

PRODUCING BODIES, KNOWLEDGE, AND COMMUNITY  
IN EVERYDAY CIVILIAN STRUGGLE OVER SURVEILLANCE

by

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A dissertation submitted to the Graduate Faculty in Social/Personality Psychology in  
partial fulfillment of the requirements for the degree of Doctor of Philosophy,  
The Graduate Center of the City University of New York

2013

This manuscript has been read and accepted for the  
Graduate Faculty in Social/Personality Psychology in satisfaction of the  
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**Abstract**

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In a global context of rapidly expanding security practices, those cast as social threats are themselves often most risk of harm. In this dissertation, I develop the concept *surveillance threat* (ST) to describe the perception or experience of impending or actual harm faced by targeted civilians when they are stopped or screened by law enforcement. Singled out by race and other lines of sociocultural force, those stopped risk physical, legal, sexual, and spatial consequences. Yet focusing solely on the risk of harm limits the full meaning of this encounter. As I show in my research, civilians persistently struggle against these threats. Using the police practice of Stop and Frisk in New York City as a case study, I analyze ST and civilian response from the civilian perspective. In my mixed methods approach, I bring together survey and narrative data on stop and frisk, widening the unit of analysis from unidirectional harm to multidirectional struggle. Shifting attention to the interaction as a dynamic reframes these relations of power as more than a simple, imbalanced opposition. Instead, based on my findings, I theorize an embodied civilian *psychology of responsiveness to threat* that enables those targeted to engage the encounter as an active site of conflict. I find civilians consistently claim their rights, protect themselves and others, assert social power, construct critical knowledge, and

pursue justice. Applying Abu Lughod's (1990) insight "where there is resistance, there is power," I then study how civilians enact urban civil life through their interactions with police, recognizing a *collective imaginary* civilians draw on to influence the conditions of their daily lives. With concern for the ways police practice is restructuring urban environments by enforcing particular raced sexualities and genders, I bring a special focus to civilian constructions of racialized, sexual, and gender-infused space.

## Acknowledgements

As I developed this dissertation, an extraordinary group of people offered me their teaching, their time, their ideas, their critiques, their encouragement, their wisdom, their histories, and their hugs. I feel honored by the presence of such substantial people in my life and am lucky to say I am a better person for becoming part of the Social/Personality Psychology program of CUNY. Being in a critical program with such inspiring, creative, fierce, and loving faculty and students made my research more sophisticated and more grounded, more accessible and more relevant.

Challenging systems of racialized power remains the magnetic north of my intellectual and activist compass. To everyone whose stories taught me what I needed to know to write this dissertation and to all those who struggle for everyday life on their own terms, I hope my work does you and your daily efforts justice.

I have deep gratitude for the five members of my dissertation committee, Drs. Michelle Fine, Susan Opatow, Wendy Luttrell, Rupal Oza, and Paisley Currah. Not only is each an impressive intellectual and activist scholar in their own right, they all care tremendously about teaching. This has meant I have had five people concerned about my work and interested in helping me move it forward, putting in the time to sit with me, pose hard questions, and make really useful suggestions. I highly recommend their collective pedagogy!

Other professors who gave me more than they can know include those in psychology: Bill Cross and Collette Daiute, and outside: Patricia Clough, Jerry Watts, and Saadia Toor. Special thanks to Frances Fox Piven, who has only ever encouraged me since our first meeting in 1995.

Graduate Center students and friends have shown, and continue to show me the power of creativity, relationship, and justice. Akemi Nishida is my role model and hero for living her scholarship and activism with such dedication; and as I write this I hear her say “we are heroes together” because she believes so deeply in mutuality. Rachel Leibert has been a great friend and fellow theory-head, while the cohort I began with, Maddy Fox, Amber Hui, Sabrica Barnett, Rachel Verni, Kaleefa Monroe, and Sean Ackerman, have been a terrific group of fellow encouragers (and I note with discouragement some frustrating loss among us). The universe gave me the gift of a writing partner in Colin Ashely and I never feel complete without our synergy. The Public Science Project, and all those involved in its earlier iterations - Maria Torre, Brett Stoudt, Eve Tuck, Patri Krueger, Darla Linville, Valerie Francisco and so many others - has provided a constant source of inspiring and necessary critical participatory research. Others who have been pivotal in the twin project of growing myself and my research have been Kendra Brewster, Duquann Hinton, Soniya Munshi, and Reva Jaffe-Walters.

Karen Miller has been a special CUNY friend bridging family and school, giving me great ideas about how to be a CUNY scholar while I’ve gotten to bond with her son Oscar. Jen Adams, a CUNY professor and another friend with whom I share multiple worlds, has been wonderful to compare notes with and learn from.

It is hard to overstate the relief it has brought me to rely on Judith Kubran and Jared Becker, long-time staff of the Social/Personality program and its research projects. They are interesting, grounded, caring, dedicated people who do everything to make student lives run smoothly.

Outside of CUNY, the ever-radical and liberation-minded folks at Queers for Economic Justice (QEJ) have motivated me since their beginnings, especially Jay Toole and Terry Boggis, with a special shout out to Joseph DeFilippis. The Welfare Warriors Research Collaborative, whose theories and findings contribute to this dissertation, grew at QEJ and at the Grad Center, a mix of amazing people who lent three years of their lives documenting the perspectives of low income LGBTGNC (gender nonconforming) people of color and white people in NYC. Our team of co-researchers included myself, Dwayne, Joseph A.J., B.B., Sandie, Reina, Joyce, Juliet, Rachel, SK, Kagendo, Natalia, Chris, La'Shaye, Jonas, Kayla, Doyin, Elysa, Jeannemarie, and Alyson.

I could not have arrived at this point without those who have known and loved me for years. I am lucky to have had brilliant friends who kept me on course, offered ideas about my work, and consistently believed in me. My life would not be the same without Alison Gerig, for her sensitivity, perspective, and willingness to laugh at my jokes and I want to give special gratitude for her daughter, Antonia and parents, Vicki and Tom. Barbara Bickart and Bridget Hughes, with their awesome family Charlie, Tess, and Clarence, kept me laughing and whole while helping me create a writing method that after many years began to organize my thinking. Jean Malpas has been a close friend through and through, while Eric Goldstein and Chris Cochrane have been such dependable joys in my life.

My girlfriend, Cristina Moldow, gave me everything she had under the most demanding circumstances. Her calm nature, her openness, her delicious cooking, and her wry humor has kept me going.

My family has been an incredible support. My mother and father, Pat and Stu Billies and my brother Tim and his family Jen, Cooper, and Maria Billies have had unwavering faith in me and shown up time and again with their generosity. My aunts Duffy Cooper and partner Mabel Stimson; my aunt and uncle Cathy and John and cousin Bennett Cooper; and my grandmothers and grandfathers now passed, including the one who links me with my father's first cousin, Dr. Phil Zimbardo, create a precious network of loyalty, dependability, and love.

