Repealerboro city code today, I don't think you would feel a sea change in, just not in the black letter and how it is set up. I don't know it if it'd be that different, and I'll preface this with, I wasn't around 20 years ago, but the last dozen years I've been a part of most of our significant code changes. I still don't know that you would see significant difference there." As Joe described it, local ordinances aren't often meant to outline provisions that city leaders will enthusiastically embrace and faithfully execute: rather, they serve as a mechanism through which political commitment to certain issues is formally articulated.

[90] The time was around 10 years in Noveluserville, 20 years in Repealerboro, and over 30 years in Consistent City.

books during interviews. This stated lack of knowledge is consistent with the fact that the city's RC QOL ordinance was the longest standing RC QOL ordinance in the case sample, dating back to the 1980s.[91] But in Noveluserville, which adopted its RC QOL ordinance in the mid-late 2000s, every member of the city council expressed at least some knowledge of the law.[92] And in Repealerboro, where revisions to a 1990s RC drug loitering ordinance were made less than ten years ago, institutional knowledge among city-council employees was higher than in other sites.

The containment of RC QOL ordinances as largely symbolic devices over time was also partly attributed to lack of buy-in from law enforcement, evidenced in part by enforcement data showing that such laws are rarely used to issue multiple citations and/or arrests. In Consistent City and Noveluserville, the two cities which had RC QOL ordinances on the books in T2, there were only a handful of charges in each locale over the 10-year period stretching from 2010 to 2016 (Figure 17). Additionally, Consistent City law enforcement only issued two citations for public housing loitering in the same time period, while Noveluserville issued none.

[Insert Figure 17 About Here]

Relatedly, a number of respondents noted that minor crimes have consistently failed to capture the attention of police officers working in distressed urban neighborhoods, where violent crime also abounds. As Wes, a high ranking official in the police department

[91] The only respondent there expressing moderate to extensive knowledge was Louis, the community organizer who, in partnership with community based legal services, initiated the suit against the city for its RC public housing loitering ordinance. Albert, the high-ranking police commission official in Consistent City mentioned that he had heard about the RC QOL ordinance in passing: "I saw something about that in the news last week but I haven't really looked at it other than... I think I saw a quick news blurb and they were trying to... I think the community was fighting against it or something."

[92] The only Noveluserville respondent who didn't state prior knowledge of its existence was Hazel, the high-ranking police commission official.

shared:

> *I mean shit, we've had three dead bodies in the last eight hours and after a streak of not having a homicide for a little while. Like, that's the big stuff, so you know there's a broken window theory that little stuff turns into big stuff, which frankly, I subscribe to, but a lot of times we're chasing our tail with big issues, and it's a lower priority …It's all the typical demographics that you would have in high crime areas in major cities, largely minority, largely uneducated, largely low-income, right? And these are all the common symptoms of a neighborhood that's gonna have a disproportionate amount of violence. So for us at the police department, that becomes a priority--where we'll have a disproportionate amount of ordinance level laws are going to be…So, great, thanks for the tool…but we're just not gonna be an issuing those citations because we're not going be chasing people for throwing away their gum wrapper. So, that may happen to a degree, and every now and then there are these ordinances, but I also I don't know if there's harm to it, but they're on the books, fine. Right? Then if a cop runs into it, then they can use you that ticket, but it's... It's just kind of a nothing burger.*

Finally, police departments' failure to prioritize QOL ordinances was also said to be connected to anticipated constitutional challenges. Contrary to what I expected to find in reference to QOL ordinances, where circumstances of suspicion standards for officer interdiction are lower than probable cause, provisions included in such laws were said to disincentivize use because of the potential legal pitfalls they invited. For instance, Albert noted that the RC QOL ordinance "is very hard to implement" given its mismatch between requiring a formal identification of an offender as a gang member, and the informal gang affiliations that many youth in the city currently have. As a result of this mismatch, "if you talk to the police department, its um, not real enforceable or useful for dealing with the issues of loitering."[93]

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[93] Instead of serving as a mandate to enforce a particular offense, QOL ordinances in general, such as the city's recent panhandling ordinance, were described by Todd in Repealerboro more so as providing a conduct guide to frontline officers: "I think in a lot of ways that laws like that aren't necessarily designed to step up arrests or step up enforcement of them, it's more to set a baseline for what folks can and can't do. And the police have said that mostly if they're responding to an issue of the panhandling, a good 75-80% of the time they're gonna go out and speak to the person and issue a warning, just be like, just so you know the law is now you can't do this. And most of the time, they don't have a problem after that, they say, so there's not much of a need to really step up any kind of enforcement activity around it."

Even in the context of other policy priorities, ordinance "stickiness" in general, and limited RC QOL law enforcement, current city leaders identified potential consequences for police and citizen relations if RC QOL ordinances remained on the books. Across case study sites they distinguished themselves from their punitive-turn era predecessors by articulating their government's commitment to fair if not outwardly reparative, local criminal justice systems. Leaders discussed their investment in developing contemporary crime control and prevention strategies that move beyond punitive-turn era approaches.[94] Subsequently, RC QOL ordinances were largely understood as symbolizing outdated and potentially problematic policing practices.

As such, respondents across case study sites expressed some concern that such laws could be used by the kinds of "entrepreneurial" officers that Wes described in the above sub-section, to harass and shake down minority residents during investigatory stops, even if such encounters rarely led to arrests or charges. In an era in which contemporary leaders are also required to navigate complex and often fraught police and citizen relations,[95] even potential sources of perceived police illegitimacy were considered problematic. To that end, regardless of their prior level of knowledge about such laws, 60 % (n=8) of interview respondents across case study sites talked about provisions in RC QOL ordinances as

[94] Nevertheless, there was also variation across city contexts according to how much officials discussed ethnoracial equity in particular as a primary guiding value of their work, rather than one component of their overall efforts at achieving a fair criminal justice system. Language emphasizing policies and priorities driven by an investment in ethnic and racial equity, were more commonly found in Consistent City and Repealerboro than in Noveluserville, where language was more centered on efforts to bolster the perceived consistency, integrity, and transparency of city departments like the police. These differences seem at least somewhat patterned by unique city-level features, including local politics, controversies, and structural conditions, such as crime rates and the economy (Appendix D).

[95] These relations were understood as being especially pronounced in Consistent City and Noveluserville, given that each city's police department is currently subject to a negotiated settlement agreement, either due in part (in Consistent City) or wholly (in Noveluserville) to ethnoracial targeting in proactive policing initiatives, such as stop, question, and frisks.

symbolizing aggressive policing strategies that could result in racial targeting. Reservations hinged on the potential for such laws to being used selectively by police, and centered principally on their sanctioning of provisions that could be used to harass Nonwhite city residents. Concerns about such laws' potential impact on perceptions of police legitimacy were raised both by respondents that worked directly on RC QOL ordinances and those that had no prior knowledge of them before the interviews. For instance, in discussing recent amendments to the city's previously RC drug loitering law in Repealerboro, Todd reflected that the city council's 2012 amendments to its previously RC ordinance language were informed by a desire to remove previous provisions that allowed racially targeted policing strategies: "honestly we didn't wanna create an atmosphere where we were needlessly shaking down…people of color on…street corners." In Noveluserville, Albert reflected that he no longer supported his city's RC ordinance, and wanted to consider repealing it because "it harkens back to the stop and frisk… ordinance in New York" and reflects a "failed effort of over-policing communities." Likewise, as respondents in Repealerboro remarked, even having laws on the books with RC QOL provisions did not align with the progressive image the city hoped to project to constituents.

Similar concerns were the subject of recent legal proceedings in Consistent City. Activists sued the city in 2018 because its public housing ordinance was said to result in the harassment of poor Nonwhite residents[96] (Appendix D). Legal documents concerning the suit provide the closest evidence that RC QOL ordinances may materially influence police action. The suit's two plaintiffs allege that they were repeatedly threatened under the guise of the RC QOL ordinance, whose provisions allow officers to stop, question and

[96] For instance, one plaintiff proffered that he was stopped nearly 60 times in his apartment unit's front yard on grounds that he may be loitering pursuant to the RC ordinance.

subsequently warn suspicious individuals that their conduct will result in an infraction if they fail to disperse from public housing property after "72 hours of being asked to leave." In turn, the district court filing stipulated that the RC QOL ordinance was "similar to loitering ordinances that were used to control Black residents of the South in the Jim Crow era" owing that it supports "police intrusions into the everyday lives of …public housing residents… that would be unimaginable in a wealthy area" of the city.[97]

The filing and additional documents submitted on behalf of the plaintiffs argued that laws that sanction racialized circumstances of suspicion, such as Consistent City's RC public housing loitering ordinance, run the risk of engendering similar consequences as NYC's maligned SQF policy, which had consistently low "hit" rates, but nonetheless catalyzed especially tense relations between the police and Nonwhite residents. While only a handful of citations and arrests have been issued for ordinance violations (Figure17), nearly 50 incident reports filed between 2015 and 2017 show that individuals were stopped and questioned on suspicion of violating the ordinance. A number of these incident reports indicated that such stops were used to file lease violation reports against public housing residents, with the potential of jeopardizing residents' tenancy. Thus, while evidence that RC QOL ordinances actively inform police action was sparse in the other two case study sites, in Consistent City, the mounting of a case by legal advocates on the grounds of racial targeting suggests that these laws may somewhat inform frontline policing strategies in certain locales.

[97] Interestingly, Peter, a city councilor, stated he had no prior knowledge of the city's RC public housing loitering ordinance, but unwittingly described a similar argument against the ordinance that the suit's plaintiffs were advancing at the same time: "I guess some… may try to enforce them… but then you get to the question of discrimination and it's really, are you really gonna criminalize somebody or give someone a ticket just because they're hanging out somewhere?... There shouldn't be a law …it doesn't make sense."

[Insert Figure 17 About Here]

Dynamic 3: Local Policy Making is Significantly Shaped by Informal Demands from Vocal Residents

Interview data across case study sites intimates that local crime policy is contingent on the demands of a diverse group of stakeholders. Importantly, however, loosely organized informal resident groups seem to assert the most consistent, primary influence across cities and study periods. Specifically, when making legislative choices, city officials and their staff expressed a need to carefully balance constituent demands, legal pressures, and the anticipated political consequences of policy decisions. In this way, it is possible that racial threat responses in local policy may operate at least in part through third party influences.

Informants described policy making was described as a highly practical endeavor, formally credited to legislators, but often the product of a constituents with voting power. In Consistent City for example, Peter remarked that a small group of active residents, often longstanding community members without small children, were "over-represented in the debate and the discussion of what to do and what questions to ask, what to focus on." In Noveluserville, Wes noted that in terms of making demands to the city legislature, vocal residents exert a great amount of influence because "the squeaky wheel gets the grease." City leaders often described the residents that motivate policy change as often hailing from the same underserved minority communities where perceived disorder problems are based, therefore suggesting that many influential stakeholders in the local policy making process are minorities.

Indeed, a common reason cited for the creation of RC QOL ordinances among

interview participants was that ostensibly “good” and “law-abiding” community residents exerted pressure on elected officials to “do something” about public offenses, such as drug dealing, that were believed to be plaguing their neighborhoods. This theme came up in interviews across each case study site. For instance, when talking about community and government relations in Noveluserville in the early 2000’s, Jeff, a high ranking official at the City Attorney’s office, indicated that local politicians were commonly subject to demands from citizens that the legislature do something about minor crime. “Neighbors were less concerned with the homicides and the murders between bad guys, if you will, which is what the police priority is, and more about the disorder that they see in their neighborhood.” Insights such as these suggest that minority residents at least catalyzed a demand for political attention to problems that may otherwise been ignored by local lawmakers, and that these requests at times resulted in the expression of “racial threat” by such legislators.

Notwithstanding their ability to garner the attention of lawmakers, informal groups of vocal citizens were often described as being removed from the technical process of drafting legislation, meaning that the responsibility was imposed on leaders and council members. Case study data suggests that this expectation meant that legislators often operate with a fair amount of discretion to advance particular kinds of policy based on their own routines, beliefs, expertise, and input from other stakeholders. Thus, though community members may provide local politicians with the *initial impetus* to solve local crime problems, the particular form that “fix” takes is affected by a broader set of stakeholders and trends. Especially when these concerns were raised in the context of the punitive turn, it seems likely that legislators leaned heavily on preexisting laws from other areas, also

meaning that they may have unwittingly imported RC language.

Dynamic 4: Local Policy Making is Also Shaped by Idiosyncratic Constellations of Stakeholders and Traditions

Compared to the relatively consistent impact of vocal citizens on local lawmaking, other stakeholder groups and influences appear to shape the local policy agenda around crime in more idiosyncratic ways across case study sites. Variously influential stakeholder groups included legislators themselves, community organizers, mayors, formal resident associations, business owners, and the leaders of other city agencies, such as the police chiefs. Criminal justice policy is also impacted by local traditions and shifts in the political and ideological landscape, which may differentially influence the likelihood that racial threat expressions will appear in legislation, depending on the nature of those forces.

First, Consistent City's historic reputation of progressive and radical activism was mentioned frequently by interview respondents as being especially impactful on agenda setting there. Legislative action to repeal the city's RC QOL ordinance was indeed triggered by activists, which aligned with Peter's observation that "a lot of ideas are for new laws or changes to laws come forward from various advocacy groups and coalitions." There, RC QOL ordinance repeal occurred in response to a direct legal challenge to the city's public housing loitering ordinance, led by a host of legal and community-based advocacy groups representing the suit's plaintiffs, who were public housing residents. Louis, the community organizer leading the campaign against the ordinance, described a "coalition" of four separate local, national, and state organizations working collectively to pressure repeal. It was only through coordinated campaign efforts, such as press coverage of the law's negative effect on the lives of public housing residents, and the initiation of

formal legal action that the issue captured the city council's attention. Before that, city leaders had been preoccupied with the city's urgent homelessness and housing instability concerns, a topic which had been scrutinized by residents and activists. For instance, as Claudia, a high-level aide to a city council member remarked in the weeks before the RC QOL ordinance suit was filed, "right now, the most pressing issue is to most folks is their sense of security, housing security, financial security." While a commitment to progressive values was expressed by four Consistent City officials, the target of their reforms was largely focused on effectively managing demands to address the consequences of rapid gentrification. In sum, formal advocacy coalitions have consistently impacted legislative agenda setting in Consistent City, a pattern unique to that case study site.

Meanwhile, with no parallel in other cities, Repealerboro's economic growth and elected official turnover stimulated a broader embrace of progressive values which was applied directly to the city's RC QOL ordinance, among other local laws and initiatives. Todd and Hank described how a powerful neighborhood association in a historic area of the city recently banded with local business owners to pressure the legislature to take steps to strengthen the enforcement capacity of the police to control disorderly activity such as drug loitering. They reviewed the city's extent drug loitering ordinance, and demanded that its provisions be changed. As a number of news outlets reported, these local stakeholders argued that offenses like loitering and panhandling was being under-enforced, to the effect of hampering business development initiatives in the city, which were rapidly accelerating at the time. Despite pressure from business interests, a recent triumph of a progressive ethos in the city government,[98] and in local legislation, was ultimately responsible for

[98] City officials made frequent mention of Repealerboro's purported progressivism. Ruby, for example, noted "We have a relatively diverse, like I said, a diverse and progressive city" when discussing her take on current

Repealerboro's repeal of RC language in its drug loitering law. There, even minor amendments to ordinances on the books, such to its drug loitering ordinance, were recently made in part to communicate the city's position on the values it seeks to protect. As Todd reflected, constituent pressure to "do something" new about drug loitering in neighborhoods primed for economic development actually provided the city council with an opportunity to reevaluate extent ordinance language from a racial justice perspective. The city council introduced legal language that was meant to placate constituent concerns while also reducing the likelihood that the new law could be used to target Nonwhites by removing RC provisions. Hank described a similar process as catalyzing recent reforms to the city's panhandling ordinance. In both of these examples, efforts to further support economic growth and business development were discussed by city leaders as being considered alongside, rather than at the expense of, equity aims.[99]

Nonetheless, Repealerboro's RC language repeal and its more extensive adoption of a more progressive agenda also appears to have been facilitated by broader local changes that occurred between T1 and T2, such as economic growth, falling crime rates, a reduction

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race relations in the area. Still, she tempered that assessment with the reflection that "we're probably less diverse than an average larger city on the east coast or a southern state." Likewise, when answering the question about overall race relations in the city, Hank, a high-ranking city council staffer, caveated his discussion of racialized police and citizen tensions by saying, its "is a pretty progressive city in general, so in terms of the general relations between African-Americans and White…residents, I wouldn't say there are significant tensions out of the typical... I don't know if you would call them like... The typical narratives.

[99] Beyond amendments to QOL ordinances, Repealerboro's commitment to progressive values can be seen in broader reforms. For instance, when describing the city's recent initiative to respond to problem landlords who neglect rental properties to the point of deterioration, Joe discussed the adoption of a new ordinance that provided the city with enforcement power to punish extremely egregious offenders. The law provides agency leaders the power to impose $1,000 daily fines on negligent property owners, and also served to community to the public that the city was committed to tackling the issue and fighting for everyday residents. Joe also mentioned more systematic changes in the courts' approach to managing non-violent over time that aligned with broader attempts to enhance equity across city institutions. As he stated: "The difference is how is that person is treated if and when they're charged. And that's where it is completely night and day when you look at the court structure now, when you look at the funding now, the personnel now, specifically toward the specialty dockets."

in its minority population, and relative "containment" of its Nonwhite population due to extensive economic and residential segregation. Economic growth in particular was seen as facilitating urbanization and a more recent embrace of progressive values. The overall ideological affiliations of city leaders themselves may also broadly influence agenda setting over time. Specifically, in Repealerboro, Todd discussed how elected official turnover at city hall helped set a new tone of progressive policy making, especially with respect to minor crimes:

> *We had a period of time, starting in the year 2000, where we had a long time Mayor…who really wanted to put the emphasis on changing Repealerboro's image and moving it forward. He was the first Democrat in a while that had been elected here and kind of took on a bit of that mantra, and really... And strengthened, I would say, the Democratic Party and progressive values in the city.*

Two additional respondents in Repealerboro echoed Todd's sentiments about an increasingly progressive ideological climate. These unique political and structural forces seem to have enabled leaders in Repealerboro to proactively integrate such values into lawmaking, for instance, by acknowledging that justice issues require intersectional perspectives, and advancing multi-level approaches to eliminate disparities across city institutions.[100]

Finally, in Noveluserville, the unique influence of other city agency leaders and a number of local crises have substantially shaped the local policymaking process. There, the City Attorney's office is primarily responsible for drafting the city's ordinances, which leads legislators in that site tend to defer to them more substantially than in any other site. Additionally, interview participants described leaders' need to manage a host of

[100] Collectively these practices have been referred to as the pursuit of "deep equity" (see for example, Petty & Dean, 2017).

simultaneous crises regarding the city's credibility and vitality, which were catalyzed by economic stagnation, sustained growth in its violent crime rate, and a recent settlement with the ACLU for racially discriminatory policing practices. These forces not only impacted the local criminal justice policy agenda, but also the potential influence of various stakeholders. Much of the language used by Noveluserville respondents focused on their immediate needs to respond to troubling circumstances and current events in the criminal justice arena. For instance, Hazel remarked that "especially as community police relations nationwide is not in the best of lights right now, there are a lot of challenges that we get about whether we're being honest with what we're doing and are we doing it the right way, are we being fair with what we're doing." As Albert also put it, in Noveluserville, "there is a fundamental inability to…treat both White and Black and Hispanic… citizens, the same. To apply, like, to apply the same standards…I shouldn't say the same standards. To apply the same humanity." Indeed, much current city council attention seems to be focused on managing a perceived crisis in the effectiveness and legitimacy of the police department. As news coverage describes, in 2017, against the backdrop of an escalating violent crime rate and number of departmental policies, the city council overrode a veto from the mayor, and directly requested that the state legislature approve the council to fire the police chief on its own. While the initiative didn't pass, its key champion in the city council argued that the council was unable to meet its obligation to ensure public safety without holding the police department accountable to certain performance standards.