Two more people hold unique places in my heart. In sharing themselves with me, Achebe Powell, whom I have always referred to as my mentor, and Carl Hodges, my Gestalt supervisor and therapist, have shaped me deeply, bountifully nourishing my soul with their well-read and sharp minds and their broad, grounded wisdom. With them I share the deepest appreciation for life while finding the capacity to acknowledge its pain.

My homelife has been a constant source of laughter, queer companionship and critique from my roommates, Kelli Dunham and Devon Shanley, and I have been surrounded by wonderful neighbors Crystal, Dee-Dee, Tika, Xasia, and Fred; Leslie and Susanne; Marie, Angela and Romario; Jonathan; Billy, Tammy, Addie, Chelsea, and Brandon; Montel, Yolanda, and Joshua; and Dynishal. Thanks too to everyone at a Brooklyn restaurant dear to my heart, El Gran Castillo de Jagua, who cooked me breakfast, made me coffee, and let me sit at a table for hours at a time, months on end, while I wrote.

Faculty and colleagues at the Gestalt Center for Psychotherapy and Training have been my backbone, including M'lou Caring, Shelley Orren-King, Lenore Migdal, Rosary Immordino, Ken Meyer, Kathryn Grooms, as well as Beth Hassrick and her husband and

children Matthew Gartner, Leo and Iris and I'm thankful for the steadiness of the members of my SCT training group.

My colleagues in the Brooklyn College Writing-Across-the-Curriculum program encouraged my scholarly writing immensely, including fellow Writing Fellows Collette Sosnowy, Stefania Heim, Eli Karetny, Anne Donlon, Marnie Brady, as well as coordinators Brendan O'Malley, Ellen Belton, and Tahneer Oksman.

I also received very welcome funding for my research and writing from the American Psychological Foundation, the Society for the Psychological Study of Social Issues (SPSSI), and GC-based Institute for Research on the African Diaspora in the Americas and the Caribbean (IRADAC). A special thank you to Juan Battle for shepherding my last year of writing with his structured, supportive guidance.

Thanks to all of my communities, all of my overlapping worlds, for making my research possible. I hope to give back as much as I have gotten.

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A declaration by Paulo Freire had a profound liberatory effect on my thinking: “We cannot enter the struggle as objects in order to later become subjects.” This statement compels reflection on how the dominated, the oppressed, the exploited make ourselves subject. How do we create an oppositional worldview, a consciousness, an identity, a standpoint that exists not only as that struggle which also opposes dehumanization but as that movement which enables creative, expansive self-actualization? Opposition is not enough. In that vacant space after one has resisted there is still the necessity to become – to make oneself anew. Resistance is that struggle we can most easily grasp. Even the most subjugated person has moments of rage and resentment so intense that they respond, they act against. There is an inner uprising that leads to rebellion, however short-lived. It may be only momentary but it takes place. That space within oneself where resistance is possible remains: It is different then to talk about becoming subjects. That process emerges as one comes to understand how structures of domination work in one’s own life, as one develops critical thinking and critical consciousness, as one invents new, alternative habits of being, and resists from that marginal space of difference inwardly defined.

bell hooks (1990), p. 15

## Chapter 1

### Civilian Response to Surveillance Threat as a Struggle over Urban Civil Life

The first time I was ever stopped I was 12, walking with my 11-year-old cousin on Fordham Road. Somebody sped passed us. A few moments later we were both grabbed by the scruff of our necks and told to lay on the ground. I remember specifically hearing the click of a hammer... and being asked a slew of questions while we were face down on the ground. The elders around us were yelling a lot. The cops realized they had the wrong guys and took off.

Frederick (ID 86)<sup>1</sup>

This scene portrays the terrifying yet common practice that initiates boys of color into their role as police targets. Far more than just a stop, the scale of violence they face is almost incomprehensible. When do the boys sense something coming? When do they know their lives are at stake? What effect do the yelling elders think they could have?

This story highlights the dangers of stop and frisk. Rather than an exception, a gun to the head is only one of numerous harms civilians negotiate in daily encounters with police.<sup>2</sup> In its unfolding, however, this brief scene also shows that police stops entail struggle – over bodies, over appropriate police practice, over the conditions of community – in ways that matter for civilians.

In this dissertation, I develop the concept *surveillance threat* (ST) (Billies, 2013) to describe the perception or experience of impending or actual harm targeted civilians face when stopped or screened by law or border enforcement. Deeply familiar among historically criminalized communities, the risk to one's physical safety and legal standing informs how those stopped perceive interactions before, during, and after they occur. My research on surveillance threat, while based on policing, contributes to surveillance studies, research that tracks and critiques the extraordinary expansion of national security practices through security checks, digital scans, database monitoring, and the

coordination of policing and immigration agencies. Because the field focuses so heavily on remote and electronic monitoring, my research reestablishes the foundational role of interpersonal threat and use of force in securitization practices. Security checks and police stops are justified as a means to protect innocent citizens against criminals and terrorists, yet for many communities, being stopped can mean being questioned, denied access, verbally harassed, detained, physically harmed, sexually assaulted, incarcerated, or deported. Reversing the received directionality of criminal and terrorist threat, surveillance threat acknowledges that those “demonised as a threat to law and order may themselves be at highest risk of violence and abuse of all” (Pain, 2001, p. 902).

At the same time, focusing solely on the risk of harm limits the full meaning of this encounter. As I show through my research, civilians persistently struggle against this threat, reflecting what is at stake for them – their ability to retain a sense of control over the encounter and the conditions shaping their daily lives. Widening the unit of analysis from harm to struggle shifts attention to the interaction as a dynamic and reframes these relations of power as more than a simple, imbalanced opposition. Instead, based on my research, I theorize a civilian *psychology of responsiveness* that enables those targeted to engage the encounter as an active site of conflict. I focus in particular on the ways civilians reference and rely on ideas of community in the face of threats that work to separate and individualize them, exploring a *collective imaginary* that shapes their patterns of urban civil life.

Psychologies of oppression often examine how interactions between state authorities and civilians work to keep domination in place. Battling psychological theories that naturalize these relations, Fanon’s (1967, 2004) searing critique tears at

assumptions about the inherent inferiority of those living under colonial rule, reframing the problems of colonized peoples as a manifestation of their psychic negotiation of racist, colonial violence.<sup>3</sup> Theorists like D. Hook (2008) and Oliver (2004) extend Fanon's (1967, 2004) thought into psychoanalytic readings of colonizing systems, casting interpersonal relations as psychological expressions and enactments of colonial rule.

Drawing on Lewin (1943) who understood behavior as a phenomenon emerging from a mutually-constitutive person-environment field, I approach police behavior and civilian response as expressions of a system structured by shifting and asymmetrical social forces. I research surveillance threat as an expression of larger dynamics of domination enacted through, but not reducible to, the psyches of security officials and civilians. These are systemic, not trait-based phenomena.