However, challenges in balancing constituent and police department demands were not unique to Noveluserville, as this sentiment was described by city leaders in each case study site. Tension between current or recent police chiefs and city councils was said to be

high. This tension was based at least partially on the belief that especially aggressive leadership styles at the department had compromised legislators 'ability to credibly demonstrate to the public that they were committed to advancing equitable public safety policies. Oftentimes, this tension was precipitated by highly publicized incidents of police use of force against minority residents, especially after involved officers failed to be disciplined as severely by police chiefs as community members felt they should have been. For instance, as Repealerboro city council member Ruby explained, after one such officer was reinstated by the local police department despite a council recommendation that he be fired, the public ramped up pressure on legislators to make more of an explicit commitment to racial equity through its policies. Describing this pressure, Ruby stated that the message directed to the council "went to, 'elected official, you need to look at the policies, you need to look at the contracts, because that continues to be what is allowing officers who we know shouldn't be in our community, come back to do this again.'" Following that public feedback, the city council advanced a vote of no confidence in the department's chief, which had a further chilling effect on communication and collaboration between the two institutions. Similarly, back in Noveluserville, Wes described: "there was a Chief who was the predecessor to the current Chief, came in with some fanfare and then on the way out was largely reviled by the community, by our elected officials."

Changes in police leadership were seen by interview respondents as important because they demonstrated potential promise that residents, the legislature, and the police department could eventually collaborate successfully on community-oriented public safety initiatives, and move towards more equitable policies. Jeff, a member of the City Attorney's office, noted: "We now have a new chief…who is supportive of community

prosecution and community policing, so I'm hopeful that we're gonna restart that again." Thus, positive relationships between the police and the public were seen by local leaders as mitigating some of the political challenges they faced in advancing public safety policies in their absence.

Dynamic 5: Stakeholders Today Acknowledge That Racial Inequity is an Ongoing Public Policy Challenge in Cities

Finally, case study data reveals a theme about racial inequity in contemporary times that adds additional context to the absence of "racial threat" as a conceptual device through which informants understood RC QOL ordinance adoption. Despite differences in ethnoracial makeup, geographic location, and economic vitality, racial inequity is a defining public policy challenge in case study sites. The salience of race made it a common, if not unavoidable topic in city politics, especially as a central frame through which the recent and current struggles and the future goals of local leaders were assessed. Interview respondents across cases study sites discussed race openly as structuring the life chances of city residents, patterning crime patterns and police contact, and requiring attention by local governments in the contemporary context. While racial inequity was an important lens through which informants understood their cities' narratives, they infrequently cited local laws such as RC QOL ordinances as being key drivers of racial inequity in the past or today. Table 17 summarizes the themes related to racial justice that emerged in each case study site, based on analyses of interview responses. Check-marks are included whenever at least one respondent in a given city mentioned a specific racial issue in the city. News stories and official data are also considered in the discussion below to triangulate claims made my interview respondents, and to provide additional context to

those narratives.

[Insert Table 17 About Here]

As Table 17 demonstrates, informants across case study cities displayed substantial consistency in identifying formidable entrenched racial inequities, especially in relation to the criminal justice system, but also in education and employment sectors. However, variations by case study site were more pronounced with regards to specific aspects of the criminal justice system believed to materially shape differential opportunities and outcomes by race, as well as housing-related aspects of inequity. Importantly, respondents were unlikely to claim that RC QOL ordinances actually contributed to racial inequity, as only one respondent (a community organizer) raised such a concern. Some informants spoke of the possibility that certain provisions could hypothetically engender disparate trends in surveillance and arrests, though they did not capture informants' attention to the same extent as other facets of the criminal justice system, such as extensive police use of force. Additionally, case study sites varied in informants' evaluations of the current status of race relations. These assessments were made in the context of other dimensions of success or struggle in cities, such as economic prosperity. real estate trends, and current crime patterns.

In Noveluserville in particular, interview respondents lamented that racial inequity was a defining feature of their city's pressing policy challenges. These assessments centered predominately around the extensiveness of residential segregation, and tensions between the Nonwhite residents and law enforcement. For instance, when asked how he would generally describe Noveluserville, Albert, a longstanding African American member of the city council noted it's "hyper segregation" and "remnants of Jim Crow," as

evidenced by gaping disparities in criminal justice involvement, educational opportunities, and residential mobility, and violent crime rates. References to racially stark disparities were often linked to "center city" areas in Noveluserville, which have been hit particularly hard by de-industrialization, White flight, stagnating employment and educational opportunities, and decades of residential segregation. Jeff, a White high-ranking employee at the City Attorneys' office, explained that racialized patterning of police and citizen relations in the city had recently become especially pronounced given that Noveluserville had recently become a majority-minority city.[101] As a number of news outlets also report, recent tensions appear to have been further exacerbated after a number of high-profile officer-involved shootings of African American residents, including a fatal incident soon after Ferguson in which a young man was killed following a routine traffic stop. Following the city's decision not to charge the officer, massive riots erupted in an African-American neighborhood, which resulted in arson, looting, and the destruction of a number of local businesses across city blocks. Wes noted that he was certain that there were "racist cops" working in the city. Supplemental data on the cities' racial issues corroborates the respondent narrative of extensive racial inequity and tension in the city. Violent crime rates remain high in the Noveluserville's highly segregated neighborhoods relative to other areas of the city, and national trends as whole. Citing studies by UCLA, among others, that evidence disparities in housing, employment, education, and criminal justice involvement, recent news stories have identified Noveluserville as one of the worst urban areas in the United States for African Americans to live. However, neither interview insights or

[101] Those sentiments were echoed by Hazel, an African-American high ranking official at the police review commission, who indicated groups from different ethnic and racial backgrounds rarely interact, though when they do, it is often in the context of law enforcement interacting with certain residents, which tends to impose a chilling effect on race relations overall.

supplemental data in Noveluserville suggest that local crime policy in general, or the RC QOL ordinance that remains on the books there, contributes substantially to racial inequity.

In Consistent City, violent crime continues to decline, and more and more attention is being paid to both the rapid gentrification happening in the city and the intersectional economic and racial justice issues that phenomenon engenders.[102] As recent journalism also indicates, the booming real estate market and shifting racial demographics in the city have forced lawmakers to reassess policy priorities, and fast. Consistent City is the only case study site in which issues of racial inequity were consistently and repeatedly affixed to the city's urgent homelessness and housing insecurity problems: there, a majority of interview respondents expressed concern that the preponderance of homeless people in the city are Nonwhite. For instance, Louis lamented that "now the only place you see Black majority in Consistent City is in the homeless population in which 70% of those on our streets are African-American." Beyond the racial equity issues raised by homelessness and housing insecurity, notable events that struck the attention of interview respondents in Consistent City largely centered around an intensifying lack of consensus between White and Nonwhite residents about what kind of public behavior is appropriate.

Consistent City respondents noted that increasing gentrification in the city, brought on by an in-flux of mostly White upper middle-class tech workers, had led to some incidents in which new residents had sought law enforcement intervention for public behavior from Nonwhite residents that they found unacceptable. In these cases, interview respondents recalled recent clashes between newer, well-resourced residents, and

[102] In many ways, it appears that the speedy pace of gentrification has actively disrupted local leaders' prior notions about pressing racial issues in the city. A number of respondents there mentioned previously understood public safety issues to be of central importance to local leaders, given the city's reputation for violence.

longstanding, lower-income minority residents over how sanitized public spaces should be expected to be, such as White residents calling the police on Black individuals selling water on street corners. Recent news stories on this overall phenomenon (for example, see Victor, 2018) point to its increasing occurrence throughout the nation, not just in rural or explicitly conservative locations, but also in purportedly liberal strongholds, such as coastal cities like Consistent City. There, discussions of racial inequity did include public disorder topics, such as homelessness, and the illicit economy. In that vein, data from this site sometimes mentioned local ordinances as facilitating injustices, though these rarely involved the city's RC QOL ordinance in particular.[103]

In Repealerboro, racial justice was largely framed through the lens of economic segregation, which has been especially pronounced given the city's recent economic boom. As in Consistent City, interview participants in Repealerboro centered much of their discussion of racial inequity in terms of its intersection with economic inequality, though attention was much more focused around geographic segregation than displacement. As was also evident in Noveluserville, much of the discussion about inequality of opportunities in Repealerboro was focused on concentrated poverty, though such issues were understood in the context of minorities being left out of the city's recent economic growth. For instance, when asked what he would describe as the greatest challenge facing Repealerboro today, Joe, a White, high ranking official in the City Attorney's office named "income inequality," explaining that even as the overall economic landscape is improving, "if you grow up…in one of the inner city neighborhoods, you start in such a hole…that it's very hard to end up kind of getting into that more prosperous level.

[103] There were a number of local stories published about the RC public housing ordinances once the suit was filed in court, but not before.

There's a high, high correlation along racial lines."

Additionally, three of Repealerboro's city council employees, including Ruby, the only council member interviewed (also the only female and African American), suggested that police and community relations were also a defining racial equity issue in the city. The issue was understood as being typified by high-profile incidents, such as the recent killing by the police of in African American teenager, and other similar excessive use of force incidents that were that were caught on tape, and which prompted further tension between the police and Nonwhite community members. As a recent news article indicates, when asked in the winter of 2017 how he assessed the current status of police and citizen relations in the city, Repealerboro's mayor noted that African-American and Latino confidence in the police had been "shaken." At the same time, a high-ranking diversity officer in the city lamented that the two prior years had been the tensest in the thirteen years that he had been in his position. Still, when asked to remark on the ways that inequity is perpetuated or challenged by the city government, neither respondents' evaluations or media coverage focused on local public safety laws in general, or RC QOL language specifically.

Conclusion

This chapter profiled the case study analysis of three sites (Consistent City, Noveluserville, and Repealerboro) from the full study sample (N=69) that each had a history of RC QOL ordinances, but evidenced distinct trajectories with respect to their RC language over time (i.e. a consistent user, a novel adopter, and a repealer). The principal goals of case study analysis were 1.) to inductively probe the influence of city-level features found to predict RC QOL use, with a focus on further evaluating evidence of minority

threat theory given its supportive findings in the quantitative analyses, and 2.) to advance an initial theoretical framework for understanding the potential mechanisms that may account for the ways local ordinances evolve, and the implications of this for race coded language. To explore common dynamics evident across each case study site, I relied on a range of data sources. The primary data source was stakeholder interviews in each case study site, though supplemental sources, including ordinance texts, official city records, such as press releases and enforcement data, and news coverage of relevant topics, were also considered whenever possible.

The five dynamics that emerged across study sites were assessed specifically for their implications for minority threat theory. These include 1.) Cultural anxiety about crime and urban strife was an impetus for RC QOL ordinance creation, but race was not explicitly invoked, 2.) RC QOL ordinances are largely symbolic devices used by politicians to placate key stakeholders in discrete moments, though they may endure after their initial symbolic value has subsided, and are sometimes challenged by activists on racial justice grounds, 3.) Local policy making is significantly shaped by informal and vocal demands from residents, 4.) Local policy making is also shaped by idiosyncratic constellations of local stakeholders and traditions and 5.) Stakeholders today acknowledge that racial inequity is an ongoing public policy challenge in cities.

Evaluated collectively, these shared dynamics provide the following insights about potential threat mechanisms operating through RC QOL ordinances, which point to ambiguity about the applicability of traditional threat perspectives in the qualitative data: 1.) Legislative decisions responsible for the introduction of RC QOL ordinances were not driven by explicit racial hostility, as original formulations of minority threat theory suggest;

2.) Informants' discussion of racial tensions and inequity in other settings apart from RC QOL ordinance adoption, and their failure to invoke racial explanations for the passage of such laws, suggests that if biases motivated them, they operated below the radar, and 3.) Local policy making is influenced by a vast network of stakeholders who exert political pressure on lawmakers, making it unlikely that elites independently act to identify a racial threat problem and design a coordinated response, therefore raising the possibility that threat dynamics are mediated by "third party actors," who may often themselves be members of minority communities.

The most illuminating finding may well be what is *absent* in the case study data, namely, any suggestion that racial animus drove RC ordinance adoption. Among interview respondents that discussed the passage of Noveluserville's RC gang loitering ordinance, the only inference that can be drawn is that if race was a motivating factor in driving the passage of such laws, its role was either buried by time or that it operated implicitly. Even respondents in Consistent City and Repealerboro, who were not on the hook for the decision-making processes of their predecessors, and thus free to stipulate more freely, failed to suggest that racial hostility drove political elites to craft RC QOL ordinances.

This omission is notable because race was absent from conversations about RC QOL ordinance adoption even though informants were willing to acknowledge race and racism operating in other contexts in their respective city governments. Respondents *did* discuss race as problematically motivating other aspects of the local criminal justice system, such as legislators' prior acceptance of disparate sentences for powder and cocaine crack cocaine, some frontline officers' decisions to search individuals during street and traffic stops, and prosecutorial discretion in determining what offenders will be offered

adjudication through specialty courts. Informants were also open about their cities' current struggles with racial inequity across a host of institutions and outcomes.

Further, the extent to which race was discussed explicitly by respondents with respect to RC QOL ordinances was contingent on whether the legislative process described involved introduction or revocation. Importantly, when considering RC QOL ordinances still on the books, interview participants did *not* use race-neutral language. Instead, they talked frequently about the potentially damaging and racialized effects of discretionary order maintenance policing strategies, and most made subsequent arguments in favor of RC QOL ordinance repeal based on the progressive values they espoused. These case study patterns make it unlikely that social-desirability bias substantially contributed to the failure of respondents to discuss race in their conversations about RC QOL ordinances. At the very least, the absence of explicit invocations of race as a salient feature in the political process leading to RC QOL ordinance adoption implies that more simplistic accounts of racism implied by traditional iterations of minority threat do not likely describe the mechanisms that generated such laws.

Moreover, insights about the local policy making process in general, and the adoption of RC QOL ordinances specifically, indicates that lawmakers do not make legislative decisions in a vacuum. Legislators are deeply and consistently impacted by diverse stakeholder requests and local traditions, suggesting that even during the punitive turn, a coordinated and insular legislative response to racial threat would have been unlikely. Policy making appears to be the result of a vigorous exchanges between a multitude of actors, including vocal residents of varying demographic compositions and social standing, leaders from other city agencies, and business interests. Across case study

sites, the influence of informal resident demands especially in local legislative agenda setting, cannot be overstated. Informants described their decision-making as being significantly shaped by constituents, often including minority residents living in segregated neighborhoods, who identified and demanded remedies for community problems.

While it appears that ordinances sought to address "threats," such threats were not explicitly linked to ethnoracial hostility, as traditional formulations of minority threat contend, but were understood more so as being connected to issues of resident safety and well-being. In turn, respondents from each study site recalled (in Noveluserville) or suggested (in Consistent City and Repealerboro) that RC QOL ordinances emerged in the context of broader cultural anxieties about crime and urban strife, and political demands to be responsive to those challenges. While quantitative findings discussed in the previous chapter point to the salience of minority population as a predictor for RC QOL ordinances, the case study data reveals the potential influence of race in a much more indirect way, often refracted through informants' commentary about the economic status of cities and their crime rates. That case study theme resonates with quantitative findings demonstrating some support for violent crime and poverty rates as predictors of RC QOL ordinance passage.[104]

A secondary case study finding indicates that threat may more implicitly creep into local laws is through policy diffusion. Facing political pressure to respond efficiently to stakeholder requests that they address crime and disorder problems, legislators in case

[104] Police use of force incidents emerged as another correlate of RC QOL ordinances in quantitative analyses, though their connection to RC QOL ordinance adoption was not abundantly clear in case study data. It is possible that use of force incidents symbolize fractured police/citizen relations, which then may catalyze some perceived need by legislators to further legitimize police power by passing discretionary laws in the spirit of order maintenance policing. However, that explanation fails to account for the widespread acknowledgement made by respondents that frayed police/citizen dynamics were a motivating force for city leaders to reconsider, if not outwardly challenge, RC provisions in QOL ordinances.

study sites drew heavily on RC provisions from earlier QOL ordinances in order to craft their own laws. Especially in the context of cultural trends in punishment that advanced traditionally punitive and aggressive approaches to disorder, which themselves often drew on, and reinforced, ethnoracial stratification patterns and hierarchies, RC language was likely to emerge and proliferate through the adoption of new ordinances. As I will discuss further in the next chapter, case study evidence pointing to this conceivable set of mechanisms aligns more closely with newer iterations of minority threat theory and related approaches in institutional racism, than traditional formulations of minority threat theory.[105]

Finally, while I had hoped that case study data would clearly illuminate mechanisms through which minority threat operates with respect to QOL ordinances, the limits of my data made that aim somewhat difficult to achieve. Specifically, I fell short in exclusively recruiting interview respondents longstanding city leaders who could also speak to processes and factors that catalyzed RC QOL ordinance adoption. Nearly ¾ of my total interview respondents were uninvolved in RC QOL adoption, and those that were relied heavily on their recollections of original events. Additionally, supplemental data pertaining to ordinance passage in T1 was not as readily available as I had hoped, which made it challenging to evaluate potential mechanisms through other primary sources. As a consequence of these limitations, credible information about adoption was not available in two of my case study sites, Consistent City and Repealerboro. Therefore, I had to lean

[105] An alternative explanation, which is more suited to traditional racial treat perspective, but less consistent with the data, is that political elites were generally antagonistic towards Nonwhites, especially given fears that minority communities' would spill confined neighborhood boundaries, so they rationally coordinated RC QOL laws as part of their response, but narrated such ordinances as being designed ostensibly to "protect" Nonwhite residents from deteriorating neighborhood conditions which they were contemporaneously expressing concerns about.

heavily on Noveluserville as a critical case to sketch out some plausible pathways that led to RC QOL emergence, and use the other two sites to more generally inform insights about the local policy making process, and the forces that may compel RC QOL ordinances to remain on the books or be revoked. Rather than advancing a complete theoretical model for explaining threat mechanisms across study sites, available evidence led me to propose the beginnings of a theoretical framework for explaining RC language use by local lawmakers.

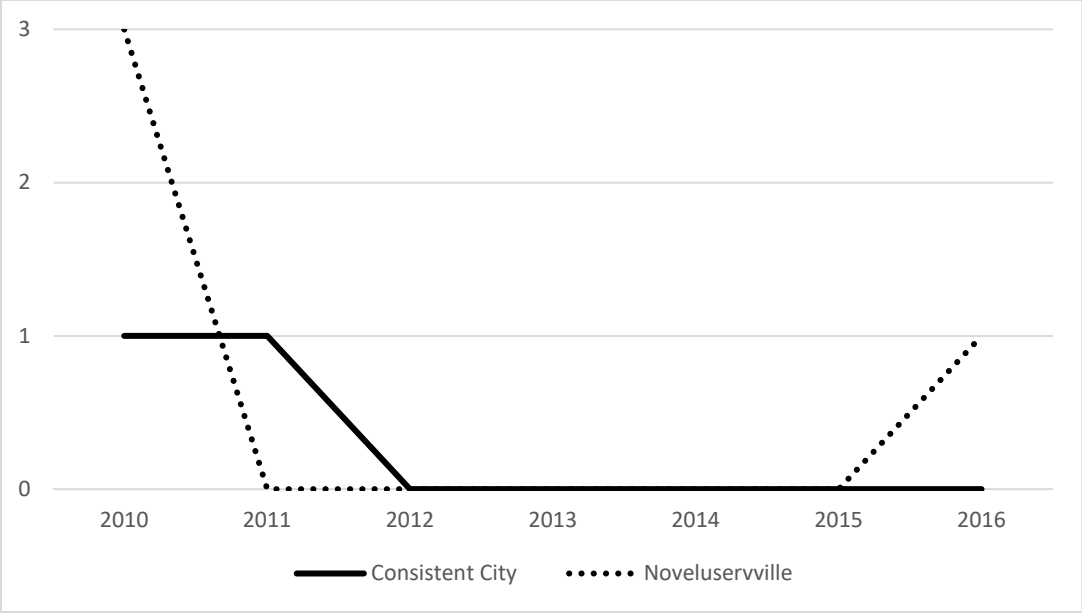

Figure 17. Charges for Race-Coded QOL ordinances between 2010 and 2016 (n=2).

Table 13

Consistent City Interview Characteristics (n=6)

Pseudonym	Race/Ethnicity	Gender	Role	Years in Current Role
Gavin	White	Male	City Council Aide	6
Peter	White	Male	City Council Member	4
Louis	Biracial	Male	Community Organizer	1.5
Tiffany	Black	Female	Aide to Mayor	2
Claudia	Biracial	Female	City Council Aide	2
Desmond	Black	Male	Police Commission Staff	5

Table 14

Noveluserville Interview Characteristics (n=4)

Pseudonym	Race/Ethnicity	Gender	Role	Years in Current Role
Jeff	White	Male	City Attorney's Office Staff	16
Hazel	Black	Female	Police Commission Staff	5
Wes	White	Male	Police Department Staff	7
Albert	Black	Male	City Councilor	10

Table 15

Repealerboro Interview Characteristics (n=4)

Pseudonym	Race/Ethnicity	Gender	Role	Years in Current Role
Joe	White	Male	City Attorney's Office Staff	15
Hank	White	Male	City Council Aide	2
Ruby	Black	Female	City Councilor	10
Todd	White	Male	City Council Aide	8

Table 16

Respondents' Stated Knowledge of Their City's RC QOL Ordinances (n=14).