This strategy helps avoid building theory on the backs of what Tuck (2009) calls "depleted" communities, less-than notions of oppressed communities concretized in the social scientific imagination (p. 409). Instead, Tuck (2009) calls for an epistemological shift toward "complexity and self-determination" (p. 416). Liberation psychology (Fine et al., 2003; Martin-Baro, 1994; Moane, 2006; Tuck, 2009)<sup>4</sup> guides my analysis of the ways targeted civilians seek freedom and justice even as they manage the threat of harm. From this perspective, civilian actions become conscious and non conscious assertions rather than fear-based accommodations that are only, or mostly, psychologically damaging.

With my method I join researchers whose work attends to the everyday micro negotiations of small and large oppressions, racism in particular. Communities of color, transgender and gay communities, low income communities, and other overlapping groups handle the constant threat inherent in interactions with law enforcement; how they

do so constitutes vital knowledge for surviving, critiquing, and challenging the systemic forces involved. This dissertation seeks to amplify this knowledge as a collective resource.

In order to analyze ST and civilian response, I examine the case of Stop-and-Frisk practices in New York City (NYC). In addition to the psychologies of threat and responsiveness, I am studying the conditions of public life from inside the police-civilian interaction, a dynamic of struggle over the meanings and practices of urban civil life. The degree of racialized police violence is a measure of the value of something — something more important than bodies of color and their souls, something they get in the way of and something else only their repression can make possible. The intensity of police violence means something is at stake — a pride and a territory, a way of life and a way of imagining life. This thinking undergirds my investigation into the relationship between policing and urban civil life as a reflection of the scale of struggle in which civilians engage everyday.

Civilian efforts can be seen as a means to assert a “right to the city” (Mitchell, 2003), turning hundreds of thousands of stops by police into hundreds of thousands of sites of racialized class struggle. This small unit of analysis makes a window into the daily lives civilians hold onto and fight for, which I find through my analysis is characterized by reason and safety, protection from and by the law, access to space and place, and a cultural life enriched rather than stratified by race, gender, and sexuality.

I focus especially on the ways racialized genders and sexualities are targeted by law enforcement using feminist and queer people of color perspectives. Surveillance threat is a raced and gendered phenomenon that reflects relationships between old and

new sexuality and class alliances; forces of privileged intersectionality that are ironically but unabashedly helping to restructure urban economic priorities. This approach challenges broad narratives of US progress and tolerance that obfuscate the ways gay rights, for example, are not extended to all and the ways policing encapsulates acceptable forms of gayness. How communities assert the sexual and gendered lives they want to lead despite a policing that wants to regulate them offers a potent admixture of identity, integrity, and space.

Don Mitchell (1993) is a leading voice for the right to the city. For him, public space is the ongoing result of ideological, economic, and geographic struggle. Ultimately, this dissertation looks at how people survive and subvert provocative policing one interaction at a time, from the belief that “out of this struggle...new modes of living, new modes of inhabiting are invented” (Mitchell, 2003, p. 18).

In the next section of this chapter, I describe the problem of policing in NYC. I begin with a discussion of the exponential increase in stop and frisks in NYC over the last decade. I then contextualize policing in NYC in relation to economic, cultural, and historical dimensions of urban civil life to show how they contribute to current police practice, including a) broad neoliberal structural realignments, b) changes in cultural ideologies regarding racialized sexuality and gender, and c) historic shifts in policing philosophy. Following this section, I discuss my research methods for studying the police-civilian encounter from the civilian perspective. I conclude by describing the subsequent chapters of this dissertation.

### **Stop and Frisk as a Site of Surveillance Threat**

Policing in NYC offers an important place to begin investigating surveillance

threat. NYC police recorded over 684,000 encounters of stop, question, and frisk in 2011, a six-fold increase since 2002 (Center for Constitutional Rights, 2012a). Over 87 percent of those stopped were Black and Latino/a, two and a half times their relative representation in the population (New York Civil Liberties Union, 2012b). Over a fifth of stops (21.6 percent) in 2011 involved the use of physical force: “hands, suspect on ground, suspect against wall, weapon drawn, weapon pointed, baton, handcuffs, pepper spray, and other” (New York Civil Liberties Union, 2012a). Yet just over a tenth of stops (11.7 percent) that year resulted in a ticket, summons or arrest (New York Civil Liberties Union, 2012a). Further, officers found only 780 guns, that is, in 0.1 percent of stops.

Youth, feminist, and queer researchers complicate and add to the story of excessive policing among men of color. Polling for Justice (M. Fine, Stoudt, Fox, & Santos, 2010; Stoudt, Fine, & Fox, 2011/12) a significant participatory action research (PAR)<sup>5</sup> project that surveyed young people in NYC found that youth have mixed experiences with the police. Eighty percent of the 1,100 young people surveyed do not trust the police, only half agreed that police protect young people like themselves and nearly a third report feeling stressed out by concerns about police. Most of the sample have had police contact in the last six months. And, while 60 percent reported a positive encounter with the police, 84 percent report having a negative encounter. Youth who identify as Multi-racial as well as youth who identify as African American or Caribbean were more likely to report negative contact with police.

Among women, lesbian, gay, bisexual, and transgender people, the numbers, which are hard to come by, need to be more thoroughly theorized. The New York Times reported 46,784 women were stopped in 2011, 6.9 percent of stops (Ruderman, 2012)

about which the major advocacy and academic institutes are mostly silent. A study in NYC found that 40 percent of young women aged 16 to 21, primarily from communities of color, reported sexual harassment from police (Fine et al., 2003). The Welfare Warriors Research Collaborative (2010) found that 47 percent of the 171 low income LGBTQ people they surveyed in NYC had been stopped by police in the prior two years, increasing to 62 percent among transgender- and Two Spirit-identified respondents.

Studies from the civilian perspective have generated a core typology of police harassment and violence including verbal (disrespectful, derogatory, abusive language and tone), physical (throwing civilians against a wall or to the ground, breaking bones), sexual (extorting sex from women to avoid arrest, public strip search), and legal (fabricated violations and misdemeanors, arrest without reasonable suspicion or cause) forms. Researchers have added categories of harm based on their theoretical emphasis and unique populations, such as Cooper, Moore, Gruskin, and Krieger (2004) who include psychological police violence (being stopped without cause) and neglectful policing (egregious delay to call regarding serious crime, refusing to file police report) in their study of a police precinct in the Bronx, NY.

Current public challenges to SQF tend to focus on the infringement on civil rights, arguing for adherence to the reasonable suspicion standard and against racially-motivated targeting. However, as I discuss below, even successful lawsuits have not prevented the NYPD from extensive proliferation of questionable and threatening stop and frisk practices. By describing one such lawsuit, as well as the larger context of forces influencing NYPD practice, in the next section I present policing as an enactment of

racialized and sexualized political economics, creating a form of urban life dominated by surveillance and discrimination increasingly supported by discourses of security and risk.