City	Stated no knowledge		Stated knowledge but declined to discuss [a]		Stated limited knowledge		Stated moderate-extensive knowledge	
	Percentage	Incl. City Council Members or Aides?	Percentage	Incl. City Council Members or Aides?	Percentage	Incl. City Council Members or Aides?	Percentage	Incl. City Council Members or Aides?
Consistent City (n=6)	50%	✓	17%	✓	17%		17%	
Noveluserville (n=4)	25%		0%		25%	✓	50%	✓
Repealerboro (n=4)	0%		0%		50%	✓	50%	✓
All Case Study Sites	31%		7%		29%		38%	

Notes. [a] This only happened in Consistent City as legal action against the city ramped up during the data collection phase, and some city officials did not want to discuss the law because they were being sued for it.

Table 17

Sources of Racial Inequity Discussed Across Case Study Sites (n=3)

Category	Sub-category	City		
		Consistent City	**Noveluserville**	**Repealerboro**
Housing	Residential Segregation	✓	✓	✓
	Gentrification	✓		
	Housing Instability/Homelessness	✓		✓
	White Flight from Downtown Core		✓	✓
Police and the Criminal Justice System	Disparities in surveillance/arrests/adjudication	✓	✓	✓
	High violent crime rates in minority neighborhoods		✓	
	Police use of force directed at Nonwhites	✓	✓	✓
	Law Enforcement bias and discrimination	✓	✓	✓
	Lack of trust in police by Nonwhites	✓	✓	✓
	RC QOL ordinance language	✓[a]		
Other	Disparate educational opportunities and outcomes	✓	✓	✓
	Disparate employment opportunities and economic outcomes	✓	✓	✓

Note. [a] In Consistent City, the only respondent to discuss RC QOL ordinance language as driving racial inequity was the community organizer that organized the suit alleging it was racially discriminatory.

CHAPTER SEVEN: DISCUSSION

Introduction

The dissertation used a multi-method approach to grapple with the following research questions:

1. How extensive is race-coded (RC) language in QOL ordinances in cities across the United States, and how has it changed in the last twenty years?
2. What demographic, political, and societal dynamics may account for the evolution of this legislative language at the local level?

Owing to my focus on exploring the sources, expression and potential impacts of racially targeted language in local crime policy, I considered these questions principally through the lens of minority threat theory (Blalock, 1957, 1957). Specifically, my dissertation endeavored to advance criminological literature across three dimensions.

First, I attempted to contribute to knowledge of local crime policy in the United States, which is an important, but often understudied focus of criminal justice research (e.g., Lynch, 2011). In doing so, I specifically sought to add insights about the demographic, cultural, and political forces shaping local lawmakers' legislative action on Quality of Life (QOL) ordinances over time.

Secondly, because proactive order maintenance functions such as those sanctioned by QOL ordinances have a distinctly racialized legacy in the United States, the dissertation sought to explore the evolution of their expression in local public policy provisions, and implications for the policing of minorities. Given the subversion of explicit racial references in laws in the wake of the Civil-rights era (Murakawa & Beckett, 2010; Tonry, 2010), this dissertation focused on assessing legal language in QOL ordinances for implicit

racial references that target Nonwhites for surveillance and enforcement. To that end, I leveraged Qualitative Content Analysis (QCA) (Boss & Tarnai, 1999; Hsieh & Shannon, 2005; Schrier, 2012) to inventory the presence and nature of race-coded (RC) language within QOL ordinances in a nationally representative sample of 69 cities in the United States across two study periods, T1 (1997-2000), and T2 (2018). I relied on a diverse literature on stratification, social psychology, and the law to identify person-based (e.g., a "known drug user") and placed-based (e.g., "public housing property") provisions in QOL ordinances likely to reinforce disparities or even encourage officers to act in biased ways during discretionary encounters with citizens, with an interest in examining evolution over time. Results were consistent with the idea that racial references have been driven underground in recent decades, despite the expansion of the criminal justice apparatus in ways consequential to minorities in the punitive turn and beyond (Garland, 2001; Beckett & Herbert, 2009; Tonry, 2010). Cities in the sample were generally unlikely to use RC language in either time period, and among those that did, change over time was rare. Nonetheless, a handful of cities did evidence different trajectories with respect to their invocation of RC language across study periods.

Finally, building on the enduring ethnoracial disparities observed in a host of metrics associated with urban policing strategies, such as arrest rates for minor crimes and procedural justice assessments, this dissertation's third and core contribution centered around assessing the applicability of minority threat theory to RC QOL ordinances. The conflict theory draws from ethnoracial perspectives on stratification to claim that minority presence in a given area generates perceived competition for resources (financial, political, or otherwise) among dominant groups, with representatives of majority interests ultimately

responding by initiating punitive control measures against Nonwhites (e.g., Blalock, 1957 1967; Quillian, 1995). To examine empirical support for the theory, bivariate analyses of city-level features and summary measures of RC language were first generated, with an emphasis on evaluating support for minority population size in predicting RC QOL ordinance emergence, maintenance, and repeal. Quantitative results found the size of the minority population predicted RC QOL ordinance presence, but little could be said about cities' revocation of these laws. The results also demonstrated, albeit less consistently, that other aggregate features, such as violent crime rates, poverty, and police of use force had some significant associations with cities' use of RC ordinance language.

Prior explorations of minority threat have been hampered by scholars' lack of specification of intervening processes that mediate between demographic composition and punitive laws that disproportionately punish minorities (Brooks Dollar, 2014). As such, I also focused on identifying threat mechanisms that may catalyze legislative action on RC QOL ordinances. Results from the bivariate analyses were used to purposefully select three cities with differential use in RC language over time (i.e. Consistent City, Noveluserville, and Repealerboro) for case study analysis. The case study analysis centered on the completion of phone interviews with local informants, in addition to an analysis of supplemental data such as ordinance enforcement records, to explore the determinants of legislative action on RC QOL ordinances. I was able to generate insights on the local policy making process, and articulate potential explanations for understanding the operation of minority threat in the city-context. Those explanations establish support for more nuanced variants of minority threat theory, which largely align with contributions in institutional racism literature (e.g., Lynch, 2013; Haney-Lopez, 2000) that aim to bridge levels of

analysis (i.e. group-level and individual).

In this final chapter, I present a detailed overview of my findings, introduce an initial theoretical model that attempts to account for the implicit and automatic mechanisms through which racial hierarchies are reproduced and reinforced by local politicians legislating order maintenance policing, discuss major theoretical, policy, and methodological implications, and chronicle the key limitations of the study. I end with recommendations for future research.

Methods Overview & Exploration of Findings

To answer the first question about the extensiveness and evolution of RC language in QOL ordinances, I collected QOL ordinance data for four common "public order" offense types (Kelling & Coles, 1996) at T1, which served to represent the height of the punitive turn (1997-2000), and T2 (2018). Ordinances were included if they had prohibitions against panhandling, loitering, public sleeping, or graffiti offenses, and were actively on books in city codes during either if the study periods.

To account for the presence and nature of RC language in QOL ordinances, Qualitative Content Analysis (QCA) (e.g., Schreier, 2012) was completed on legislative language for both T1 and T2. The majority of cities had no RC language during either study period. Even though this study focused on inventorying implicit racial references with the understanding that overt discrimination has been scrubbed from legal documents since the Civil-rights era, the relative rarity of even implicit racial references suggests that backhanded references to race have also largely fallen out of favor in recent decades as well (Murakawa & Beckett, 2010; Tonry, 2010). Overall, nineteen cities, or approximately 30% of the full sample (N=69), had at least one coded RC reference in their QOL

ordinances in either study period. These implicit references appeared exclusively in loitering ordinances, and most were found in circumstances of suspicion provisions that invoked person and placed based codes. Cities also displayed a notable degree of intractability with respect to their QOL ordinances, meaning that RC language presence or absence in QOL ordinances also tends to be quite "sticky." The finding that cities with certain laws on the books in the 1990s were also unlikely to have changed them twenty years later is consistent with broader findings about the durability of local ordinances (e.g., Satterlund et al., 2011; Shaikh et al., 2018). Specifically, only 7% of cities in the sample (n=5) exhibited changes in their RC language use between T1 and T2.

To answer the second question about the dynamics that may account for the evolution of this legislative language at the local level, with an interest in evaluating support for minority threat theory, two analytic approaches were leveraged, 1.) descriptive bivariate analyses, and 2.) case study analysis. As an initial step for both of these approaches, QCA results were used to generate summary measures of RC language at each time period for use in bivariate analyses, including its overall presence (at T1 and T2), place-based references (at T1 and T2), person-based references (at T1 and T2), and mutually exclusive evolution typology categories reflecting the full range of cities' experience with respect to their use of RC QOL ordinances over time (i.e. never users, consistent users, novel adopters, repealers). Bivariate analyses were then conducted to assess whether and to what extent city-level factors including minority population, crime rates, police use of force, and poverty, were associated with RC language presence in each time period, and its evolution across the study windows.

By and large, the most notable and consistent finding from these bivariate analyses

was that the extent of the minority population was positively and significantly associated with RC ordinance adoption. Specifically, Spearman correlations (Acock, 2008) found the percent of the minority population to predict T1 and T2 RC language generally, T1 place-based RC language, and T1 and T2 person-based RC language. Other significant cross-sectional findings emerged, including the number of deadly police use of force incidents, the size of the city population, and the violent crime rate, but these were less consistent across correlations. Welch's tests (Kim, 2015; Pagano, 2004) were then used to explore differences between stable and changing cities, to see what differentiates cities with static QOL ordinances, and those whose invocation of RC language evolves. No significant mean differences were observed between repealing cities and consistent use cities, suggesting limitations in the ability of quantitative analyses to draw out reasons for RC QOL ordinance language revocation. However, a number of significant mean differences emerged in comparisons of novel adopters and never adopters. Namely, minority population means were higher in novel adopting cities relative to never adopting cities in both study periods, and the mean difference was significant at T1. Novel use also appeared to be significantly patterned by higher mean poverty rates, and more mean incidents of deadly police force than no use at either time period.

Taken together, these findings most strongly pointed to the influence of minority population in predicting RC QOL ordinance introduction, whether that passage occurred in T1 or T2. Other factors were associated with RC ordinance presence, though none provided insights about the reasons that cities may repeal their RC QOL ordinances, meaning also that typology groups were not very useful in explaining divergent RC language use. To further interrogate the reasons for RCL QOL ordinance adoption, paying

particular attention to the minority threat dynamics supported by bivariate analyses, and to garner additional insights about maintenance and repeal, I conducted case study analysis.

The three cities selected from the full sample owing to their differential use of RC QOL ordinance language across study periods were Consistent City, Noveluserville, and Repealerboro. Primary case study data included fourteen phone interviews with local informants. Five common dynamics were identified across the three case study sites. These include 1.) Cultural anxiety about crime and urban strife was an impetus for RC QOL ordinance creation, but race was not explicitly invoked, 2.) RC QOL ordinances are largely symbolic devices used by politicians to placate key stakeholders in discrete moments, though they may endure after their initial symbolic value has subsided, and are sometimes challenged by activists on racial justice grounds, 3.) Local policy making is significantly shaped by informal and vocal demands from residents, 4.) Local policy making is also shaped by idiosyncratic constellations of local stakeholders and traditions and 5.) Stakeholders today acknowledge that racial inequity is an ongoing public policy challenge in cities.

Primary Theoretical Implications

The quantitative and qualitative results of this dissertation have a number of theoretical implications. Most notably among these is the suggestion that classic formulations of minority threat, pegging disproportionately punitive social control responses to dominant group expressions of racial hostility (Blalock, 1957, 1967), are far too simplistic to explain the mechanisms that link minority presence to racialized laws at the local level. The effects of minority composition on RC QOL ordinances appears consequential, but not direct. In line with prior scholarship on local crime policy from

Miller (2008) and Lynch (2013), this study suggests that if race motivates lawmaking in the city-context, it often does so in implicit, and maybe even unpremeditated ways.

The most supportive evidence for applying a threat perspective to RC QOL ordinances is driven by quantitative findings demonstrating consistent and positive associations between minority population and various measures of RC legal language.[106] Racial threat is implicated by the statistical findings, even if it failed to rise to the surface of informants' accounts, which suggests that it was subordinated into broader anxieties about crime, and mediated through third party advocates as they triggered legislative action. Case study data strongly supports the notion that constituent-driven concerns for safety and well-being catalyzed RC ordinance introduction. Yet bivariate analyses also found that the adoption of such laws in this study sample was consistently, significantly, and more strongly associated with the size of the minority population than with violent or property crime rates, two city-level characteristics which themselves were largely not significantly associated with RC language. Only in one set of correlations was violent crime significantly associated with race coded language and that rank order correlation coefficient was smaller than the rank order correlation coefficient for minority presence (Appendix I). In line with prior stratification research (e.g., Wakefield & Uggen, 2010) greater minority presence was associated with higher crime rates though the correlations were only weak to moderate in this dissertation (Appendix G). Thus, results suggest that despite operating in a nuanced fashion, race should not be discounted as a force imposing independent effects on the creation of RC QOL ordinances.

[106] As noted in Chapter 5, quantitative results did not generate support for the "tipping point" hypothesis, which suggests that as areas become predominately minority, threat responses abate, or all together disappear.

Dissertation findings also suggest that the influence of racial demography on RC QOL ordinance requires explicit attention to the peculiarities of local lawmaking. At least with respect to local RC QOL policy, this dissertation does not find that lawmakers, representing dominant group interests, interpret minority presence as a core threat to their values and resources, and thus respond by designing and implementing oppressive policies. There is, in other words, no support for the reproduction of an effort akin to a "Southern Republican Strategy" (Tonry, 2010) at the city level. This is important, because, as Lynch (2011; 2013) explains, classic iterations of minority threat imply at least some group-level rationality and coordination among those representing dominant (i.e. White) concerns. Instead, results from this dissertation suggest that local lawmakers are deeply politically motivated to listen and respond to a multitude of stakeholders when crafting local crime policy, at least in the contemporary era. Study findings indicate that informal resident demands most consistently capture the attention of local lawmakers, and this is noteworthy with respect to minority threat theory for two reasons: 1.) it undercuts the idea that political elites act independently to design threat responses and, 2.) it underscores the potential influence of non-dominant groups, such as minority residents, in legislative agenda setting at local level.

This dissertation finds that pressing crime and disorder issues, such as outdoor drug markets and visible gang activity, activate local constituents, many of whom are Nonwhite and living in segregated neighborhoods, to demand action from city leaders. These insights suggest that threat mechanisms may be contingent on the legislative context in which they operate, with fewer opportunities for classic racial threat processes to operate at the local

level, relative to state or federal legislative settings.[107] Further, traditional iterations of minority threat do not account for, or consider, the possibility that dominant group and minority group interests may actually align at times. However, for local lawmakers operating in diverse cities, this dissertation finds that successfully demonstrating alignment with informal coalitions of residents of color is often seen as politically advantageous, if not necessary, though the realities of local legislating do not guarantee that such an alignment will automatically result in the absence of threat expressions in public policy.

Race is likely to be refracted through stakeholder concerns that are affiliated with, but not principally driven by, mere minority presence. The strength of quantitative associations between RC language and racial demography suggest that a tacit expectation of Nonwhite criminality likely frames concerns about crime and disorder. Thus, a plausible explanation for RC adoption in local ordinances necessitates the integration of more nuanced racial threat pathways, such as blame discourse (Romer et al.,1997; 1998), that are also commensurate with recent theorizing on institutional bias.

In particular, Haney-Lopez's "script racism" (2000) seems especially relevant, as it implies that local lawmakers relied on largely unconscious and automatic racialized scripts of criminality in creating RC ordinance language without thinking much about the potentially disparate or discriminatory impacts of their choices, especially as diffuse fears about crime reigned. In being directly responsible to constituents demanding urgent action,

[107] For instance, in her case study analysis of the highly idiosyncratic and locally contingent processes undergirding local crime policy in Philadelphia and Pittsburgh, Miller (2008) details the way that informants' conversations about crime issues and policy-making rub up against, but ultimately fail to, directly invoke race. As she notes, "most…respondents denied a clear link between race and the framing of crime problems" (p. 153). Instead, race was refracted indirectly, vis a vis respondent acknowledgment of the overlap between minority presence and "crime and neighborhood conditions" (p. 153) that constituents requested lawmakers address.

and also in facing competing demands on their time and resources, local leaders legislating minor crime and disorder may have been more likely than lawmakers in different contexts to privilege expediency over other aims. Legislators in these settings may have minimized the extent to which they considered legislative innovation or scrutiny critical. Instead, in service of efficiency aims, they may have been likely to borrow provisions from laws in other cities facing similar problems. This theme was articulated by numerous informants reflecting on the adoption of RC QOL ordinances, who described lawmakers as prioritizing legislative action as a means to advance political messages (e.g., “we are tough on crime”) above it as a means for developing especially well-vetted or effective solutions. These findings comport with policy diffusion literature (e.g., Nicholson-Crotty, 2009) indicating that policy adoption decisions tend to focus largely on short-term political gains, rather than long term impacts.

Considered collectively, these insights lead me to the presentation of an initial theoretical framework for understanding the mechanisms that undergird RC ordinance introduction. A visual model of this dissertation’s proposed theoretical framework of RC ordinance adoption is provided in Figure 18. The model postulates that RC legal language is generated by a host of mechanisms operating through three levels of influence 1.) local conditions, 2.) local stakeholders, and 3.) legislative actors. Specifically, in cities with substantial minority populations, conditions like crime, disorder, and economic strife, converge and propel local actors, including residents from minority neighborhoods, to demand that politicians generate solutions to pressing community concerns. Facing political pressure to appease constituents, lawmakers rely on a set of cognitions, routines and traditions to create a legislative solution; these are informed by enduring racial

stereotypes and hierarchies, and resulting blame discourse. Such forces, operating largely under the surface, engender script racism, and are likely to generate RC language, especially in the context of punitive cultural trends. RC ordinances then diffuse to other areas facing similar conditions, as local legislators in those cities import extant provisions that focus on identifying and targeting especially problematic places and people. This policy diffusion process reinforces racialized and punitive responses to urban crime and disorder, with potential implications for the policing of minorities across geographies.

[Insert Figure 18 About Here]

Broader Theoretical Connections

The conclusions of this dissertation also have a number of broader theoretical connections. First, the study findings have implications for broader theorizing on local policy making, and are supportive of a number of Lisa Miller's (2008) approach to the topic. She posits that, unlike in state or federal contexts, race is much less of a central lens through which crime problems are discussed in city politics, because local legislators are uniquely responsible for addressing stakeholders' urgent and overlapping concerns. In turn, she argues that the wholly punitive approach often ascribed to political elites in critical scholarship on national and state level policies (e.g., 3 strikes laws) just does not seem to align with the political realities faced by local legislators, who are in contact with, and accountable to, a diverse set of constituents in the policy making process. This dynamic stands in stark contrast to state and national legislative contexts, where powerful lobbying groups dominate, and constituent access to lawmakers, especially among low-income and Nonwhite residents, is incredibly limited (also see Hinton, 2016). As Miller (2008) contends, constituents in cities request that local leaders advance pragmatically oriented

solutions to improve their daily lives, but are not inherently interested in specifying exactly what should be done, or in advancing a necessarily "punitive" agenda. My dissertation conclusions echo that sentiment.

The idea that stakeholders present local lawmakers with general concerns, but not ideas about specific policy proposals, reflects a substantial divergence from the standard course in other legislative contexts (Miller, 2008). Constituents simply want relief, and local legislators are on the hook for providing it. Because lawmakers in the local context pretty much always have to respond to constituents, Miller (2008) indicates that it's less a question of if they will offer a solution, and more about *what* solution they will advance as their response. My study's findings support this line of reasoning by indicating that specific policy outputs are informed largely by legislators' discretionary decisions, even though those are likely products of bounded rationality (Jolls, 2017). In this way, my dissertation results also undercut the implication, made by champions of OMP (e.g., Kelling & Coles, 1996) that QOL ordinances represented collaborative solutions to urban strife co-produced by community members. However, they do support Kelling & Cole's (1996) contention that there was public demand for local leaders to be responsive to quality of life issues in the 1990s, thus also challenging scholarship critical of QOL ordinances on the grounds they were advanced without any impetus by disaffected minority groups (e.g., Harcourt, 2001).

As I discussed above, to account for the processes that determine legislative action on RC QOL ordinances, a much more nuanced take on minority threat is needed. To that end, this dissertation also suggests that minority threat theory should more explicitly integrate multi-level and implicit conceptualizations of threat, in line with recent

contributions on institutional bias (e.g., Haney-Lopez, 2000). In turn, future theorizing would also benefit from more explicit attempts to integrate the two theoretical perspectives, given their substantial conceptual overlap. Specifically, study findings indicate that minority threat theorists should continue to grapple with ways to bridge structural and social psychological approaches, as others before me have recommended (see, for example, Brooks Dollar, 2014; Lynch, 2013). The theory should continue its recent investment in moving beyond reductionistic "rational actor" threat approaches (see Lynch, 2013, p. 111), for instance, by considering deeply embedded and diffuse ethnic blame discourse processes (Romner et al.,1997, 1998).

This dissertation's conclusions also indicate that future research should to endeavor to more clearly capture the theoretical pathways that generate RC ordinance maintenance and repeal. Despite finding support for Haney-Lopez's (2000) "script" racism, this study's results were less supportive of "path" racism explanations for RC laws. While the dissertation finds that local public policy is generally intractable, and that RC ordinances tend to stay on the books long after their symbolic value to politicians has faded, it does not suggest that revocation is hampered by mechanisms of path racism. Haney-Lopez (2000) argues that path racism occurs when institutional actors recognize racialized policies and practices, but don't do anything to reform them, even in the face of direct challenges, because such policies and practices have become cemented into the routines and roles of institutional actors. Yet, this dissertation's data points only to minimal challenges being levied against RC QOL ordinances, therefore making it less likely that local lawmakers acknowledged, but failed to act on, related protests. It is more plausible that local RC laws' role as largely symbolic, rather than instrumental devices, made them

easy for lawmakers and even broader interest groups to ignore.

After adoption, RC QOL ordinances often became dormant and were forgotten by local lawmakers, due to the emergence of new and pressing citizen requests, and police departments' overall lack of use of such laws. By and large, the dissertation evidence indicates that RC QOL ordinances remained dormant unless constituent demands made them relevant to lawmakers again. Indeed, in one case study site, once challenged directly by constituents, lawmakers moved swiftly to revoke the RC QOL ordinance. In another site, legislators proactively removed RC provisions when the ordinance was being amended for other reasons. The willingness of legislators in two case study sites to repeal RC QOL ordinance language despite such laws' largely symbolic value suggests that further theorizing should attempt to account for the mechanisms that catalyze the *disruption* of institutional racism. The distinct precipitating factors leading to revocation in each city, and the different kind of repeal evidenced (i.e. proactive vs. reactive), point to nuance in revocation of racialized policies.

Finally, dissertation findings demonstrate that on the whole, shifting cultural sensibilities about crime and punitiveness seem to have made current local lawmakers more willing to consider the ways that the language of RC QOL ordinances may sanction aggressive and racialized policing practices. These results indicate that further theorizing on threat and institutional bias should attempt to consider the historical context and cultural trends in punishment, as potentially mediating threat expressions in policy.

Policy Implications

This dissertation's findings have a number of implications for public policy. First, this study underscores the "stickiness" of policies and slow pace of ordinance reform in the

arena of criminal justice, as public health scholars have found (e.g., Satterlund et al., 2011; Shaikh, Stratton et al., 2018). Study data illustrates that it takes a good deal of synergy between historical, political, and local forces for reforms to occur. However, this dissertation also points to the finding that, at least at the local level, constituents have substantial access to lawmakers, meaning that politicians are incredibly responsive to resident demands. It also suggests the power of those demands to propel legislators' revocations of RC QOL ordinance language, suggesting that citizens' direct involvement in the local legislative process has the power to catalyze disruptions in institutional racism. In turn, advocacy organizations, and other groups acting on behalf of oppressed groups, should endeavor to empower residents to identify potential sources of institutional racism in their local laws, and equip them with tools to effectively pressure elected officials, for instance through public education campaigns on key community organizing strategies, such as framing and messaging (e.g., Staples, 2004).

Further, this dissertation suggests that legislatures should endeavor to more proactively incorporate attention to racial justice in their decision-making processes. Informants in this study expressed a broad commitment to addressing racial inequity in their cities but also indicated that legislators prioritized the ability to respond efficiently to constituent requests, suggesting the adoption of equity-based decision-making frameworks into institutional protocols may aide well-meaning lawmakers in bridging their intentions and actions. For instance, Petty and Dean (2017) articulate a toolkit for institutional actors invested in pursing "thriving justice ecosystems" (p. 1). Using the Alameda County Department of Public Health as a case study, they identify the following action principles: 1.) Acknowledge difference and advance equity aims deeply and holistically, 2.) Direct

attention to intersectional issues, relationship-building, and responding to trauma, 3.) Commit to eliminating disparities, not just addressing explicit discrimination. These principles could be expanded across institutional contexts, for example, with the creation of a toolkit for city councils that also outlines specific legislative goals and objectives, and incorporates evaluations of successes and lessons learned on these fronts into institutional policies. This dissertation's evidence of local policy diffusion effects also indicates that innovations made in the name of cultivating thriving justice ecosystems may also be adopted by other city governments, as has been seen by recent local legislation on equity initiatives in the emerging legal cannabis industry (Hughes, 2019; Mock, 2018).

Additionally, this dissertation offers some important insights about the politics of urban policing policy. This study highlights that policing remains racialized and a core emblem of racism and racial inequity in cities, as many scholars have noted (e.g., Harcourt, 2001; Lynch, 2011; Muhammad, 2010). Case study data indicate that city leaders appear to still be reeling from the particularly problematic and recent use of force incidents, which have also widely publicized in the digital age (e.g., Brown, 2016; Dymond & Hickman, 2017). In this broader context, city leaders in case study sites looking back shared the view that the traditional OMP strategies heralded by enthusiasts like Kelling & Coles (1996) did not yield the kind of collaborative community-police partnerships its champions claimed they would. Informants responding to these kinds of tactics now view them as outdated, and problematic for their aggressive and potentially racialized applications, in line with contributions from scholars like Harcourt (2001) and Geller and colleagues (e.g., Geller & Fagan, 2010).

Importantly, city leaders today appear to be keenly invested in assessing and

responding to residents' perceptions of police legitimacy (e.g., Tyler, 1990, 2003; Fagan & Geller, 2014). Political attention in the contemporary context is not just paid to constituents' concerns about crime patterns, and law enforcement outcomes, like arrests, and charges, but also in demonstrating accountability to residents demanding greater police accountability, largely around issues of legitimacy and procedural justice. In this current climate, where cities are facing sustained tensions between the police and minority community members (e.g., Bryant-Davis Adams, Alejandre, & Grey, 2017), and federal oversight for unconstitutional policing (e.g., Harmon, 2017), informants indicated that local legislators feel increasingly held to task for various ways that they may be seen as facilitating problematic policing practices. Those practices range from city councils failing to fire officers engaged in excessive use of force, or keeping laws on the books whose provisions that harken to now maligned SQF practices (e.g., Fradella & White, 2017).

Indeed, neither the proactive or reactive appeals of RC QOL ordinances centered around constituent concerns around the frequency of formal enforcement outcomes, like arrests or jail stays: rather the central arguments against their maintenance in city codes centered on the invocation of the RC laws to harass minorities. Thus, this dissertation suggests that in advancing policies, whether through the introduction of new laws, or the review, and potential repeal, of extent public safety laws, legislators should focus intently on assessing outcomes peripheral to traditional enforcement metrics, such as the potential for misuse, and the further erosion, or enhancement of, legitimacy perceptions.

Finally, while not central to this dissertation's central aims, this study does suggest that city leaders should remain vigilant about the displacement of racialized laws to new punishment practices and policies. For example, there is some evidence from QOL

ordinance data pointing to a recent (from T1 to T2) proliferation of aggressive panhandling ordinances imposing spatial banishments on offenders, in turn suggesting that traditional order maintenance approaches to disorder are being replaced by newer innovations, such as “soft punishment” (Beckett & Herbert, 2009) tactics. City leaders should be mindful that they are not substituting one form of implicit racialized targeting for another. Prior literature (e.g., Lynch et al., 2013) has found that the tendency to rely on banishment practices is especially common among ostensibly liberal cities experiencing economic growth and pressure to sanitize potentially valuable public spaces. Therefore, even self-professed progressive lawmakers operating in liberal stronghold critics should assume caution about the possibility that proposed solutions could advance racialized policing practices.

Methodological Implications & Study Limitations

Lessons gleaned from this dissertation provide a number of methodological insights about empirical explorations of minority threat and institutional racism. First, building on prior literature demonstrating the difficulty in examining threat quantitatively in the post-Civil rights era (e.g., Murakawa & Beckett, 2010), this study finds that quantitative approaches may obscure mechanisms through which threat operates, particularly when they apply legal standards of discrimination (Lynch, 2013). As noted above, studies focusing on discrimination apply such stringent evidentiary standards that they likely understate the extent of far more persuasive, but implicit forms of discrimination (Lynch, 2013; Murakawa & Beckett, 2010). However, it is also problematic to rely solely on measures of disparities, because those aren’t able to speak to system actors’ application of embedded racial hierarchies and/or stereotypes to consequential decisions.

As this dissertation demonstrates, qualitative approaches add value to explorations of threat and bias by seeking to explore the factors and processes leading to the expression of racial threat in local crime policy. By cataloguing implicit racial references in laws, and engaging in case study analysis surrounding their emergence, including through discussions with local informants, this study attempts to support the use of innovative methodological strategies to account for the influence of race in policy making. Importantly, the use of Qualitative Content Analysis (QCA) proved to be an effective method for inventorying racialized language in local ordinances (e.g., Schreier, 2012). Though I was able to apply innovative methodological approaches to cataloguing threat expressions in RC QOL ordinances, the coding frame I developed (Appendix B) was, at the time of this writing, and to the best of my knowledge, the first that attempted to define and create a protocol for identifying implicit racial references in legal language. Therefore, it had not been previously assessed for reliability or validity. The QCA method used to generate summary measures of RC language also runs the risk of generating results that are shaped by researchers' confirmation bias (Hseih & Shannon, 2005).

Because this study indicates that institutional actors may not always be aware of racial threat as a force impacting their decision-making process, qualitative interviews may not be well-suited to capture the subconscious ways that racial hierarchies impose themselves on legislation. Relatedly, one of the principle limitations of this dissertation is its inability to speak confidently about the mechanisms driving RC QOL ordinance adoption, owing principally to my inability to secure a sample of informants with direct experience in such laws' passage. While my focus on the evolution of RC language over time allowed me to generate interesting insights about the broad cultural trends that ground

various punishment modalities, my methods were not ideal for exploring the mechanisms that undergird threat expressions historically. In the end, it was difficult to recruit study participants that were involved in city politics decades earlier, and the few that were successfully recruited had to rely heavily on far-reaching recollections. A better approach in future research may be to conduct ethnographies of institutions engaged in legislative decision making in the current context, or to rely on a shorter time span in which past policies are evaluated. This comports with best practices for case study analysis, which suggest that the method is ideally suited to considering contemporary phenomenon (Yin, 2009).

By drawing its study sample from a nationally representative sample, and incorporating descriptive quantitative analyses of city characteristics' influence on RC language, this dissertation was also able to grapple more extensively with inquiries about the nature of the phenomena nationally. While a number of case study approaches to racialized policing and policy in cities exist (e.g., Lynch, 2011, Miller, 2008; Zimring, 2011), sites are not commonly drawn with the national context in mind. In starting with a nationally representative sample of cities, this dissertation was able to shed light on the extent and evolution of implicit racial references in ordinances across the United States.

While the sample of cities was drawn from the nationally representative National Neighborhood Crime Survey (NNCS) (Peterson & Krivo, 2000), 24 % of those cities (n=22) were excluded for missing data, either due to having missing ordinance data, or missing T1 data on ethnoracial composition, which was considered necessary given the focus of the study. Further, while I intended on collecting city-level data for years that preceded the dates of passage of QOL ordinances in each time period, this was not always

possible, meaning that in some cases, city-level characteristics included in bivariate analyses might have not accurately represented the forces predicting legislative action. There were also a few cases in which only MSA-level rather than city-level data were available in certain cities, for specific measures, meaning that some data slippage occurred in those circumstances. Finally, although literature suggesting that the ethnoracial composition of legislative bodies may independently influence policy making priorities and processes, a high level of intercorrelation between my general ethnoracial composition variables and that measure (Appendix G) prevented me from assessing the predictive influence of the ethnic and racial identity of city council members on RC QOL ordinances.

With respect to the QOL ordinance data itself, there are a number of additional limitations. For one, I had to rely on city websites and other archival materials, and in some cases, it was determined through contact with city officials that legislation posted on online legislative libraries was not accurate. I made every attempt to confirm the accuracy of my QOL data through proactive outreach to archivists and clerks, but there were cases in which verification was not possible. Secondly, my study focused only on four ordinance types (i.e. panhandling, loitering, public sleeping, graffiti), and RC language was only found in loitering ordinances. There are certainly other local laws that might include race coded language, including juvenile curfew ordinances, however these were not included in my analysis. Importantly, insights from case study informants indicate that potentially racialized policing policy emerges not only from local ordinances, but a host of other decisions, including police department policies (see Lynch, 2011) and conditions of probation and parole (see Beckett & Herbert, 2009). Further, there were a few instances in which I discovered that certain cities had RC QOL ordinances on the books after T1, but

such laws had been repealed prior to T2. By focusing exclusively QOL ordinances in place in two discrete study periods, the relatively recent use of certain locales' RC language was obscured.

The limitations inherent to the bivariate analyses pertain largely to power problems owing to the small number of cities evidencing RC language in their QOL ordinances at each time period, and the even smaller number of cities demonstrating change with respect to their language use. Small sample sizes across typology comparison groups made the findings somewhat subject to Type 2 error. For instance, Welch's tests were used to compare cities with varying changes in time with respect to their use of RC language. However, because there were only a handful of cities with change in each comparison (i.e. novel adopters vs. never adopters and consistent users vs. repealers), I couldn't be conclusive about the normality of the variables (transformed or otherwise), meaning that my results were quite tentative, and especially vulnerable to Type 2 error.

There were also further limitations in my case study methods, beyond the principle limitation about the involvement of informants in RC ordinance adoption. First, in only purposefully sampling case study sites with RC language use in one of their time periods, the case study analysis phase did not generate insights about the processes that undergird local policy in cities without such language. Secondly, while I had hoped to interview mostly city council members and/or their staff, I was not as successful as I had hoped in in achieving that aim. In the end, only 50% (n=7) of my respondents were local legislators or their staff. Further, the representation of legislators and legislative staff was not even across case study sites, ranging from 25 % to 75%, meaning also that insights about lawmaking were skewed by sites with greater proportions of legislative respondents. Further, the

statistical findings suggested that typology categories themselves were not convincing as essentializing categories, bespeaking the idiosyncratic and highly localized forces that shape local criminal justice policy, and constraining the extent to which case study findings from sites with specific trajectories can be extrapolated to other areas demonstrating similar use patterns. Finally, each study site evidenced variation in their geographic location, and size, but city officials across the three sites identified their cities as liberal, if not outwardly progressive in political ideology, therefore limiting the degree to which findings may be transferrable to conservative local governments. Further, my focus on cities hampers the ability to draw inferences about local lawmaking process and their implications in rural or suburban settings.

Future Research

This dissertation invites future research on the overlapping topics of local legislation, race, and urban policing, in service of continuing to expand these areas theoretically and methodologically. First and foremost, this study should encourage criminal justice researchers to continue to explore local crime policy, including, but not solely through, the use of single-site case study analysis. Inquiries that use nationally representative samples may be especially well-suited to consider regional and ideological differences and similarities in the local lawmaking process, its products, and implications for the policing of minorities. Densely populated cities with substantial minority populations have garnered disproportionate scholastic attention, including in this study, so it would be prudent to explore these topics in smaller cities, as well as in rural and suburban settings. Importantly, while pointing strongly to the “stickiness” of ordinances in local city codes, few contributions in criminal justice literature have yet to grapple with the facets of

this phenomenon, and greater insights about the persistence of dormant laws would further inform knowledge about the symbolic versus instrumental durability of punishment practices.

Secondly, this dissertation encourages further examinations of the methodological approaches best suited to answer research questions about the nuances of threat expressions and processes. In particular, this study suggests that future researchers should carefully evaluate appropriate study periods and sampling strategies for interview respondents. Beyond conducting ethnographic field research in institutional setting to directly observe policy making in process, researchers seeking to gain historical perspectives on legislative decision-making may want to consider more recent punishment trends and policy windows. Audit studies and vignettes may also be used to mitigate some of the challenges I experienced in generating clarity around pathways for differential expressions of racialized statements in ordinances, especially given that my data pointed to subconscious processes as driving RC language adoption. Further, because disruption of RC language in ordinances reflects a rejection of one facet of institutional racism, future research should also continue to explore the forces that predict RC language maintenance and revocation. Insights gleaned from that line of inquiry could offer important insights about actionable steps that city governments can take to encourage equitable policies and practices, and further test and refine theoretical frameworks such as “script” and “path” racism in the local context (Haney-Lopez, 2000). Because interview respondents spoke at length about the more informal ways that they advance policy, for example, through the budget process and hiring decisions, future research should also aim to expand the scope of products and practices evaluated for threat mechanisms.

Finally, given the fact that RC language was found exclusively in loitering laws, this dissertation suggests that future research on racialized policing policy in local contexts should focus on laws prohibiting related offenses. For instance, in the current political climate, local governments are facing federal pressure to use their own police forces to surveil communities and enforce immigration laws, so the exploration of local laws either protecting or targeting nondocumented inquiries could illuminate the extent to which threat expressions and mechanisms vary by the presence of specific minority populations.

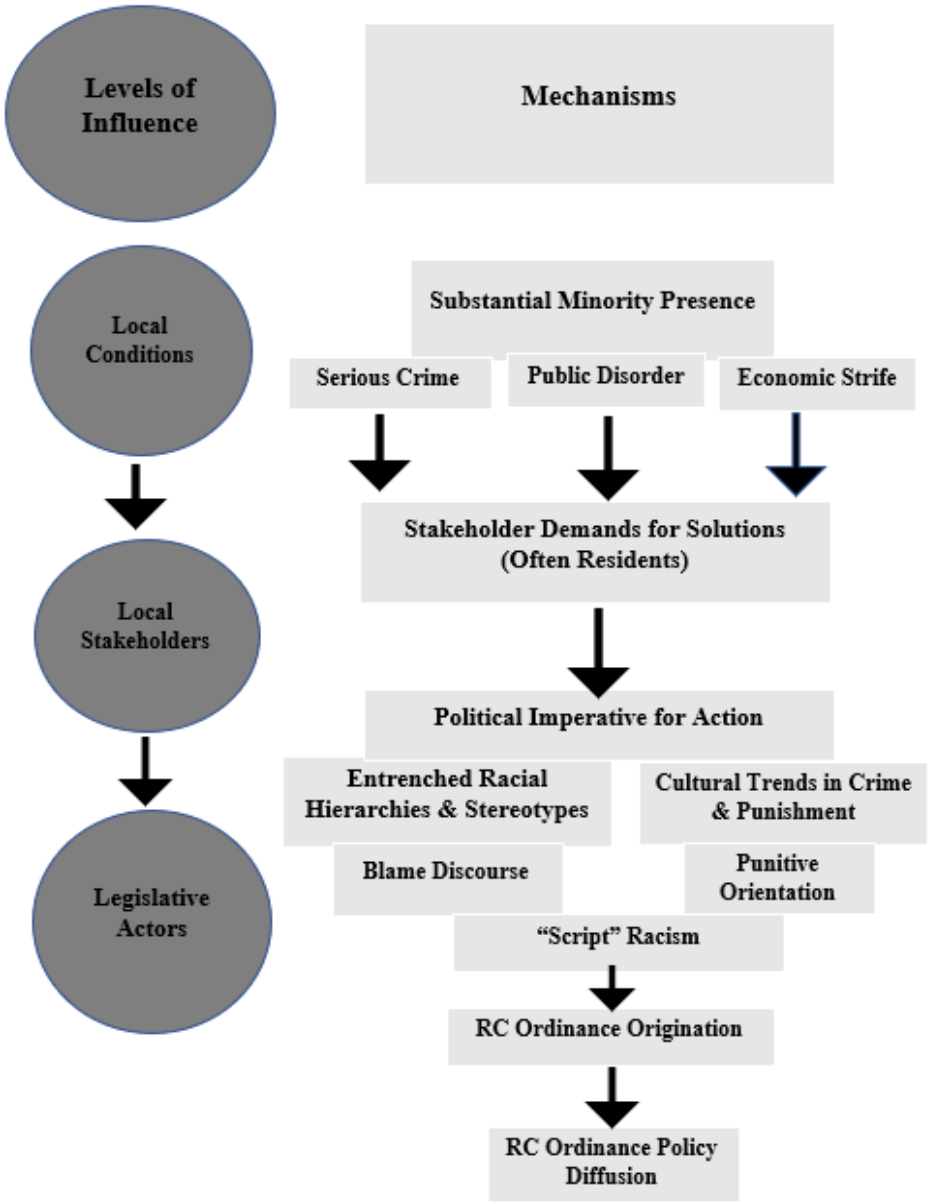

Figure 18. Theoretical framework of levels of influence and mechanisms leading to the adoption of race-coded QOL ordinances. Developed by the author.