### **The Sociopolitics of Stop and Frisk: Policing Excess Bodies and Space**

**The Failure of a successful lawsuit.** After years of mounting complaints, the Center for Constitutional Rights (CCR) filed a class action lawsuit against New York Police Department (NYPD or the Department) and the City in 1999 (Center for Constitutional Rights). Among its core issues, *Daniels et al.* challenged the Department's practices of a) racial profiling and b) unwarranted stop and frisks. At the time, the NYPD Street Crimes Unit (SCU) had become notorious for both and the suit also called on the NYPD to disband the unit. It did so, not in response to the case per se but after Amadou Diallo was shot by SCU officers in 1999. The City subsequently resolved *Daniels* in a settlement four years later. In what seemed like an important, if partial, victory, the NYPD was required to establish a written anti-racial profiling policy and to review all cases of stop and frisk for the presence or absence of reasonable suspicion.

However, by 2008, the end of the five year stipulation period, the NYPD had not only failed to comply with stop and frisk review requirements or curtail racial profiling, it had dramatically expanded the very practices the lawsuit restrained.<sup>6</sup> Despite court-ordered adherence to reasonable suspicion standards and a policy of racial non-discrimination, the NYPD took the stop and frisk strategies tested by the SCU and applied them Department wide. While CCR won *Daniels et al.*, it lost the larger battle against the NYPD's arbitrary use of power. The result is a city in which unconstitutional and dangerous invasions in black and brown peoples lives, and the lives of every other NYPD target, have been reaching new scales.

The eight-year period of *Daniels et al.* signals a dramatic shift from the beginning of Order Maintenance policing and its fixation on minor infractions to its current exponentially expanded form in the enforcement of urban geographies of order. To make sense of how this is possible, three sociopolitical forces need to be examined historically: 1) the spread of neoliberal economic policies, 2) the leveraging of homonormative ideologies in service to spatio-economic politics, and 3) shifts in police management before and after 9/11. These dynamics go a long way to explain how elite interests and middle class desires are networking with authoritarian bully rhetoric, discourses of public safety, racialized mythologies of crime and terrorism, and data-dependent productivity measures to enable a police force at the ready to turn civilians into suspects. At the same time, these shifts have not gone uncontested. As discussed below, communities struggle over the policing of urban space everyday.

Below I discuss the neoliberal economic influence on urban space, followed by showing how safety imperatives and gentrification are pairing up in the creation of a class- and race-based homonormativity that is creating protectable queernesses at the expense of punishable ones. I then discuss ideological shifts at the NYPD that have accompanied changes in policing technology and practice. Together, these practices form intersectional strategies for privatizing and criminalizing what is made an excess in racialized bodies and public space in order to drive up value, minimize cost, and suppress dissent.

### **The Economically-driven regulation of urban space.**

The goal for cities in the 1990s has been to experiment with new modes of regulation over the bodies and actions of the homeless in a rather desperate hope that this will maintain or enhance the exchangeability of the urban landscape in the global economy.

Mitchell, 2003, p. 177

The current system of policing marked by quality of life offenses and stop and frisk is an extension of historic policing practice that has always targeted low income communities of color, as well as other groups cast as social pariahs: homeless people, sex workers, drug users, and LGBT people (M. Johnson, 2003; Mogul, Ritchie, & Whitlock, 2010). Present day drives to regulate urban space on behalf of neoliberal economic interests continue these trends, fueling new aggressive police practice.

Understanding the exponential rise in stop and frisk depends on critiquing the shifting imperatives of urban capital and ongoing contests over public space. Economic and housing policy changes that have occurred in NYC as neoliberal policing has taken hold help demonstrate these shifts.

**Neoliberal urban capital investment and the struggle over public space.**

Neoliberal policies applied in urban settings are "market-oriented, pro-development, and anti-welfare" initiatives in which funds are pulled from citizen needs to fund property tax abatement for development as well as other purposes (McArdle, 2001). These principles have translated more generally into the redirection of public funds away from families on welfare and toward investments that can spur new sources of profit (Abramovitz, 2005; Mitchell, 2003). In support of this move, police are deployed to secure urban space and convert it from a more general sense of public space to one of private control (McArdle, 2001, p. 4).

Importantly, Wacquant (2001) identifies the intensified use of the penal state – that is, “the use of the penal system as an instrument for managing social insecurity” (p. 402) as response to increased labor insecurity brought on by precarious employment

conditions flowing from neoliberal economic policy, the problem of surplus labor, and the need to reaffirm the state's power (p. 405). Mitchell (2003) elaborates that those made redundant by capital accumulation, including potential workers who were no longer needed after deindustrialization and the unused capital that seeks opportunities for profit-generation, have come to be regulated out of public space toward rendering cities appealing to capital investment (p. 173). With the collapse and withdrawal of urban industry and in the aftermath of capital flight, cities have moved to make themselves attractive to urban reinvestment through economic strategies such as beautification, parks, and stadium projects; office space construction; and residential real estate development.

In the process, bodies that are said to infringe on the value of public space must be squeezed out. These priorities have been increasingly enforced in NYC by a policing principle of quelling disorder in what Vitale (2008) describes as a move from a crime-fighting ideology to Order Maintenance policing (OM). Looking at the roots of OM as a strategy to push homeless people out of public space reveals links between space, class, race, and sexuality. These efforts move bodies that represent threats to safety, order, and economic value out of public space - particularly in gentrified neighborhoods and business districts, and often into custody or "holding spaces" like shelters, far away from tourists. These punitive approaches to homelessness exemplify a broader set of ideological shifts toward a new and expandable range of policeable statuses ushered in by OM. These varying degrees of probation, suspicion, and presence in police databases generate pools of bodies designated as excessive while multiplying the forms through which such excess is made and controlled, producing security measured in bodies,

classifications, and levels of risk. In a context of national security, ejection from public space justified by one's risky status becomes equated with ejection from full citizenship.

Evolving ideologies and practices for profit-making in the neoliberal urban economy have become hooked to expanding middle and upper class public space - and the elimination of "common" space that might otherwise include diverse bodies, practices, and meanings of value (Mitchell, 2003, p. 170). Mitchell (2003) describes this as a tension between "freeing" space for exchange value and "constricting" space for use value. That is, as public parks, sidewalks, and roadways are increasingly pushed into service of exchange, walkways, vegetation, and uniformed workers transform the atmosphere into spatial relations conducive to middle class leisure and consumption, free from signs of class warfare. Mitchell (2003) marks the absence of public debate around these changes that has left behind battles over public space taken on by civil rights, women's, and labor movements in favor of "reestablish(ing) exclusionary citizenship as just and good" (p. 182).

**Intersecting histories of criminalization, labor, and housing issues.** Since its earliest days, NYC entwined its criminal justice, labor regulation, public welfare, and low income housing policies. The first almshouse, for example, was rented by the City in 1734 as a "multipurpose House of Correction, Workhouse and Poorhouse" on the grounds of present day City Hall (Hopper, 2003, p. 27). Ideologically and practically, the City attempted to merge poor-law approaches to poverty with democratic principles to manage the impacts of economic cycles, establishing mechanisms to control unrest and unemployed labor (Mitchell, 2003, 173, Piven & Cloward, 1993). New Deal initiatives in the 1930s sent funds into public housing projects and economic growth shaped by social

movements strengthened and expanded public housing systems after WWII.