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APPENDICES

Appendix A. Full Study Sample (n=69)

City	State	City	State
Akron	OH	McAllen	TX
Albuquerque	NM	Miami	FL
Alexandria	VA	Milwaukee	WI
Anchorage	AK	Minneapolis	MN
Arlington	TX	Nashville	TN
Austin	TX	New Haven	CT
Boston	MA	Newport News	VA
Buffalo	NY	Norfolk	VA
Charlotte	NC	Oakland	CA
Chicago	IL	Oklahoma City	OK
Chula Vista	CA	Ontario	CA
Cincinnati	OH	Overland Park	KS
Cleveland	OH	Pasadena	CA
Columbus	OH	Philadelphia	PA
Dallas	TX	Pittsburgh	PA
Des Moines	IA	Portland	OR
Detroit	MI	Rockford	IL
Evansville	IN	San Antonio	TX
Fort Collins	CO	San Bernardino	CA
Fullerton	CA	San Diego	CA
Garden Grove	CA	Santa Rosa	CA
Glendale	CA	Seattle	WA
Hartford	CT	Simi Valley	CA
Hialeah	FL	St Petersburg	FL
Houston	TX	Stamford	CT
Inglewood	CA	Tampa	FL
Irving	TX	Tempe	AZ
Jacksonville	FL	Toledo	OH
Kansas City	MO	Topeka	KS
Knoxville	TN	Tucson	AZ
Lexington	KY	Virginia Beach	VA
Lincoln	NE	Waco	TX
Long Beach	CA	Washington	DC
Los Angeles	CA	Worcester	MA
Madison	WI		

Appendix B. Qualitative Content Analysis Coding Frame

Category	Description	Decision Rules[a]	Subcategory	Example Language
1. General Threat in the Punitive Turn	**Managing Threat Broadly through Crime Prevention and Control**	**1. Are general and broad concerns over crime and criminal incidents expressed, rather than a discussion of specific persons or groups of persons?** **2. Is it clear that a main reason for, or priority in establishing new crime prevention and control mechanisms, it to protect the "public victim"?** **3. Is a generally punitive response to crime and criminal incidents expressed** **4. Are reactive crime prevention and control apparatuses/practices articulated that seek to impose both formal and informal control?** **5. Is there an articulated need for adaptation and growth in infrastructure in the face of criminal threats?** **6. Is the need to punish, rather than rehabilitate, articulated?**	**1. 1 Protecting the Public from Crime/ Disorder** **1.2 Concern Over Criminal Events (attention not placed on the criminal)** **1.3 State of crisis over criminal threat** **1.4 New Infrastructures/Policies to manage/diminish threat** **2.5 Miscellaneous**	"WHEREAS, this ordinance does not prohibit all solicitations, but only establishes certain reasonable time, place, and manner restrictions on the conduct of this activity in order to increase public safety, minimize the harms caused to individuals and the community at large, and facilitate the use of public space for their intended purposes." (Tempe, AZ panhandling ordinance, 1997) "No person shall have in his or her possession any graffiti implement while doing any activity in any public park, playground, swimming pool, recreational facility (Fullerton, CA graffiti ordinance, 1993)" "WHEREAS, graffiti has become a nuisance of catastrophic proportions in all areas of the County of San Diego, including the City of Chula Vista" (Chula Vista, CA undated graffiti ordinance) "Pursuant to Section 53069.5 of the Government Code, the City does hereby offer a reward of five hundred dollars for information leading to the arrest and conviction of any person for violation of Penal Code Section 594, the use of graffiti, not to exceed one thousand five hundred dollars per violation. .[No claim for a reward shall be allowed by the City Council unless authorized by the Chief of Police after investigation and verification of the accuracy of the claim and recommendation that it be allowed." (Fullerton, CA graffiti ordinance, 1993)

Category	Description	Decision Rules[a]	Subcategory	Example Language
				”
			2.1 Least Implicit Race Coded Language about People	Among circumstances of suspicion for drug loitering): “Such person is physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity” (Waco, TX, drug loitering ordinance, 1992)
2. Race-Coded Language	**Race coded language that discusses threat as a specific feature of certain groups, locations, or behaviors, and responses to be directed at those who fit that criteria of risk?**	**1. Does language mention specific groups, places or behaviors as constituting criminal threat?** **2. Are assessments of reasonable suspicion for stopping, searching, arresting, or sentencing a potential offender based on specific racially coded characteristics of group membership or neighborhood context?** **3. Is association with racially-coded groups considered, in and of itself, risky?**	**2.2 Less Implicit Race Coded Language About People**	A circumstance of suspicion includes: “The person is a known illegal user, possessor or seller of controlled substances: for the purpose of this section, a known illegal user, possessor or seller of controlled substances is a person who, within one year previous to the date of arrest for violation of this section, has, within the knowledge of the arresting officer, been convicted of illegally manufacturing, using, possessing, selling, purchasing, or delivering any controlled substance.” (Jacksonville, FL drug loitering ordinance, 1990)
			2.3 Race Coded Language about Places (Somewhat Implicit)	“Among circumstances of suspicion for drug loitering, “The person is at a location frequented by persons who use, possess, or sell drugs” (Austin, TX, loitering ordinance,1994)
			2.4 Race Coded Language about Places (Most Implicit)	Circumstances of suspicion include if “the subject of any court order which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity” (New Haven, CT loitering ordinance, 1995)
			2.4 Miscellaneous	

Category	Description	Decision Rules[a]	Subcategory	Example Language
3. Racial Equity	**Attention to fairness and equity and fairness in surveillance and enforcement**	**1. Does language recognize potential racial/ethnic disparities and/ or discrimination in the implementation of ordinances?** **2. Are limits placed on discretion of CJ system actors to prevent disparities/discrimination** **3. Are systems to monitor and adjust practices should disparities/ discrimination be found articulated?**	**3.1 Proactive oversight of potentially problematic (i.e. discriminatory) discretion** **3.2 Directives about discretion to prevent disparities/ discrimination** **3.4 Miscellaneous**	"During each of the two (2) years following enactment of the ordinance codified in this section [12], the Mayor of Seattle and the Chief of Police, jointly, shall conduct at least one (1) public hearing a year to ascertain the effectiveness of said ordinance in reducing drug trafficking and its attendant criminal behavior and to assure that this section is being enforced without regard to race, color, ancestry, national origin, sex, sexual orientation or disability." (Seattle drug loitering ordinance, 1992) Background of Person or Neighborhood. The race or ethnic background of a person and/or the racial or ethnic makeup of the area or neighborhood within which he or she is located shall not be considered in determining a person's specific intent under this section." (Akron, OH drug loitering ordinance, 1992)

Note. [a] If a coding unit can be assigned an answer of "yes" to the questions in the respective categories, it will be assigned a sub-category within that category).

Appendix C. Descriptive Statistics of City Characteristics by RC Evolution Category (N=69)

Independent Variable	Evolution Category (n=69)											
	Repealer (n=3)			Consistent User (n=14)			New Adopter (n=2)			Never Adopter (n=50)		
	T1 Mean	T2 Mean	% Change	T1 Mean	T2 Mean	% Change	T1 Mean	T2 Mean	% Change	T1 Mean	T2 Mean	% Change
City Population	487609.7	579702	12.3	816104.6	1000702	32.5	496064	448722.5	-11.1	329715.9	394740	24.2
% Minority	45.8	53.8	22.41	46.0	41.6	-2.00	37.7	51.9	37.96	30.27	42.8	41.39
% Foreign Born	5.7	10.4	148.9	12.7	22.2	136.1	3.8	7.4	166.0	13.8	17.0	111.0
% Poverty	17.5	21.5	25.7	19.4	19.9	5.8	21.6	29.2	34.9	16.5	19.7	24.5
% Unemployment	3.9	7.3	26.5	4.9	5.9	93.2	4.2	7.1	71.0	5.0	5.4	29.2
Property Crime Rate	7925.8	3572.6	-52.8	7358.9	3654.6	-51.1	6788.5	5095.9	-23.7	7187.6	3688.7	-46.7
Violent Crime Rate	1572.1	811.4	-44.6	1477.4	686.3	-53.3	1186.05	1199.1	4.0	1171.7	634.3	-40.1
Police Use of Force	.96	1.87	53.70	1.14	1.69	36.0	1.10	1.59	46.67	.70	1.06	25.86

Appendix D: Case Study Reports

CONSISTENT CITY

City Government Structure:

The city has a mayor-council system (since 1998), with a strong mayor. The mayor is elected to serve 4-year terms and can only serve one more term if re-elected. The mayor is not part of the city-council but can break a tie in the event that there is one in the city council. The mayor does not legislate, with the exception of introducing a biannual budget to the city council. There are 8 city councilmembers, one that represents and 7 that are district representatives. Each term is 4 years (like the mayor). Annually, one city councilmember is chosen by the whole city council to serve as president and vice-mayor of the city.

Interview Respondent Profile:

Six individuals total were interviewed in Consistent City, with 4 being elected city officials or their staff, and 4 specifically being current city council members or their staff. There were two female respondents, and 4 of the participants identified as non-White. The percent of Nonwhite among respondents in City Consistent (67%) is similar to, but a little higher than, the T2 Nonwhite population in the city (51%).

RC Ordinance Evolution:

The city's RC public housing loitering ordinance was passed in the early 1980's. No interview respondents worked in or with city government long enough to speak to the adoption of this ordinance, and no supplemental documents were found dating back to its original passage. The housing authority police department was in charge of enforcement, not the city's police department. The ordinance's place-based race coded language came in prohibitions of loitering in and around public housing property. Enforcement data from the city police department from 2008 to 2014 (later data not available) shows that there were only 2 arrests and 2 citations in that time span. Specifically, there were no arrests or citation made in either 2008 or 2009, with only one each in 2010 and 2011 (none thereafter), and only 2 citations in 2014 (none in other years). The 2018 repeal of the city's RC QOL ordinance triggered by a suit initiated by legal services corporations, and other community advocates/ organizers. The suit was based on the argument that the law led to harassment of young men of color by the police and its grounds, therefore did not emphasize actual enforcement patterns in terms of citations and arrests.

Oher Ordinances:

In addition to the public housing loitering ordinance, there was also a RC drug loitering ordinance that was on the books from 2003 to 2011 (and therefore not technically included in the T2 data). It was pretty widely criticized upon passage, due to concerns about potential racial targeting, though there was extensive resident support for

the measure at the time. It changed loitering offenses from misdemeanors to infractions, only punishable by prison after 3 consecutive fines. Additionally**,** there was a law patently prohibiting panhandling in T1 in any public place, but by T2, it had been augmented by additional laws, for instance one making it a misdemeanor to beg for money in a public right of way, and another prohibiting panhandling in commercial parking lots (passed in 2001) punishable as misdemeanors. Between 2008 and 2014, 9 people were arrested and 2 were cited for generally soliciting (though 6/9 arrests took place in 2008). There is also a law generally prohibiting public lying/ sitting that is still on the books and been there since T1. Enforcement data shows that from 2008 to 2014, a total of one person was arrested and 2 people were cited for violating that ordinance.

Local Sanctions and State Law Preemption:

The city is a "Charter City," which means that it has been voted to have additional home rule powers beyond those provided to other municipalities by default in the state. Charter cities like Consistent City, still have to pass local laws that are not in conflict with state laws. As a general rule, Consistent City's charter has determined that it will pass ordinances that carry misdemeanor charges or civil penalties of less than $1,000 and imprisonment of no more than a year. As a result of the charter, Consistent City can impose criminal sanctions. Average punishments for QOL ordinances in T1 included up to 6 months in jail and/or $500 in fines.

Police/Citizen Relations:

Consistent City's police department has been the subject of extensive scrutiny for police scandals and brutality, dating back to the middle of the 20th century, where tensions accelerated due to Consistent City's prominent role in the Black Panther movement. Those tensions only further cemented as urban blight and crime rates accelerated in the city in the 1970s and 1980s. A Negotiated Settlement Agreement (NSA) has been in place since 2003 largely owing to a large scandal involving a ring of corrupt police officers engaging in illicit activity such as racial profiling, using extensive use of force, and planting evidence. Compliance with the NSA is assessed through an independent monitor, and in 2012, owing to lack of progress on 51 task areas identified for necessary improvement in the initial agreement, the police department was placed in receivership by the federal government. Relations between the department and city residents remain relatively tense, in part due to a high profile sexual misconduct scandal that rocked police department 2016, and the fact that a federal judge ruled at the end of 2018 that a number of task areas needed to re-opened due to the department's noncompliance, including racial profiling in street and traffic stops.[108] However, the city's department has documented significant improvements in their functioning and standing in the community, with substantial reductions in use of force incidents and citizen complaints since 2012.

[108] Though the independent monitor noted that no other major city was doing better than Consistent City on this metric.

Other Notable City Characteristics and Trends:

Consistent City is rapidly growing and gentrifying, though it is a still majority-minority city. It is located on the West Coast and is also experiencing overall decreases in its crime rates. As of January, 2019, the city reported the lowest homicide rates in 20 years. However, in light of this massive and rapid growth, the real estate market has boomed, and that in turn has threatened the housing stability of many low-income city residents. As a result, urgent concerns been raised by city officials and advocates about homelessness and displacement due to influx of new upper-middle class (and largely White) residents. Housing insecurity is seen as a racial justice issue as well as an economic justice issue by city officials and advocates, as 70% of the homeless population in the city is Black. Equity aims and the remediation of historic patterns of ethnic and racial disparities across a host of outcomes, including, but not exclusively pertaining to the criminal justice system, are highly valued by city officials.

NOVELUSERVILLE:

City Government Structure:

Noveluserville has a mayor-council system. The mayor does not legislate (with the exception of introducing an annual budget), but does appoint cabinet heads. The mayor can veto the city council. The mayor has lost some power recently (and thus the city seems to be moving from “strong- mayor” system closer to a “weak-mayor” system) given recent common council overrides of mayor vetoes. At this time, mayor veto powers remain compromised. All city positions (mayor, city council, city attorney) are elected during presidential election years and have 4-year terms. The city attorney is elected to serve year term and represents the city and all of its agencies, commissions etc. There are 15 members on the city council. They are not only the sole legislating agents in the city, but they are also considered “district administrators” for their specific districts. They have primary financial control over the city, and also the final vote on the mayor’s appointment of local cabinet members for city agencies. The common council can also override a veto.

Interview Respondent Profile:

There were 4 respondents total, with 1 city council member, 1 attorney with the city attorney’s office, 1 employee of the police and fire commission, and 1 high ranking member of the police department. Noveluserville was the only city where I spoke to member of the police department (rather than just a member of an oversight board, as was the case in Consistent City). Noveluserville was also the only case study site in which half of the interview respondents (each identified from snowball sampling) were affiliated with the police department or an oversight body of the police. The interview participants were predominately male, with only one female respondent. Two respondents identified as Nonwhite. The ethnoracial distribution of interview respondents in Noveluserville (50%) closely tracks the Nonwhite population in the city at large at T2 (57%).

RC Ordinance Evolution:

The RC gang loitering ordinance adopted in 2007 with a good deal of controversy, owing to questions about its emergence being the result of political maneuvering by the city officials, rather than an attempt to create evidenced based criminal justice policy. The law was not universally supported by the city council, but was well championed by a sole advocate on the council as well as the chief of police serving at the time. RC language came in the form of person- based provisions preventing those identified as gang members or associating with known gang members from loitering. The political factors that led to the adoption of the ordinance centered around attempts to model the city's ordinance after Chicago's well-known and often discussed gang loitering ordinance. In Noveluserville policy diffusion played a big role in motivating the passage of the RC language. Specifically, interview respondents discussed politicians' interest at the time in adjusting Chicago loitering ordinance for use in Noveluserville to address potential constitutionality concerns raised by the Supreme Court case *Chicago vs. Morales*). There were questions during the introduction and committee hearing phase as its perceived efficacy in addressing gang violence, owing in part to the limitations that necessarily needed to be placed on the enforcement powers of the police, to avoid similar constitutional challenges faced by Chicago. As evidenced by supplemental materials, others in the community responded suspiciously to the ordinance from the outset by implying that the law would set a problematic precedent of targeting minority city residents for surveillance. However, charging data available from the County Court from 2010 to 2019 show that only 4 charges in total were filed (3 in 2010 and 1 in 2016). There were no charges filed in 2018, 2017, 2015, 2014, 2013, 2012, or 2011.

Other Ordinances:

In 1997 the first aggressive panhandling ordinance was passed by the city. That ordinance stated that it was unlawful to aggressively panhandle anywhere in the city (with up to a $25 fee or community service). In 1998 the sunset provisions on that ordinance were repealed. An "aggressive panhandling" ordinance was passed 2014 that prohibits aggressive panhandling in any city location (like the original ordinance) but also prohibits any kind of panhandling in a number of locations (e.g., at bus stops, within 20 feet of an ATM), though it carries the same maximum penalty as the original ordinance (up to a $25 fee or community service). There was no public sleeping ordinance in either time period, though a state law did exist. However, there was a general prohibition against graffiti and a "possession of spray paint and sales of spray paint" ordinance first passed in 1986, and amended in 1994, which carried with it a fine of up to $5,000 for vendors and $200 for those found to be possessing graffiti implements. State law also provided for the possibility of imprisonment of up to 90 days for vendors violating the ordinance in default of payment.

Local Sanctions and State Law Preemption:

The city has no home rule for criminal matters and is preempted by state law for all criminal laws and proceedings. As such, the city only has the legal authority to enforce civil matters, meaning that any local ordinances in their code of ordinances can only penalize offenders via civil forfeitures. This point was referenced in interviews as limiting the potential scope of Noveluserville in lawmaking around disorder and quality of life matters.

Police/Citizen Relations:

The city has a long history of racialized policing practices, that ramped up in the post-World War 2 context, and mirrored the fraught dynamics between Black residents and White law enforcement. During this time, Nonwhite city residents increasingly found themselves at the receiving end of relentless police scrutiny, which only served to reinforce and further compel segregated Nonwhite parts of the city towards disrepair and White flight. These tensions reached a fever pitch in the 1967, as race riots grew throughout cities like Noveluserville. The chief of police that came to power at this time was known for taking suppressive against rioters, as well as supporting a punitive legislative agenda. While the police commission pushed for a less racially homogenous police force in the 1960's and 1970s, the police chief thwarted the advancement of Nonwhite officers, and created a workplace that was often hostile and threatening towards them. Starting in the 1970's, there was a spate of deadly incidents of police force directed at Black city residents. Though the city passed a number of reforms in the wake of this chief's tenure at the department (including term limits on police chiefs) and subsequently attempted to advance community policing reforms in the 1980's and beyond, the vast challenges facing the city's social and economic landscape continued to impose barriers to real and lasting police reforms.

A Negotiated Settlement Agreement has been in place since 2018 owing to the city's police department engaging in pedestrian and traffic stops that have been deemed unconstitutional on the grounds of targeting minorities. The police department and police commission are now being overseen by the federal courts and an independent monitor and must advance a number of related reforms, including altering their current policies pertaining to pedestrian and traffic stops and recording and disseminating data on the frequency and nature (e.g., demographics of those stopped) of pedestrian and traffic stops.

Other Notable City Characteristics and Trends:

Noveluserville is a medium sized city in the Midwest. Notably, the city's overall population is declining, while its minority population has ballooned since T1. The city is described as a typical post-industrial rust belt city. Respondents often discussed the city as being a kind of outsider in the state context, since rest of the state is rural and Republican. Transparency was noted among interview respondents in Noveluserville as a key value across organizational contexts. Additionally, the quality of relationships

between government institutions and city residents, particularly the police and the public, were emphasized. Respondents spoke about this differently, whether it be in the importance of "community relationships," "integrity," "dignity," and "respect" motivating city officials at this time.