Government reliance on nonprofits for social service delivery expanded in the 1960s and 70s, such that spending cuts in the 80s and 90s left nonprofits and the neighborhoods they served increasingly strapped (Abramovitz, 2000; Haney, 2004). Federal commitments to affordable housing began crumbling through the Carter, Reagan, and Clinton administrations (Mitchell, 2003). Between 1980 and 1989 the Housing and Urban Development (HUD) budget fell from \$74 to \$19 billion (Dreier, 2004).

As commitments to public housing have been undermined, so too have changes in public assistance collaborated to produce an era of social service cutbacks and policing as social policy solution.

**Welfare reform: Freeing capital, punishing Black women.** With the decline of industrialization and increasing emphasis on neoliberal priorities, the state began releasing itself from a liberal social contract by pushing low income people out of government benefit programs; a shift in which NYC played a vanguard role. The loss of manufacturing jobs and their partial replacement with low-wage service sector jobs through the 1970s and 80s was accompanied by Reagan tax and social spending cuts (Abramovitz, 2005), beginning the fundamental shift away from liberal state interventionist economics to neoliberal emphases on free markets and strong security forces to protect capital interests.

Echoing historical accounts, Wacquant (2001) argues that social and penal policies are two branches of state poverty policy. Identifying trends in both, Haney (2004) finds welfare and criminal justice policies have been increasingly “inflexible” and “punitive” as well as more “diffuse” and “decentralized.” Both systems have shifted their

emphasis toward work as a solution to personal irresponsibility or idleness, a discourse that helps seal a logic of appropriate and inappropriate citizenship (Haney, 2004).

NYC Mayor Rudolph Giuliani ushered in these changes, entering office in 1994 vowing to end welfare, cutting access to benefits and initiating workfare requirements two years before President Clinton enacted federal level change. The welfare reform law of 1996 marked a significant move into neoliberal social welfare policy by releasing the U.S. from both financial and ideological responsibility for poverty and focusing more exclusively toward a role as facilitator of capital. Welfare reform thus not only cut down on government outlays and de-federalized the management of poverty to the states, it also undermined the idea of the welfare state while punitive work ideologies and philosophies that put faith in the private sector for solutions to social problems took hold (Abramovitz, 2000).

Significantly, gender and sexuality were explicitly deployed in the political maneuverings that went into eliminating the public assistance entitlement in 1996. A “moral panic,” that is, a group or issue that comes to represent a threat to society (Cohen, 1972), involving Black women and their sexuality depicted them in the media and the federal legislature as unworthy poor, enabling draconian policy changes affecting all low income women, as well as their children and the social service agencies supporting them. In addition, Clinton also amended financial aid for higher education and public housing laws to include lifetime bans to those convicted of felonies (Allard, 2006).<sup>7</sup> These laws conspired to deny governmental means to manage and exit poverty to women of color, their families and communities, revealing how the social welfare system (including education and housing) produces racialized and gendered socioeconomic divisions

(Abramovitz, 2005, p. 104). L. Feldman (2004) describes a parallel shift in public sentiment in the 1990s from a “politics of compassion” to “compassion fatigue”, marked by new public space ordinances that prioritized eliminat(ing) homeless (people) rather than the causes of homelessness themselves (p. 2).

As I show in the next section, these punitive ideologies were matched by increasingly strident tough-on-crime discourses directed at controlling men of color and low income people.

**Quality of Life policing as anti-homeless strategy.** In NYC, one of the prime manifestations of a backlash against 1960s and 70s civil rights gains in claims to public space eventually became known as Quality of Life (QOL) policing (see McArdle, 2001 and Vitale, 2011). QOL is especially associated with Mayor Giuliani. By force of his bullying leadership, and with William Bratton as his police chief, Giuliani pushed through punitive policing initiatives, a major component of which was to become the targeting of petty violations. Order Maintenance (OM) policing is carried out based on a theory of “broken-windows” in which visual disorder indicates the presence and likelihood of other kinds of disorder, including crime. Stop, question, and frisk and quality of life summonses for minor infractions are primary tactics to instill the appearance of order as well as to command responsiveness to police authority (Vitale, 2011).

Accompanying QOL, Bratton implemented COMPSTAT (short for “computer statistics”) as a new technological approach to map crime and create targeted responses. With COMPSTAT in place, OM policing could be used as a tactic, driving up stops in a particular area, for example, to locate a suspect (Vitale, 2011). Officers were now

expected to use the UF-250 form when they stopped civilians, an intelligence gathering tool including demographic information, names, location, reason for the stop, etc. The databases of policing statistics have come to play a significant role in the large growth area of security economies.

**Obstructing or occupying public space? Public homelessness as risk or right.**

To housing, homelessness, and police accountability advocates, OM policing practice regularly constitutes a breach of civil and human rights. In their lawsuits and legislative work, lawyers and activists assert First (speech), Fourth (search and seizure), and Fourteenth (equal protection) constitutional amendment rights, as well as UN covenants on eliminating racial discrimination (The National Law Center on Homelessness and Poverty & The National Coalition for the Homeless, 2009). This is important for understanding the evolution of NYC police practice. The 1997 court case, *Betancourt v New York*, in which a lower court found that the defendant's cardboard box on a public bench was "obstructing" public space while the appellate court found his belongings to be "occupying" space, exemplifies the debate over the right to *be* in public space. Betancourt's legal battle over being made excess, while vindicated at the appellate level, continues to be replicated wherever the City, economic elites, and middle class desires conspire to make public space their own (The National Law Center on Homelessness and Poverty & The National Coalition for the Homeless, 2009).

The story, however, starts before the City initiated OM policing. Vitale (2008) complicates the now familiar story of Giuliani's program by historicizing the origins of QOL in anti-homeless and anti-poor spatial control politics initiated by business and local property owners. In other words, the tactics of OM became routinized through its

exercise among NYC homeless populations before Giuliani took office. Not only a reflection of conservative agendas, significant changes in policing were also driven by a contradictory liberal political agenda that valued government approaches to inequality on the one hand but also backed corporate solutions to urban problems that increased that very inequality on the other. Vitale (2008) argues that the philosophy and tactics of QOL had already been working their way in through local responses to what were framed as intolerable levels of disorder. While the NYPD eventually came to take up OM as its core approach, it did so during the Dinkins' administration (preceding Giuliani's) after being pushed to deploy strategies used by local groups. Commercial elites of the Grand Central Partnership, for example, implemented QOL tactics with a private security force; the Lower East Side organization BASTA (Before Another Shelter Tears Us Apart) set up anti-homeless, anti-drug dealing security practices; and Dinkins established the practice of incarcerating those accused of soliciting window washing for up to 48 hours in an infamous campaign against men who squeegeed car windshields for money. In each of these cases, the problem of homelessness, with its structural roots, was restaged as the problem of homeless bodies with private and public policing solutions designed to serve business, resident, and elite political interests.

**Securitization: Order maintenance meets anti-terrorism.** After 9/11, the OM policing that accompanied economic development and social welfare reforms has increasingly entwined with logics of security. New security processes are rapidly being normalized - stepped up ID checks, screening at airports, and the linking police and immigration databases and practices. The NYPD budget has expanded with federal national security funds made available after 9/11 and stop and frisk has skyrocketed. The

NYPD has been spying on range of communities using CIA officers to train its intelligence officers (Apuzzo & Goldman, 2011; Goldman, Sullivan, & Apuzzo, 2011). While Vitale (2011) argues that such changes have almost exclusively affected NYPD counterterrorism efforts and have had little impact on beat officers; I argue that the material and ideological spread of security discourse and practice (such as the See Something, Say Something campaign that put city dwellers on the look-out for suspicious behavior) provides a powerful warrant for escalated stop and frisk. As Pain (2001) explains, promoting the idea of suspicious others, “is often invoked at the level of governance in order to excite fear and promote support for punitive strategies” (p. 902). Defined by those who are rejected from it for their dangerousness - the public is made “secure” by being insulated from manufactured threat (Massumi, 2010). As Kaplan (2003) states, “homeland security is about...seeing the homeland in a state of constant emergency from threats within and without (in order to) generate forms of radical insecurity” (cited in DeGenova, 2002, p. 423). This warrant, to protect the (narrowly defined) public from a fear that cannot be relieved extends the possibilities for stop and frisk beyond its historical reliance on public safety discourse into a national security that all must do their part to defend.

The case that heads this chapter acts as coordinate in a geography of policing that functions as an often violent keeping of both local and national order. With stop and frisk, the nature of surveillance is changing the nature of urban civil life and civilians are fighting over those changes. Yet, the benefit to some previously rejected groups seems to be outweighing any allegiance to sides that continue to oppose these shifts

**Homonormative pinkwashing supports neoliberal security and economic imperatives.** In NYC, sexual and gender politics are being leveraged in contests over urban civil life. An examination of relationships between queerness and policing in NYC shows that criminalization by the police is not just about homophobic officers, nor are struggles over space just about homophobic exclusions. Instead, surprising and troubling new partnerships among gay, white, property owner interests are realigning social relations, defining while masking new intersectionalities of oppression (Ferguson; Gopinath, 2005; Manalansan, 2005; Puar, 2007).

This section investigates relationships between a) global political economic forces, b) queer criminalization, and c) neoliberal social realignments involving gender and sexuality. A transnational feminist analysis investigates how global, gendered and raced political economies shape local, gendered and raced dynamics of violence. Following this approach, I discuss how traditional fights over public and private space are being influenced not only by neoliberal policy and security discourses but also by cultural ideological shifts involving racialized gender and sexuality.

On the one hand, the policing of sexuality and gender is nothing new. The criminalization of communities of color, enabled by demonizing sexual and gender tropes, historically has gone hand in hand with the criminalization of queers and recent trends reflect well-worn histories of policing in the city (Mogul et al., 2010). On the other hand, new societal acceptance of certain gay populations primarily along lines of race and class means some sexual identity groups are gaining police protection at others' expense. In what follows I discuss how gay acceptance as a liberal ideal is facilitating a de-politicization of gay issues while reforming gay needs in terms of economic value.

Responding to global economics in the past 20 years has meant turning the acceptance of certain forms of gayness in urban space into productions of space that will appeal to consumer citizens and capital (Bell & Binnie, 2004, p. 1809). “Pinkwashing,” that is, policy, zoning, design, and policing strategies that seek to render gay spaces appealing reconstruct us/them narratives of belonging along lines of class, race, and sexual acceptability (Hanhardt, 2008; Haritaworn, 2012; J. Puar, 2007; Reck, 2009). This has meant the exclusion of sexual expressions deemed too dangerous or strange, those that expose titillation and desired spectacle (Bell & Binnie, 2004, p. 1812).

In the process, the functions of refuge and protest filled by gay villages and Pride marches have been relegated to a source of nostalgia and their causes to a thing of the past (Bell & Binnie, p. 1816). Economic claims and de-politicization thereby work to marginalize “undesirable’ forms of sexual expression, including their expression in space...by reducing the ‘gay public sphere’” to its economic significance (Bell & Binnie, 2004, p. 1811). With citizenship increasingly defined by consumption (Rose, 2000) low income queers and/or queers of color are not the gay consumer that matters in the re-branding of the city. Folayan, Jones, and Kang (2001) argue that this is facilitated by a “policing LGBTST (Two Spirit and Transgender) people of color (which) comes under the guise of reducing crime and increasing safety for the public good, putting LGBTST rights and safety in conflict with that public good” (p. 257). This raises further questions about what public, and what safety, for whom, and at whose expense. The recent fight over development of the Christopher Street Piers - where LGBTQ youth of color and adults have spent the better part of the 20<sup>th</sup> century escaping homophobia and the heat demonstrates such an effort at racial/gender/sexual exclusion. New property owners in

the West Village, many of them straight, began calling on local police and leveraging community district power in the name of property values, respectability, and safety, blaming queer youth of color for their disruption.

Heteronormative arguments such as these are being joined by emerging discourses of homonormativity, distinguishing a growing value in white, economically-privileged gay subpopulations from low income communities of color whose supposed detraction from the neoliberal city marks them for exclusion. In other words, gay gentrification is fueling increased policing against the familiar target of low income NYC residents of color in collaboration with urban economic restructuring (Hanhardt, 2008, p. 75). Christina Hanhardt (2008) ties this argument to gay activism in the 70s and 80s in which bounded territory and the right to police protection became the solutions to anti-gay crime. The mostly white, increasingly wealthy, gay property owners of the Manhattan neighborhood of Chelsea soon began pointing the finger at low income men of color living in the local housing project.

Yet as mostly white gay activists have fought for the right to police protection from anti-gay violence, queer activists of color have harshly critiqued the divisive reliance on a criminal justice system that has always come down harder on communities of color. Folayan et al. (2001) argue that “the call for increased policing around gay neighborhoods and establishments” inherently “fosters an 'us versus them' mentality” that reinforces the justification of policing against one sexual identity group on behalf of another (p. 258).

These spatio-economic contests are more than simply drives to displace certain racialized sexual and gendered bodies and behavior, however. They are also about

keeping them close, for specific use. Manalansan (2005) critiques, for example, white, gay male Manhattan-based depictions of Jackson Heights, Queens. The neighborhood, with bars and sites for gay entertainment also known for its communities of South and East Asians and South Americans, becomes cast through a colonizing discourse as a dark urban site of exotic wonder safe (enough) and available for gay discovery (pp. 147-148). Rather than a rejection of queers of color per se, such an approach objectifies and uses them. Similarly, Reck (2009) finds that homeless gay and transgender youth of color seeking safe haven in a historically gay neighborhood must wrestle with being sexually commodified by gay residents while being rendered paradoxically invisible and harassed by the police. In this way, queer bodies of color are simultaneously invited into queer space for certain purposes and rejected from it for others in a struggle over what kind(s) of queer contributes to urban civil life. This then echoes the historic role of race in the processes of claiming U.S. bodies and territories, the love and theft Eric Lott discusses, the unresolvable racial melancholia of Anne Cheng, Richard Wright's essential black drop in white paint, the ways in which the outside is always ever inside, with certain kinds of bodies always ever caught in these binds. The Castro, in effect, is creating its own queer racial and spatial appropriation.