REPEALERBORO

City Government Structure:

The city operates with a "strong mayor-council" system, specifically a "strong-mayor" system. There are 7 members of city-council. Elections for each city office are held in odd years, with the election for mayor and 4 city council members in one election, and city attorney, city auditor and rest of city council members elected in another election. Each serve for 4 year terms, though mayors and city-council members are elected in separate elections.

Interview Respondent Profile:

There were 4 respondents from Repealerboro, with 3 of those serving as either aides (n=2) the city council or city council members (n=1). The fourth respondent was a longstanding city attorney. Of the 4 interview respondents, 3 identified as White males. The other interview participant identified as Black woman. The ethnoracial distribution of interview respondents in Repealerboro tracks closely with the T2 population data for the city as a whole, as 34% of Repealerboro residents identified as Nonwhite. Repealerboro was the only city in which none of the interview respondents were members of the police department or the police department's oversight body.

RC Ordinance Evolution:

RC language appeared in T1 in a drug loitering ordinance, first passed in the mid 1990's, that made it illegal to loiter for the purpose of drug related activity. No interview respondents could speak to the adoption of this ordinance, and no supplemental documents were found dating back to its original passage**.** The ordinance's RC person-based language came in statement indicating that individuals with prior drug convictions (whether adults or juveniles). In the late 2000's, local stakeholders involved in the economic redevelopment of certain neighborhoods in the city pressured the city council to make additional action against drug loiters, on the grounds that that activity was hampering revitalization efforts, and that the extent (race-coded) ordinance was not sufficient to support an effective response to this kind of disorder. At this time, according to interview respondents, the city council considered how to strategically make changes to the ordinance so that those constituents would be placated, while also working to strengthen the constitutionality of the ordinance and take proactive steps to prevent the law from being used to target Nonwhite city residents. As a result, the new drug loitering ordinance, passed in 2012, removed the person-based RC reference to drug users, while adding language imposing mandatory 10-day jail offenses to anyone found loitering for

drug offenses within 1,000-foot buffers of areas children are expected to frequent, such as schools and libraries.

Other Ordinances:

A similar process as the one described for the evolution of the city's drug loitering ordinance was also responsible for the changing nature of their panhandling law over time. Repealerboro had a very extensive aggressive panhandling law that prohibited a bevy of potentially "aggressive" forms of begging, including any begging within 20 feet of ATMS, bus stations, and restaurants. As indicated by a top city council aide, the ordinance was not drafted with the intention to protect first amendment rights to the fullest extent of the law. However, starting in 2015, the city stopped taking any enforcement action against violators due to concerns about constitutionality that were broached by the Supreme Court case *Reed vs. Gilbert.* As with the amendment of the city's drug loitering law, Repealerboro recently revisited it's panhandling ordinance in light of complaints from business interests, but changed the language to make it more narrow in terms of restricted behavior, that was more focused on the most commonly identified safety risks (to panhandlers and the public) associated with begging, namely standing in street and walking up to cars to solicit. They also changed the language of the offense itself moving from "begging" to "distribution" so that any other activities committed in violation of the ordinance would also be included. This particular language change was said to be made to appease homeless rights advocates. Additionally, an ordinance prohibiting non-permitted camping throughout the city was passed in the early 1990's and remained on the books in T2. Also, a graffiti ordinance passed in the mid-1990's and amended in the mid-2000's prohibited minors from purchasing graffiti implements, and retail establishments from selling such implements to minors. That law imposed mandatory misdemeanor sanctions for minors and business owners, while also adding restitution payments for minors and requiring legal guardians to pay those fines for minors in the case that offenders are indigent. Beyond that, the mid-2000's amendment created a new misdemeanor for failing to warm the authorities about an individual is intending to commit a graffiti offense. However, an amendment made to the graffiti ordinance in the late 2000's also added an extensive Graffiti Assistance program to aide property owners in abating graffiti damage.

Local Sanctions and State Law Preemption:

Municipal home rule allows the city to create its own laws pertaining crime and disorder, so long as they are not found to be in conflict with state law. Standards for conflict allow the city to adopt a new criminal law that does not already exist at the state level, but is preempted in that it cannot change the penalty (e.g., from a felony to a misdemeanor) for same offense that exists at the state level.

Police/Citizen Relations

The police department has had a hard time keeping up with the city's rapidly growing population, both in terms of having sufficient personal and sufficient resources

to complete investigations and other duties, such as investigating homicides. While not subject to a formal negotiated agreement, tensions between the police and the Nonwhite community have run high in recent years, and the police department is currently facing a number of pending lawsuits alleging racial bias in law enforcement. Specific complaints speak to a lack of confidence in the chief of police, and a concern for a number of high-profile use of force incidents involving Black residents. The city is preparing for a new chief of police in 2019, and as part of those preparations, the city council has voluntarily formed a review commission to make recommendations for the new leadership.

Other Notable City Characteristics and Trends

Repealerboro is a large-sized city in the Midwest in the midst of a population and economic boom. The city is a majority White city with decreasing Nonwhite population and extensive economic growth. Crime overall in Repealerboro has been decreasing by margins similar to those reflected in national averages (i.e. around 50%), though reductions in the property crime rate between T1 and T2 was nearly double the average decrease in the study sample as a whole, and the rate of violent crime decline was right around 40% at T2, which was nearly 10% smaller than the size of the decline for the full study sample. In 2017, Repealerboro also experienced a record high number of homicides, though that number dropped precipitously in 2018 (see Hank's interview for more details). In interviews, city officials expressed a commitment to progressive values and racial and economic justice.

Appendix E: Recruitment Materials

PHONE SCREENER SCRIPT

As noted in my email, the purpose of this study is to better understand the processes and factors that influenced local crime ordinance evolution over the past twenty years. Cities are important sites where crime policy is created and implemented but are rarely studied in criminal justice research. In particular, the results of this study will help criminal justice researchers understand the ways that local crime policy may lead to or provide protections against ethnic and racial disparities in those who are arrested and charged for minor crimes.

I'm hoping to interview about 5 key informants from <<City>>. As part of the screening process, I'll need to find out just a little bit more about you, to make sure I'm interviewing folks that can help me learn more about the topic I described above. Would it be ok if I ask you a few questions?

1.) **How long have you been in your current job as a <<Job Title>>?**
2.) **If you have held additional positions prior to your current one, how long in total have you worked for the city?**
3.) **How long, in total, have you been a resident of <<City Name>>?**
4.) **Are you aware of the process by which ordinances are drafted, passed, amended and repealed in << City Name>>**
5.) **How would you classify your racial and ethnic identity?**

Thanks!

(If prospective subject passes initial screen, then invite them to schedule full interview and ask them if they might know of anyone else that might also be interested in participating. If not, thank them for them time and ask if they might know anyone else who might be interested in participating.)

VERBAL CONSENT FORM

First and foremost, I want to thank you for taking the time to talk with me today and for your interest in participating in this research study. My name is Sarah Trocchio and I am the principal investigator on a research project exploring the development of local crime policy over time. Today I would like to talk to you about your experiences in the <<Name of City>>. My study's primary aim is to assess key informants' perspectives about their communities, workplaces, and local crime policy development in <<number>> different cities. I will be interviewing about 20 people, including about 4 others from <<Name of City>> and additional stakeholders from other cities selected as study sites.

The interview should take about an hour. I will be taping the session because I don't want to miss any of your comments. Although I will be taking some notes during the session, I can't possibly write fast enough to get it all down. Because we're on tape, please be sure to speak up so that we don't miss your comments. All responses will be kept confidential. This means that your interview responses will only be shared with fellow researchers working on the project and we will ensure that any information we include in our reporting does not identify you as the respondent.

Your participation in this study may include you feeling embarrassed or uncomfortable. In the event that you are upset from participating in this research study, please contact your local hospital for psychological services. An additional risk is that you or other subjects you discuss may be inadvertently identified, and you should keep that in mind when answering questions.

To minimize risks associated with the study your name will not be disclosed to other participants of the study, and as the principal investigator, I will ensure that both your answers to the questions and your identity will remain confidential and will not be shared with other researchers. Identifying information such as your name will not be included in the official transcript of audio recordings. Official transcript data will be analyzed for themes and will exclude any of your identifying information (i.e. names). Once the data have been analyzed, any audio files associated with your interview will be destroyed using a special software program for permanently deleting digital data, such as 'CC Cleaner for the PC'. Given the possibility that future research funders or academic journals may request that data be made available to the research community in the future, de-identified transcripts from phone interviews may be kept on the principal investigator's computer.

While there are no direct benefits to participating in this study, your responses will help increase knowledge about the development of crime policy in cities throughout the United States. The final results of the study will be available to you after it is complete.

Remember, your participation in this interview is completely voluntary. You don't have to talk about anything you don't want to and you may end the interview at any time without any penalty.

If you have any further questions, concerns, or comments about the study, please inform the principal investigator, Sarah Trocchio. She can be reached at 617-645-6253 or at sarah.trocchio@rutgers.edu.

If you would like to contact someone other than the research team for questions, concerns or complaints about the research, questions about subjects' rights, or obtain information, or to offer input, please contact Rutgers University's Office of Regulatory Affairs at 732-235-2866.

Appendix F: Interview Guide

Section 1: Rapport Setting & Background Questions:

1. Can you tell me a little bit about yourself and where you grew up?
    a. Follow up: How long have you lived in <<City>>?
2. How would you describe <<City>>?
    a. Follow up: What do you love most about it/ Find it most challenging? What words would you use to describe it? How, if at all, would you say those descriptors you chose have changed over time?
3. How do you feel like other residents view your city? What about those who have never lived or worked in <<City?>>
    a. Follow up: e.g., the media, outsiders etc.
4. And how did you come to work at <<City>>city council/agency/department? How long has it been?
    a. Follow up: If not ever a city employee, how long have they served in their current role?

Section 2: Professional Perspectives:

1. What is your current role within the city? If not current, what was your most recent role?
2. What are/were your primary tasks?
3. How would you classify the key goals or priorities of the position over the time period in which you served?
    a. Follow up: If employed for a long time, would you describe them as static or evolving?
4. What is the structure of your agency/office in terms of supervision, oversight, and workflow?
5. What would you say are the city governments current policy priorities? How would you say have they changed over the past 20 years?
6. How would you classify the organizational culture or key values of the agency/office as a whole?
7. How would you describe your relationships with other colleagues in your office? What about those with whom you have partnered at other city agencies? And what about constituents/ community residents?
8. How would you describe the process in which new ordinances get introduced/filed/passed?
    a. What about older ones getting ones repealed?
9. How about any specific experience you have had working on local policy initiatives?

10. How, if at all, would you say that what other cities in the state or region have influenced policy priorities in <<City>>?

Section 3: Perspectives on Crime

1. How would you describe crime in your city right now?
    a. Follow up questions about types of crime and severity
    b. Be sure to ask about minor crimes/other kinds of social problems (like homelessness)
2. How do you feel like crime has changed since you've lived/ worked in the city over the past 20 years? Both in terms of kinds of crime and extent of crime?
3. How do you think policing strategies have changed over the same period?
4. What do you personally think the aims of crime policy should be?
    a. Follow up questions about deterrence? (other aims) and due process vs. crime control priorities
5. Have there been any notable crimes or police incidents that you feel are now part of the city's narrative/history over the past 2 decades?
    a. Note: these can be incidents of police force
6. How would you classify common policing strategies approaches?
    a. Ask about banishment etc.
7. What is understanding of how much ordinances are enforced
8. How do you get most of your news about local crime?
9. How, if at all, do you think any of those have catalyzed policy change in the city?
10. How would you describe <<City's>> experience with? crime over the past two decades??
    a. How do people here feel about the issue of crime?
    b. Have perceptions changed?
11. What about its general approach to responding to it? Through laws/ordinances and other means?
    a. How much consensus and collaboration do you think there has been around the issue over time? Examples?

Perspectives on Race/Ethnicity:

1. How if at all would you say that the city population has changed over the past 20 years?
    a. If reply doesn't include a discussion about race/ ethnicity then ask directly
2. What about city employees?
3. How would you describe race relations over that time here?
4. Have there been any notable events in the community?

    a. Here again can ask about police brutality
5. Generally speaking, how well do you feel that Nonwhites in your community doing these days in terms of outcomes like education, employment and health,
    a. Follow up: How has this changed over the past two decades?
    b. Follow up: What examples in your personal or professional life did you draw on when making that assessment?

Appendix G: Assessing Intercorrelations Among City-Level Characteristics

Intercorrelation Matrix.

Variable	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
1. City Population T1	--									
2. City Population T2	0.97***	--								
3. City Population Change	-0.12	0.05	--							
4. % Minority T1	0.27*	0.27*	-0.07	--						
5. % Minority T2	0.22+	0.20+	-0.10	0.88***	--					
6. % Minority Change	-0.16	-0.18	0.17	-0.43***	-0.29*	--				
7. % Foreign Born T1	0.00	0.01	0.09	0.37**	0.40***	-0.08	--			
8. % Foreign Born T2	0.13	0.17	0.22+	0.53***	0.54***	-0.17	0.68***	--		
9. % Change Foreign Born	-0.01	0.04	0.21+	-0.20	-0.21+	-0.04	-0.46***	-0.15	--	
10. % Unemployment T1	-0.02	-0.03	0.11	0.36**	0.39**	-0.03	0.17	0.17	-0.23+	--
11. % Unemployment T2	0.14	0.2	-0.54***	0.32**	0.47***	-0.08	-0.06	-0.06	-0.17	0.08
12. % Unemployment Change	0.02	0.01	-0.15	0.01	0.02	-0.06	-0.15	-0.12	0.14	-0.40***
13. % Poverty T1	0.25*	0.19	-0.24*	0.51***	0.53***	-0.13	-0.02	0.05	0.05	0.25*
14. % Poverty T2	0.16	0.06	-0.52***	0.34**	0.45***	-0.07	-0.10	-0.15	-0.04	0.26*
15. % Change Poverty	-0.19	-0.21+	-0.21+	-0.41***	-0.28*	0.17	-0.09	-0.31*	0.01	-0.07
16. % Minority Officers T1	0.27*	0.24*	-0.07	0.82***	0.78***	-0.27*	0.39**	0.44**	-0.31*	0.51***
17. % Minority Officers T2	0.32**	0.31*	-0.04	0.84***	0.84***	-0.26*	0.42***	0.50***	-0.31*	0.53***
18. % Change Minority Officers	0.03	0.04	-0.02	0.11	0.17	-001	0.14	0.17	-0.05	0.05
19. Property Crime Rate T1	-0.03	-0.02	0.03	0.32**	0.26*	-0.20	-0.02	0.00	0.16	0.30*
20. Property Crime T2	-0.02	-0.02	-0.22	0.03	-0.01	-0.16	-0.17	-0.31*	0.08	0.05
21. % Change Property Crime	-0.05	-0.06	-0.28*	-0.25*	-0.28*	-0.01	-0.24+	-0.42**	-0.00	-0.11
22. Violent Crime Rate T1	0.24+	0.18	-0.27*	0.45***	0.41***	-0.24*	-0.02	0.08	0.06	-0.02
23. Violent Crime Rate T2	0.22+	0.11	-0.54***	0.21+	0.28*	-0.16	-0.28*	-0.21+	0.14	-0.09
24. % Change Violent Crime Rate	0.01	-0.03	-0.33**	-0.32**	-0.26*	0.06	-0.39**	-0.40**	0.18	-0.17
25. % Minority City Council Members T1	0.28*	0.26*	-0.14	0.86***	0.74***	-0.33*	0.03	0.22+	-0.07	0.41**
26. % Minority City Council Members T2	0.34*	0.31+	-0.08	0.62***	0.58***	-0.37*	0.09	0.25	-0.14	0.50**
27. % Change Minority City Council Members	0.23	0.17	-0.06	0.03	0.06	-0.18	0.02	0.27	-0.12	0.03
28. # of Incidents of Deadly Police Force T1	0.73***	0.69***	-0.14	0.16	0.14	-0.14	-0.03	0.10	0.07	-0.09
29. # of Incidents of Deadly Police Force T2	0.72***	0.75***	0.02	0.42***	0.35**	-0.18	-0.00	0.16	0.02	-0.01
30. % Change Incidents of Deadly Force	-0.01	0.01	0.14	0.12	0.12	0.10	0.16	0.09	-0.14	0.15

Note. **N=69**. + (p <.1), *(p <.05), ** (p<.01), ***(p<.001)

Intercorrelation Matrix-Continued.

Variable	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.
11. % Unemployment T2	--									
12. % Unemployment Change	0.28*	--								
13. % Poverty T1	0.44***	0.08	--							
14. % Poverty T2	0.61***	0.11	0.72***	--						
15. % Change Poverty	0.07	-0.02	-0.49***	0.21+	--					
16. % Minority Officers T1	0.30*	-0.06	0.48***	0.37**	-0.34**	--				
17. % Minority Officers T2	0.32**	-0.08	0.48***	0.37**	-0.31*	0.94***	--			
18. % Change Minority Officers	0.05	0.00	0.03	0.05	0.02	-0.04	0.19	--		
19. Property Crime Rate T1	0.10	-0.04	0.42***	0.41***	-0.04	0.34**	0.33**	0.03	--	
20. Property Crime T2	0.16	0.04	0.23	0.47***	0.27*	0.08	0.05	-0.08	0.55***	--
21. % Change Property Crime Rate	0.06	0.04	0.02	0.23+	0.28*	-0.21+	-0.24+	-0.15	-0.20	0.69***
22. Violent Crime Rate T1	0.46***	0.12	0.64***	0.50***	-0.31*	0.41***	0.38**	-0.13	0.58***	0.33**
23. Violent Crime Rate T2	0.55***	0.26*	0.49***	0.66***	0.09	0.28*	0.22+	-0.09	0.40**	0.57***
24. % Change Violent Crime	0.05	0.19	-0.06	0.20	0.40**	-0.22+	-0.23+	0.07	-0.15	0.33**
25. % Minority City Council Members T1	0.38**	0.02	0.54***	0.49***	-0.23+	0.76***	0.76***	0.05	0.48***	0.19
26. % Minority City Council Members T2	0.23	-0.18	0.35*	0.49**	-0.07	0.62***	0.65***	0.15	0.45**	0.26
27. % Change Minority City Council Members	0.04	-0.06	0.15	0.14	-0.18	0.04	0.10	0.20	0.11	-0.09
28. # of Incidents of Deadly Police Force T1	0.13	0.21+	0.18	0.14	-0.13	0.14	0.16	-0.04	0.20	0.01
29. # of Incidents of Deadly Police Force T2	0.06	0.10	0.30*	0.25*	-0.16	0.37**	0.42***	0.03	0.21+	0.17
30. % Change Incidents of Deadly Force	-0.06	-0.06	-0.00	0.03	0.09	0.16	0.17	0.10	-0.31*	-0.11

Note. **N=69**. + (p <.1), *(p <.05), ** (p<.01), ***(p<.001)

Intercorrelation Matrix-Continued.

Variable	21.	22.	23.	24.	25.	26.	27.	28.	29.	30.
21. % Change Property Crime Rate	--									
22. Violent Crime Rate T1	-0.07	--								
23. Violent Crime Rate T2	0.29*	0.65***	--							
24. % Change Violent Crime	0.49***	-0.30*	0.42***	--						
25. % Minority City Council Members T1	-0.19	0.52***	0.41**	-0.18	--					
26. % Minority City Council Members T2	-0.15	0.32+	0.28+	-0.13	0.53**	--				
27. % Change Minority City Council	-0.23	0.17	0.09	-0.07	-0.17	0.72***	--			
28. # of Incidents of Deadly Police Force T1	-0.20	0.41***	0.29*	-0.07	0.24+	-0.04	-0.04	--		
29. # of Incidents of Deadly Police Force T2	-0.03	0.40**	0.33**	0.02	0.44***	0.26	0.02	0.69***	--	
30. % Change Incidents of Deadly Force	0.15	-0.24+	-0.10	0.12	0.08	-0.02	0.08	-0.37**	0.352	--

Note. N=69. + (p <.1), *(p <.05), ** (p<.01), ***(p<.001)

As an initial step in quantitative data preparations, I assembled a Pearson's correlation matrix for each of the independent variables in the study. Pearson's correlations are parametric tests used with continuous variables (Acock, 2008). Given that the preponderance of the study's independent variables is continuous (with for example the exception of the discrete count of the # of deadly incidents of police force), the Pearson correlation was selected to assess the association between each measure. Prior to conducting these Pearson's correlations, percent change variables were calculated for each measure so that possible intercorrelations between these variables and other city level measures could be evaluated. An intercorrelation matrix was then prepared for all three versions of each city-level measure (i.e. T1, T2, and percent change)[109]. The results from these analyses, including levels of significance, are detailed in the intercorrelation matrix. Not surprisingly, variables capturing different temporal elements of the same city characteristic (e.g., percent poverty at T1 and percent poverty at T2) were often significantly correlated with one another at $p<.05$. Of the original ten sets of aggregate measures percent minority, percent poverty, and the violent crime rate yielded significant correlations across each of its three variables. The majority of city-level measures evidenced fewer significant correlations, with percent foreign born, percent unemployment, property crime rate, and percent minority city council members yielding two sets of significant correlation between variable sets, whereas city population and percent minority officers only had one set of significant correlations. These results indicate that while related, the T1 and T2 and percent change variables for city-level

[109] Percent change variables were not included in subsequent bivariate analyses using RC language variables as dependent variables.