The three examples of NYC neighborhoods support Hanhardt (2008) conclusion about the relationship between pinkwashing and restratification of the city: “gay identities that line up with a city's stratification are afforded safe space, those that do not, are not” (p. 75). At the same time, FIERCE!, the queer youth of color organization spearheading efforts to retain control over the Piers has been engaging in the kind of struggle to “take and make public space” Mitchell (2003) argues is necessary for a public

space defined by access, creative possibility, and dissent.

Having contextualized stop and frisk within neoliberal urban spatial economics, historical policing trends, and cultural ideological change, I will now briefly introduce my method of investigation from the civilian perspective and the analytic frame I use to think about the police-civilian interaction as a struggle and conclude with a brief description of chapters to follow.

### **Method**

The struggles between the watchers and the watched mark important political battles (Gilliom, 2001, xiii)

While psychology has studied police practice and civilian experiences as the police-civilian interaction, I follow those researchers named above who study this interaction from the civilian perspective (See Chapter 2 for a review of the police-civilian interaction literature). This epistemological stance is necessary in order to recognize police behavior as coercive and provocative and to study its patterns as practice. This approach is also necessary to assess the range of tactics civilians use to negotiate such policing. Lastly, the civilian perspective is necessary in order to identify what they fight for and how in struggles with police.

I broaden the study of the police-civilian interaction as a dynamic struggle. In the micro moments of potentially dangerous targeting, civilians fight for a much more comprehensive way of life than simply freedom from harm. Daily battles are fought over not just conditions of policing but conditions of living in which civilians have a significant stake. It is this urban civil life civilians own as their right, a sense of safety and publicness; a right to the resources necessary for living and the legal protection to use

them; and community and cultural richness for which, as I show through my research, they actively struggle.

In the face of neoliberal policing, Mitchell (2003) hopes to reclaim the right to the city, the right to inhabit, appropriate, and control - that is, use - space, and unhinge it from the creeping infiltration of “potential for profit” as its sole source of meaning and value. The right to the city offers a potent means for imagining spaces of freedom placed at risk when elites partner with law enforcement to secure space (p. 9). I key my method to this idea, assuming that civilians already dream of freedom and already fight to use the city they imagine. I conduct this research because I believe gathering information about civilians dreams and means of struggle provides the correct foundation for collectivizing and organizing community-level change.

To study these phenomena I use multiple methods to first, construct the concept surveillance threat and apply it toward better understanding stop and frisk in NYC and second, to analyze civilian action in their interactions with police and the kinds of civil life in the city over which they struggle. I bring together survey results from two participatory action research projects in NYC, qualitative focus group and participant observation data from these projects, and an archive of video and text narratives of stop and frisk collected specifically for this dissertation.

## **Conclusion**

The study of civilian response to stop and frisk interactions with police must be contextualized by the sociohistorical conditions through which the dynamic is being produced. Examining the processes and motivations that generate excessive populations and space on behalf of economic, racial, sexual, and policing priorities helps make

individual and community efforts to hold one's own all the more significant.

Psychologies of oppression and liberation require a critical reading of these conditions in order for communities to understand the systems of power shaping their lives and, hopefully, take action in response. The rest of my dissertation explores the interpersonal material and psychological dynamic between officers and civilians in order to see what happens from the civilian perspective, shine a light on proactive civilian engagements with officers, and demonstrate how these actions manifest civilian power to generate urban civil life.

In the rest of my dissertation, I conduct a review of the police-civilian interaction literature (Chapter 2), describe the method I used to develop the concept Surveillance Threat (Chapter 3), apply the concept to analyze NYPD practice from the civilian perspective (Chapter 4), examine the interaction for civilian action and provide a typology of 5 major forms of proactive civilian behavior that form the basis of what I call a psychology of responsiveness to threat (Chapter 5), reanalyze the civilian action data to suggest the conditions of urban civil life for which they struggle in a way that emphasizes a collective imaginary through which they do so (Chapter 6), and finally, discuss the major contributions of my work, its limitations, and future directions for my research (Chapter 7).

## **Chapter 2: Literature Review**

### **The Police/ Civilian Interaction:**

#### **Debates over Procedural Justice and Provocative Policing**

This literature review examines psychological and critical criminological research on the police/civilian interaction. It demonstrates broad tensions between research that a) accepts policing at face value, assuming most interactions take place between more or less effective police officers and more or less criminally-inclined civilians, versus that which recognizes provocative, discriminatory policing that criminalizes communities and b) approaches that study police aggression as a trait-based, individualized problem versus those that examine it as a product of criminal justice philosophy and other social conditions. Psychological research like the first that naturalizes police action, leaving its politics unquestioned and uncritiqued, typifies the epistemological violence psychology has committed in reinforcing dominant social relations, a long, notorious history particularly among communities of color . Discourses of risk, being ushered in with the new emphasis on security, offer new frontiers of racialized assessment: data-generated profiles that are reinscribing race through new and old sets of markers (J. Puar, 2007) in order to preempt all-but-inevitable terrorism and crime. To challenge new scientific racisms of surveillance, I take stock of psychology's engagements with policing then look for those works that identify the racial, structural, and economic forces that shape police practice.

What follows first substantiates the problem of provocative policing in NYC, second, traces the central theories through which the police-civilian interaction has been studied in mainstream literatures, third, explores analyses of provocative and coercive

police behavior particularly from the civilian perspective, fourth, cites research that studies officer decision-making and civilian responses, fifth, looks into an intersectional approach to law enforcement critiques by examining research on police and LGBT community relations with particular emphasis on its racial dimensions, and sixth, ends with an assessment of critical gaps and how this dissertation aims to fill them.

### **NYPD Practice: Targeting Communities and the Questionable Role of Civil Rights**

The major legal advocacy organizations and critical criminology institutes vigilantly watching policing patterns in New York City (Center for Constitutional Rights, 2009; Jones-Brown, 2010; New York Civil Liberties Union, 2012a) gear their reports toward legal cases and shaping public opinion. Their quantitative analyses of NYPD stop and frisk data<sup>8</sup> focus on a) disproportionate racial stratification as evidence of structural discrimination and systematic breaching of the 14<sup>th</sup> amendment (equal protection); b) rates of generic and vague justification for stops (such as “furtive movements”) as evidence of fourth amendment (search and seizure) violations; c) discrepancies between the stated purposes for stop and frisk and the achievement of those goals (such as gun removal) as evidence of a red herring used to sway public opinion rather than reduce crime (rates of gun recovery in stops are so low – about 0.1 percent per year - they provoke deep skepticism about this justification for hundreds of thousands of stops); and d) additional dimensions of the problem such as rates of use of force, disproportionate numbers of stops by precinct, etc. Qualitative research provide stories behind the statistics, focusing on how individuals, identity communities, and neighborhoods are negatively affected (Center for Constitutional Rights, 2012b).