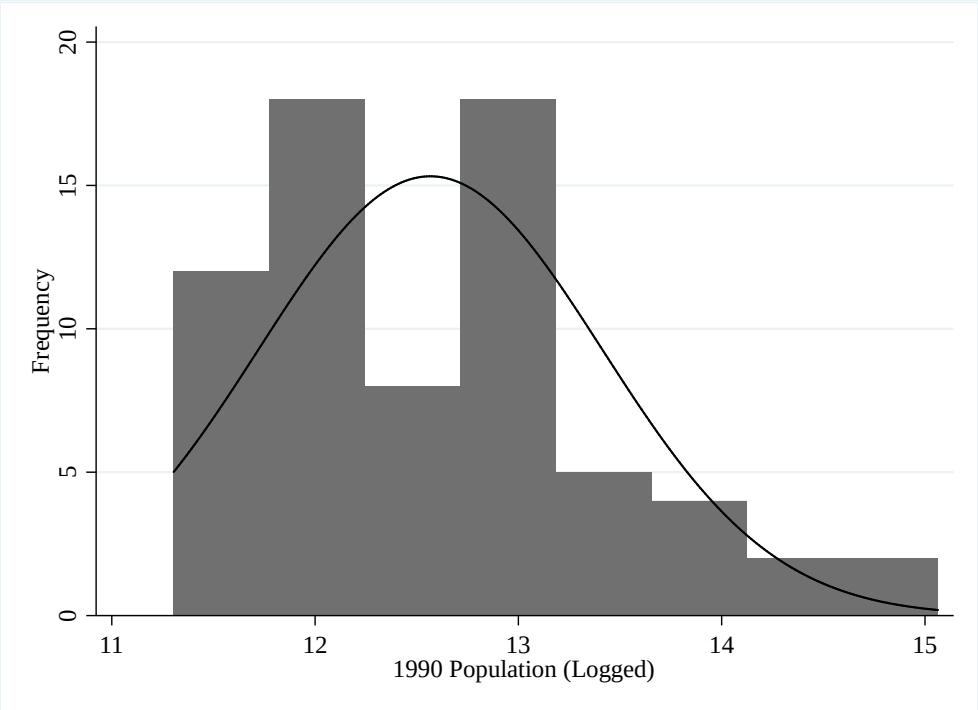
measures operate somewhat interpedently from one another, with the exception of percent minority, whose three variables were all significantly correlated with one another.

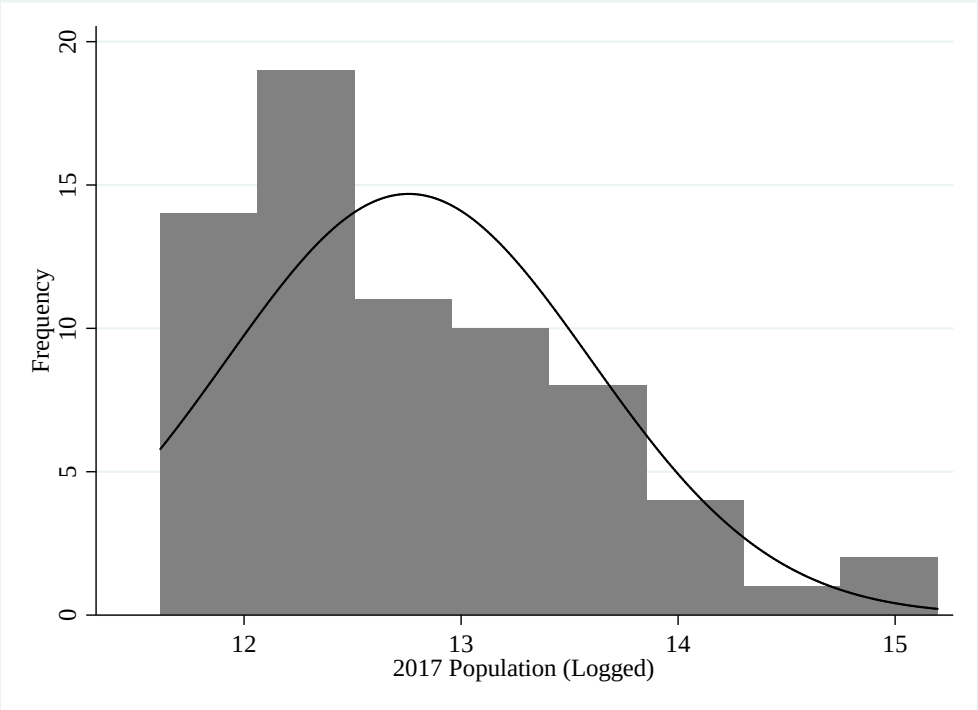
The next step after compiling the intercorrelation matrix and assessing significance within city-level measures was to evaluate non-trivial correlations across city-level measures at each time period. A preliminary objective at this stage was to evaluate the measures that capture minority presence (generally, and among police departments and city councils) to check for intercorrelation between them. As the intercorrelation matrix indicates both percent minority officers and percent minority city council members were significantly correlated with percent minority at both T1 and T2. Specifically, the percent of minority officers at T1 and T2 were both strongly positively associated with percent minority at each time period (at T1, $r=.82$, $p<.001$ and at T2, $r=.84$, $p <.001$). Compared to the percent minority officer variables, the percent of minority city council members variables evidenced slightly weaker, though still significant and positive correlations (at T1, $r=.86$, $p <.001$, and at T2, $r=.58$, $p <.001$). Taken together, these correlation results suggest that the percent minority officer and percent minority city council member variables at each time period serve as a proxy for percent minority, rather than representing standalone aspects of cities' institutional demographic composition. In turn, those two measures were taken out of all subsequent analyses, leaving the total number of aggerate city measures at eight (city population, percent minority, percent foreign born, percent poverty, percent unemployed, property crime rate, violent crime rate, and incidents of deadly use of police force).

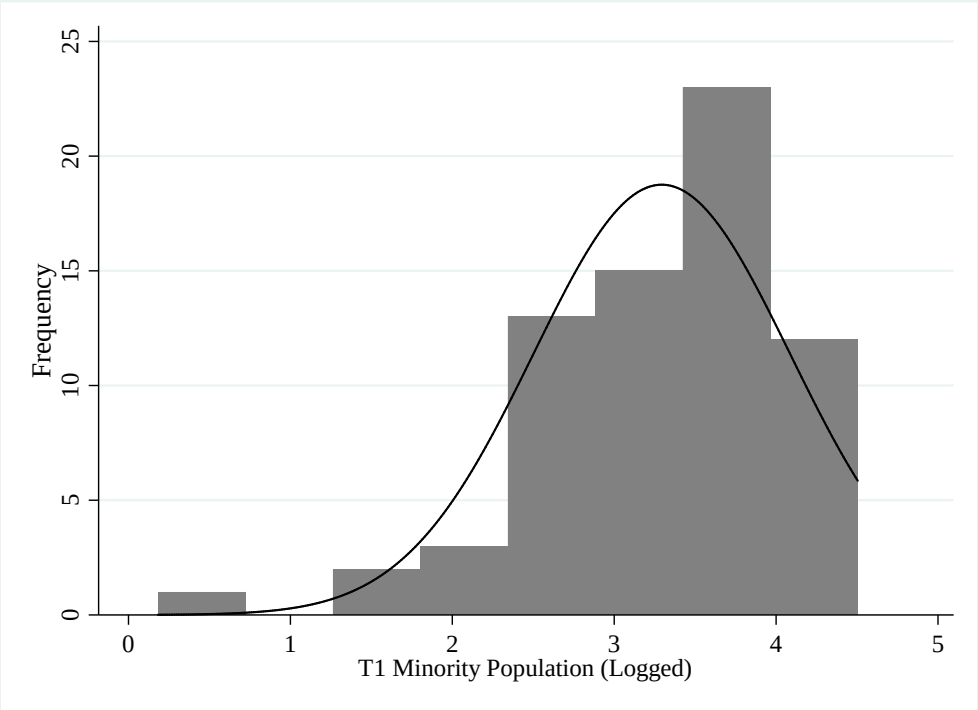
Beyond these minority presence variables, a number of the final eight city-level measures were notably and significantly correlated percent minority at difference time

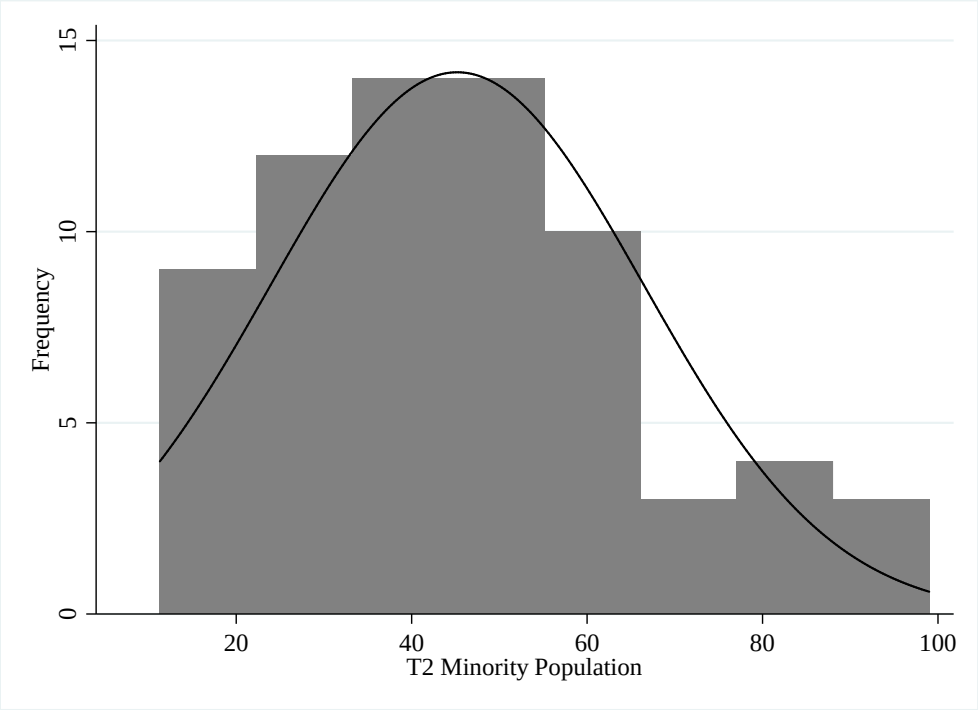
periods. For instance, both T1 and T2 percent minority were positively and moderately correlated with T1 and T2 foreign born populations, suggesting that cities in the study sample with Nonwhite populations tend to have both native and non-native minority representation (for example, at T1, $r=.37$, $p<.01$). Similarly, T1 and T2 percent minority evidenced significant, though moderate, correlations with percent poverty variables and violent crime variables. Beyond that, T1 property crime rate and T1 violent crime rate were moderately and significantly correlated with one another. Further, percent foreign born was negatively and significantly associated with property and crime rate in T2 ($r=.31$, $p<.05$). Further, as recent contributions have illuminated, the T2 percent minority was positively and significantly correlated with the number of deadly incidents of police force at the same time period ($r=.35$, $p<.01$).

Appendix H: Histograms of Final Variable Versions Used in Welch's Tests






Frequency
0
5
10
15
20
25
0
1
2
3
4
5
T1 Minority Population (Logged)


Frequency
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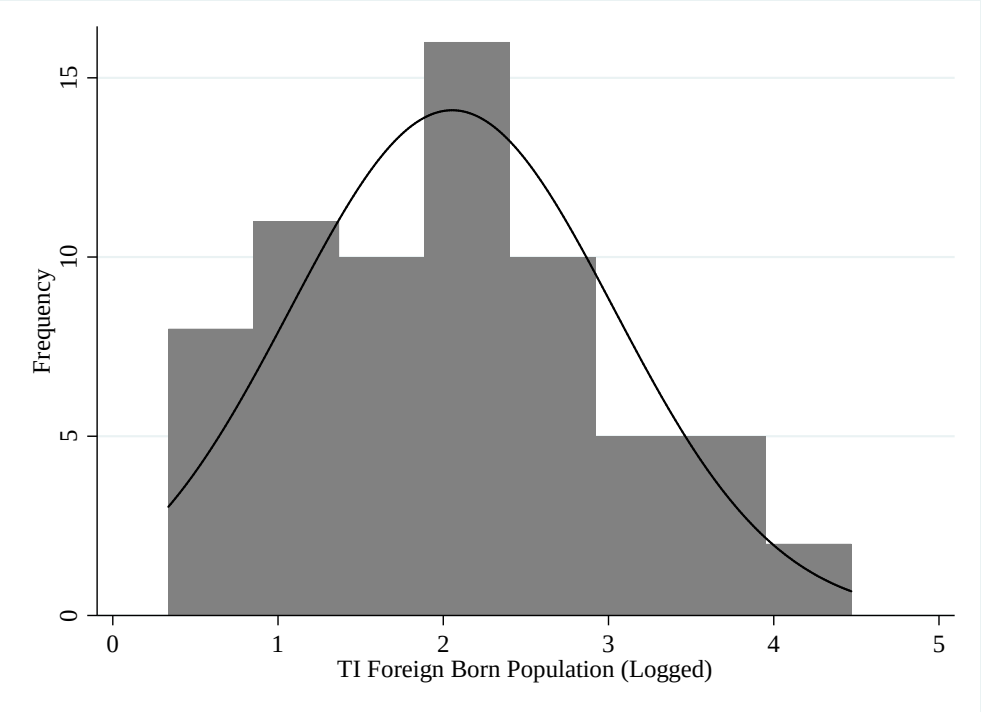
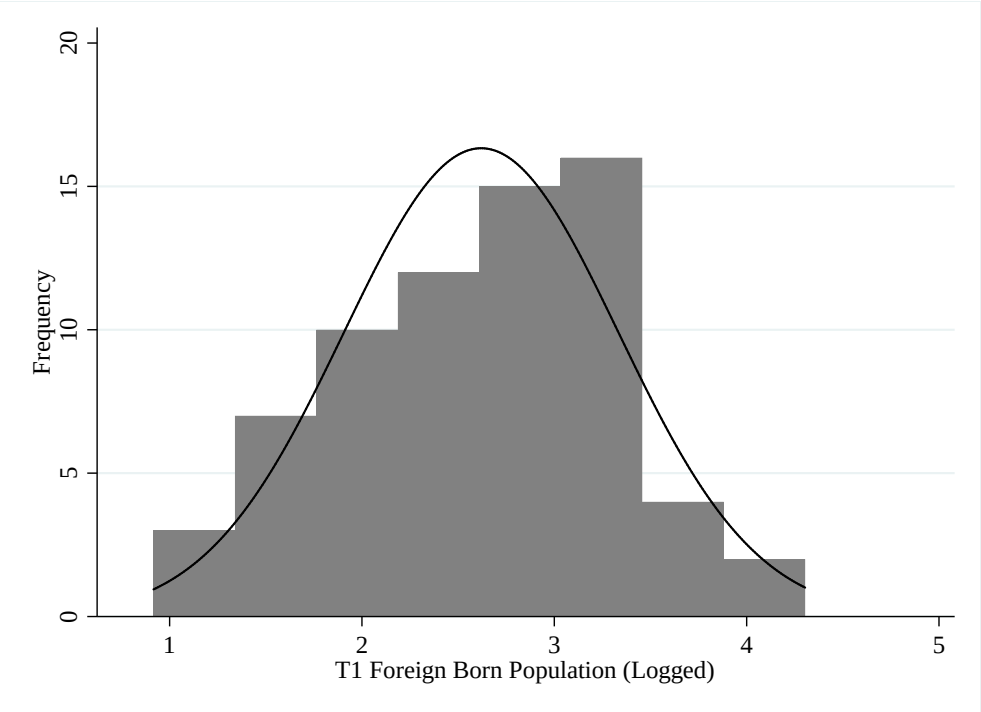
5
10
15
20
40
60
80
100
T2 Minority Population


Frequency
0
5
10
15
0
1
2
3
4
5
TI Foreign Born Population (Logged)


Frequency
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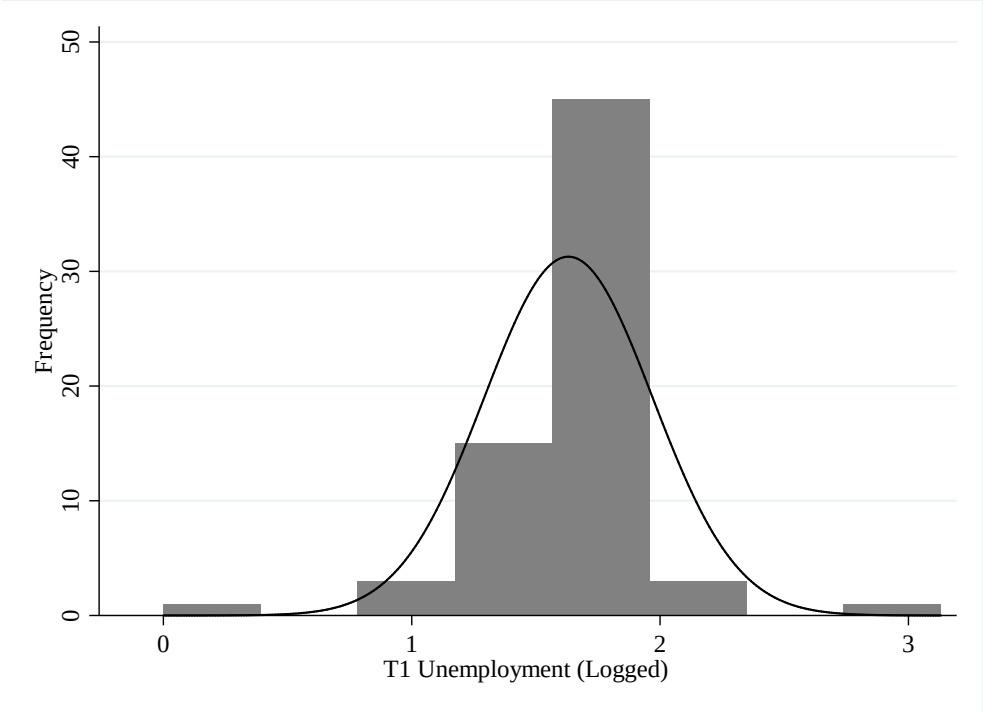
5
10
15
20
1
2
3
4
5
T1 Foreign Born Population (Logged)


Frequency
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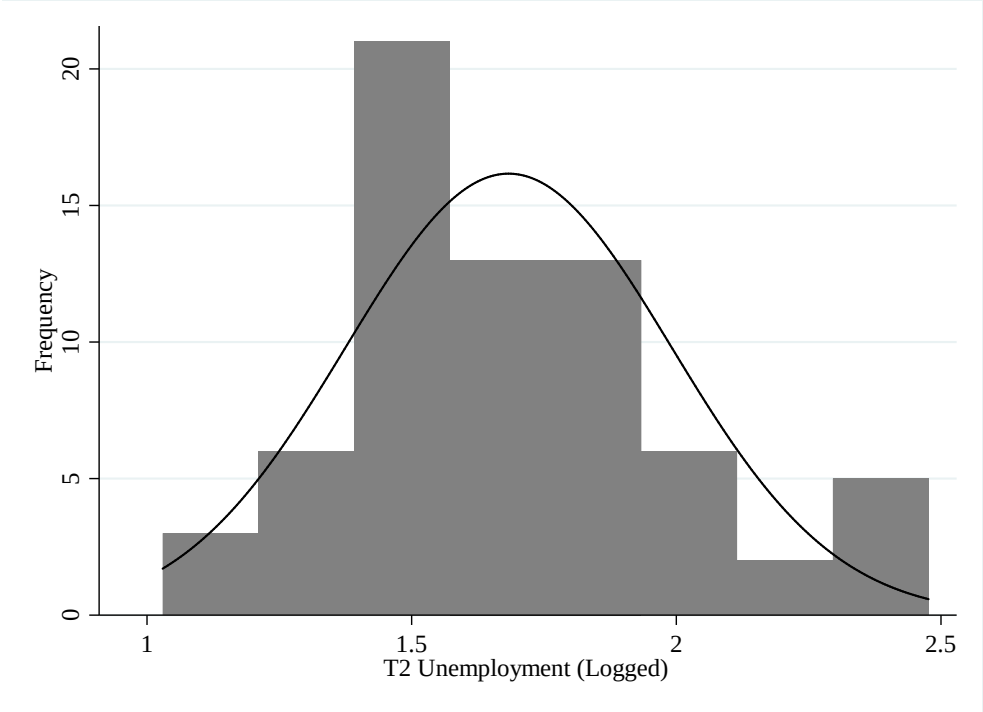
30
40
50
0
1
2
3
T1 Unemployment (Logged)


Frequency
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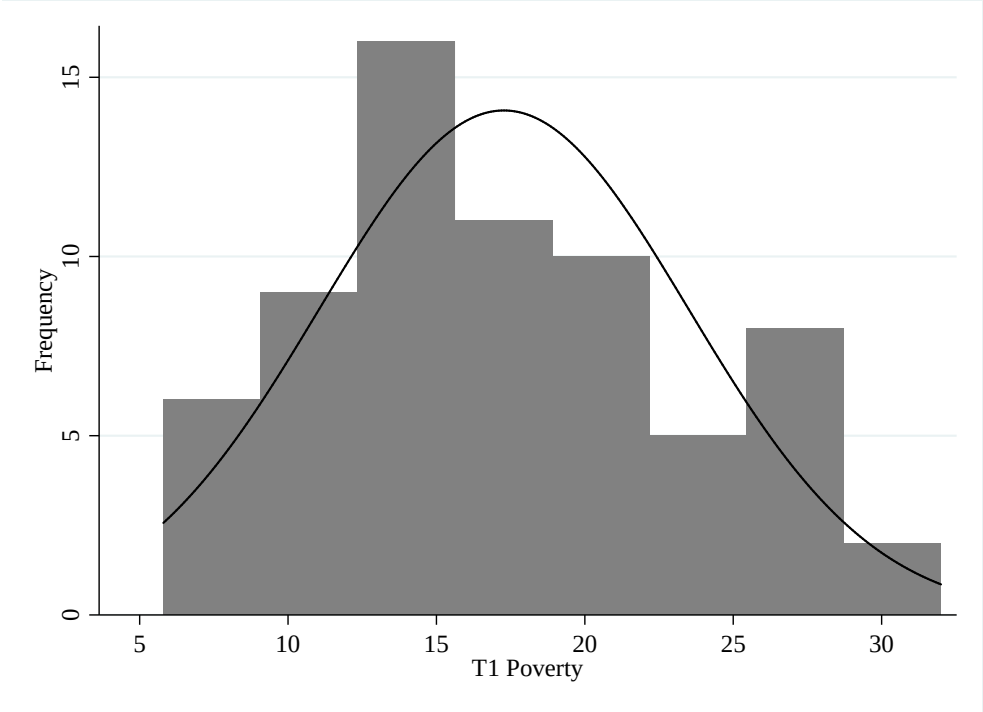
5
10
15
20
1
1.5
2
2.5
T2 Unemployment (Logged)


Frequency
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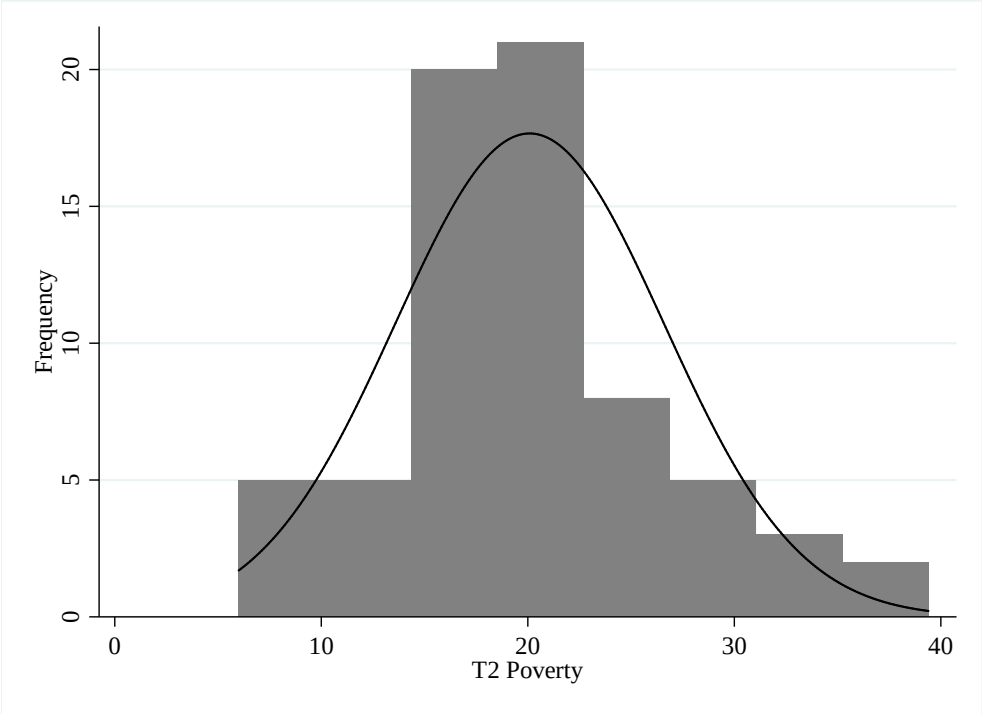
5
10
15
5
10
15
20
25
30
T1 Poverty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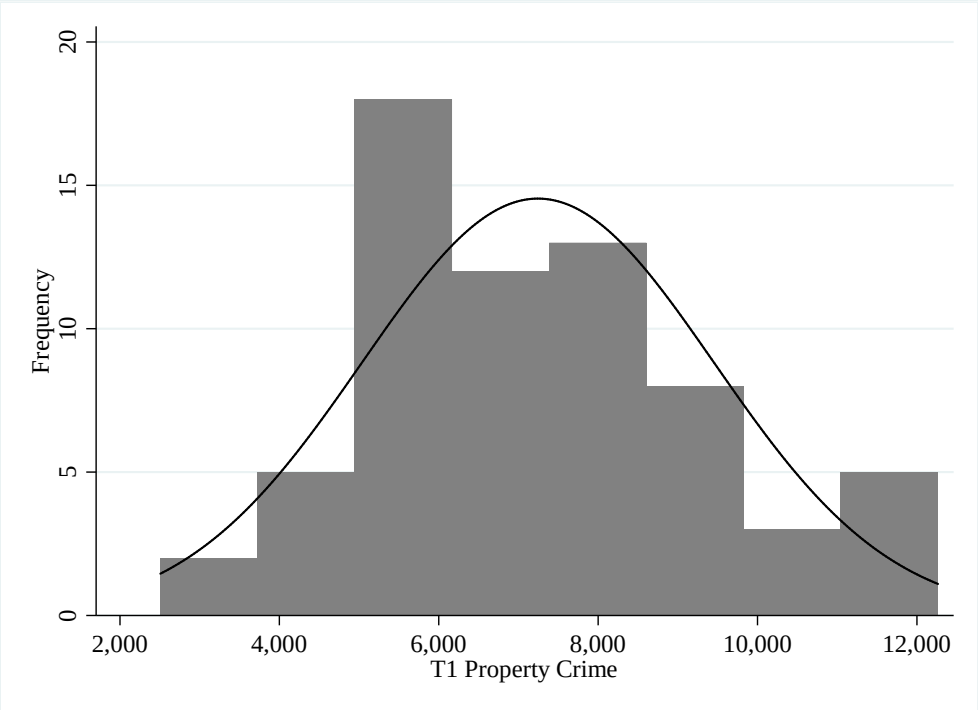
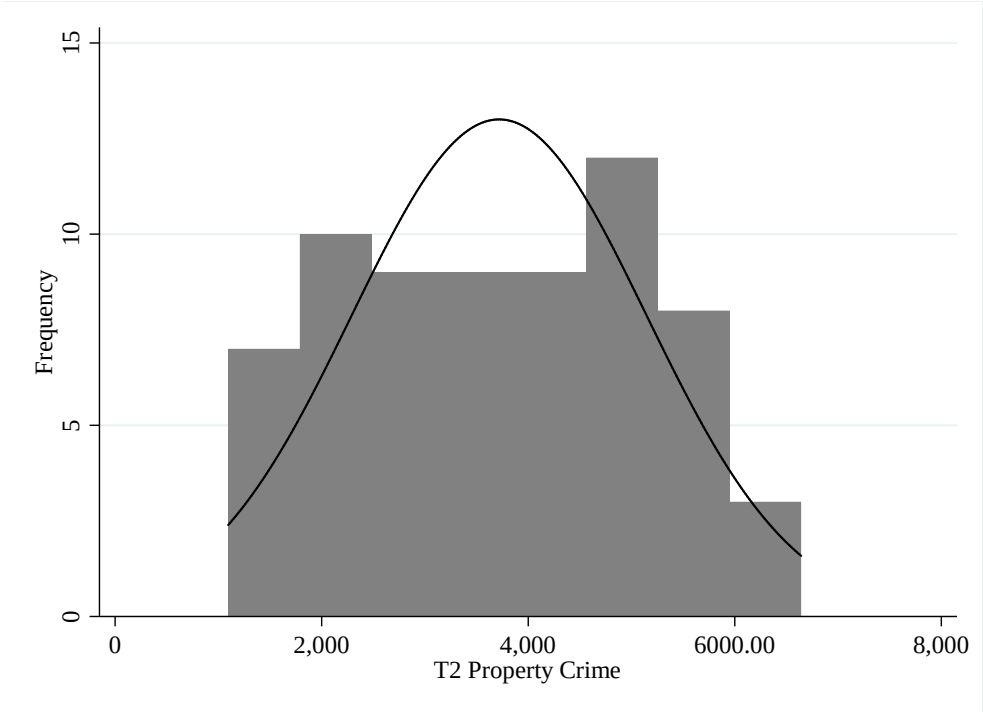
15
20
0
10
20
30
40
T2 Poverty


Frequency
0
5
10
15
20
2,000
4,000
6,000
8,000
10,000
12,000
T1 Property Crime


Frequency
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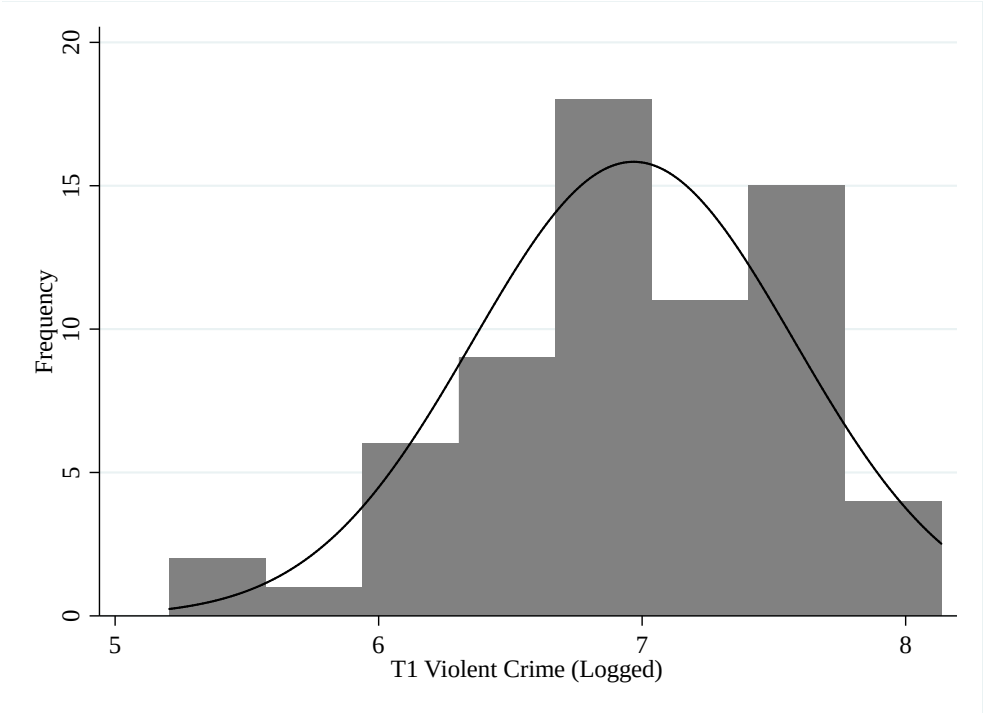
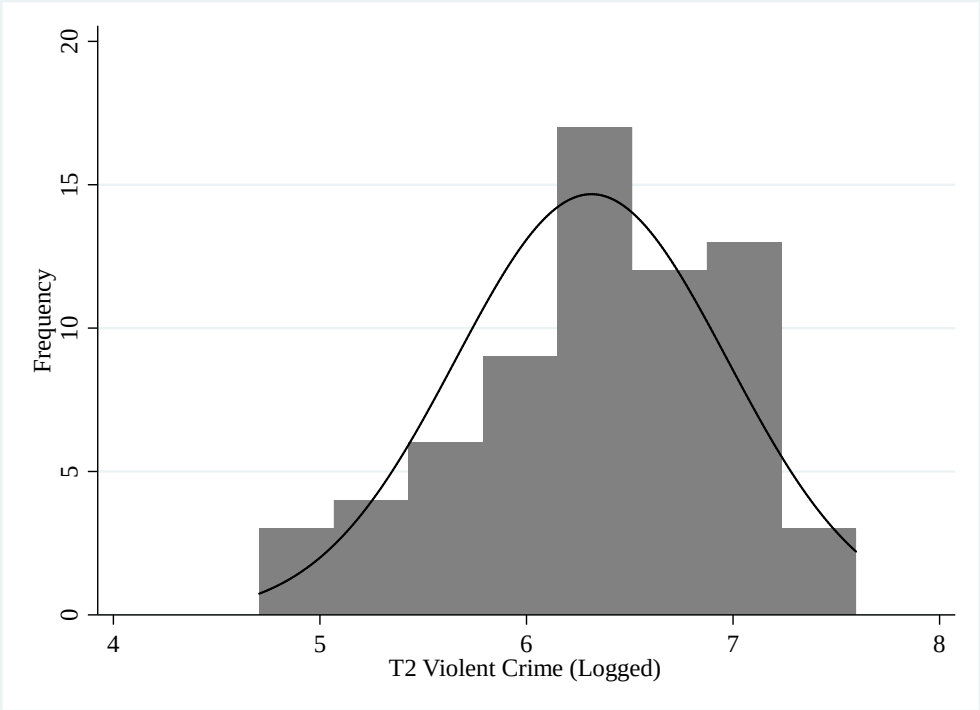
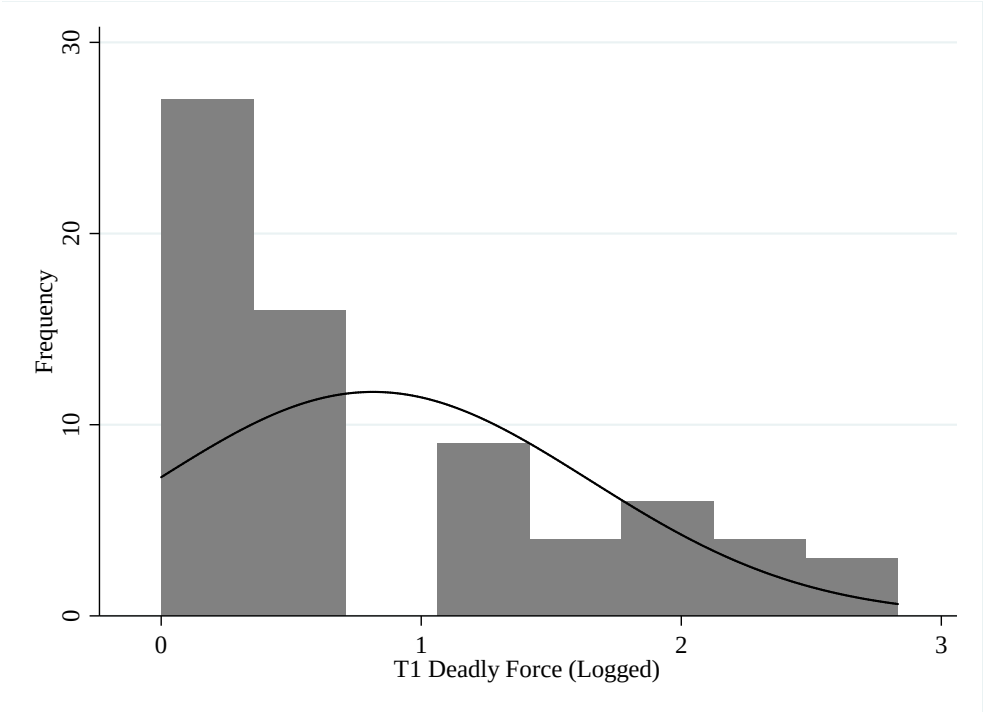
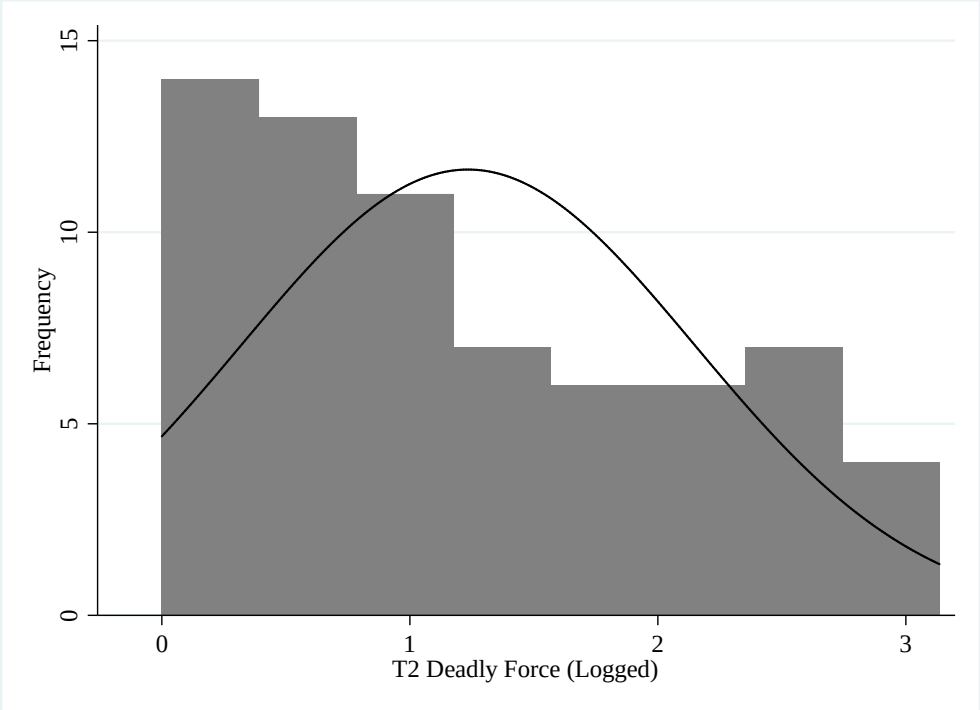
5
10
15
0
2,000
4,000
6000.00
8,000
T2 Property Crime


Frequency
0
5
10
15
20
5
6
7
8
T1 Violent Crime (Logged)


Frequency
0
5
10
15
20
4
5
6
7
8
T2 Violent Crime (Logged)


Frequency
0
10
20
30
0
1
2
3
T1 Deadly Force (Logged)


Frequency
0
5
10
15
0
1
2
3
T2 Deadly Force (Logged)

Appendix I: Comparison of Spearman Correlation Coefficients and Significance For Percent Minority and Violent Crime (N=69)

Spearman Correlation		City-Level Characteristic	
		Percent Minority	Violent Crime Rate
Any RC Language	T1	.34**	.24
	T2	.28*	.13
Place-Based Language	T1	.33**	.30*
	T2	.23	12
Person-Based Language	T1	.30*	.18
	T2	.27*	07

Notes. [a] Each city-level measure was assessed at the same study period as the period in which the RC language measure corresponds, meaning that different variables for each city-level variable (e.g., T1 poverty) and RC language (e.g., T1 RC language presence) were included for each point in time correlation of city-level features and RC language.
+ (p <.1), *(p <.05), ** (p<.01), ***(p<.001).