By substantiating a story about the effect of police practice on men of color in the

city, advocates construct a powerful argument against it. At the same time, the complexities of stop and frisk are sacrificed by this approach, along with a stronger analysis and possibilities for coalition that incorporating complexity can bring. Specific studies build on, and in some ways, critique this work.

Stoudt et al. (2011/12), Polling for Justice (PFJ) researchers, do both; by analyzing youth experiences in NYPD data, they complement research by major advocate institutes while complimenting it with an analysis of the multiplicitous effects of police interactions on youth (For more detail, see Chapters 1 and 3). Because its work sets policing within a larger context of youth experiences in the civic sphere, they are interested in not only negative, but also positive encounters.<sup>9</sup> Importantly, the co-researchers constructed an assessment tool of 12 measures of negative and positive interactions with police, concluding that frequencies of harm and its disproportionate enactment among young men and LGB youth of color and young people from certain neighborhoods indicate serious infringements of constitutional rights.

The Welfare Warriors Research Collaborative (WWRC, 2010) borrowed and modified PFJ's scale of negative interactions with police in its 2009 survey of low income lesbian, gay, bisexual, transgender, and gender nonconforming New Yorkers (For more detail, see Chapter 3). The study sought to identify not only what LGBTGNC communities face at the hands of police but also how community members respond. WWRC also aimed to portray a politically intersectional (Cole, 2008) picture of stop and frisk; with 88 percent of respondents from communities of color, 63 percent of the total having been or currently homeless, and 23 percent of the total identifying as transgender, Two Spirit, or gender nonconforming, the project was able to compare disparities by race,

housing/economic status, gender, and sexuality in ways that documented the patterns and extent of policing among low income LGBTGNC communities, filling significant gaps in the literature.

Questions about the local impact of NYPD policing tactics, their neglectful and dehumanizing variants, and their particular effects among socially denigrated groups motivate the qualitative research conducted by Cooper et al. (2004) in areas known for drug trade in a Bronx precinct. Humiliating and inhumane treatment (public strip searches, detainment in vans without food, water or bathroom facilities) undermine the community's sense of police protection, reduce it further by a lack of police response to community crime reports, and replace it with the discomfort of vulnerability to invasive and threatening law enforcement (Cooper et al., 2004).

These four sets of studies into policing in NYC characterize NYPD practice as a problem of racial discrimination and civil rights infringement that have significant and specific implications for subpopulations such as youth, low income LGBTGNC communities, and those involved in or near drug trade locations. These studies also raise awareness of contradictory police practices that sometimes undermines and sometimes reinforces faith in protection by and from the law. Importantly, major advocates (Center for Constitutional Rights, 2009; New York Civil Liberties Union, 2012a) and Stoudt et al. (2011/12) emphasize civil rights as a crucial resource in criminalized communities while the Welfare Warriors Research Collaborative (2010) and Cooper et al. (2004) emphasize the dilemma over the usefulness of rights posed by provocative, unlawful policing. The following section describes how social psychology and critical criminology have made sense of this interaction.

## **Theories of the police-civilian interaction**

Three frameworks for analyzing the police-civilian interaction predominate in social psychological and critical criminal justice literature: a) procedural justice (PJ), the study of fair processes for making decisions (Tyler, 2012) b) the relationships between officer perceptions, decision-making, and behavior, and c) patterns of response and resistance to policing.

### **Procedural Justice and Fairness in the Police Encounter**

The procedural justice literature on policing reflects a debate over the principles of civil liberties and public order, that is, whether the infringement on peoples' rights is worth the increase in public safety (Hemmens & Levine, 2000; Johnson, 2003; Vitale, 2008). For many thinkers, the significance of this conflict is its effect on police legitimacy, that is, public support of the police in general, and the willingness of individuals to cooperate with police on the ground (Murphy, 2009; Shon, 2002; Sunshine & Tyler, 2003; Watson, Angell, Vidalon, & Davis, 2010). That is, when members of the public perceive they have been treated fairly by police officers, they obey, cooperate, and accept their decisions (Mastrofski, Snipes, & Supina, 1996; Tyler & Huo, 2002; Watson et al., 2010). If members of the public perceive they are not being treated fairly, however, support for policing erodes (Gau & Brunson, 2009; Watson et al., 2010; Weitzer & Brunson, 2009).

This debate, however, fails to address the problem of whether public safety is actually being achieved, and if so, for whom and at whose expense. One of the tenets of research regarding the fairness of police treatment assumes civilians play a role in evoking negative police response, either because they are criminals or act aggressively

when approached by police. However, the question of whether aggressive civilian behavior instigates or even precedes aggressive policing remains open (The term aggression is defined below).

### **Explaining Police Action: Does Aggressive Civilian Behavior Beget Aggressive Policing?**

Officer behavior is often cast as a function of the attitude, cooperativeness, and actions of those they stop. This notion turns in part on the question of whether officers, or those they stop, are seen to instigate police behavior, implicitly asking who is responsible for the officer's use of force. How researchers make sense of the relationship between police and civilian behavior affects how civilian perspectives can be understood.

It is well accepted that outcomes to the police-civilian interaction depend on the interaction of perceptions that take place between officers and civilians (Lundman, 1994; Shon, 2002; Strohine, Alpert, & Dunham, 2008; Weitzer & Brunson, 2009). However, much research reflects a lack of conceptual clarity that tends to blame the civilian for officer behavior. Shon (2002) for example, calls it “axiomatic that citizens' demeanor affects outcome,” explaining that “disrespect (of the officer) leads to official and unofficial sanctions.” In this analysis, the theorized direction of disrespect from civilian to officer purportedly “leads to” sanctions but does not explain how, externalizing the locus of officer self-control by holding those stopped accountable for officer behavior and naturalizing police response, whether legally justified or not.

Listening to those unfairly targeted by police suggests that the legitimacy of law enforcement is only one of many civilian concerns following police encounters, including the impact on bodies and health, legal standing, immigration status, access to education,

housing, and employment, freedom to move throughout the city, neighborhood safety, and individual and family integrity, in essence, raising distributive justice concerns (which I will discuss in more detail below). When everyday policing in criminalized communities is compared with legal standards and definitions of oppression, it is often determined to be unfounded, unconstitutional, and unjust (Fine et al., 2003; Gau & Brunson, 2009; Watson et al., 2010; Weitzer & Brunson, 2009; Wolff & Cokely, 2007). For some, unjust policing raises further questions about the health of democracy (Fine et al., 2010).

Holmes and Smith (2012) support this perspective in their meta-analysis of “extra-legal police aggression” which includes “all types of police force that violate law or departmental regulation and cause gratuitous psychological or physical harm to citizens” (p. 345). They build their concept on Berkowitz’s (1993) definition of aggression as “any form of behaviour that is intended to harm someone physically or psychologically” (p. 3). This harm is intentional but does not need to be conscious; unconscious processes may also trigger extra-legal officer aggression (Holmes & Smith, 2012, p. 345).

Yet even studies critical of policing systems can perpetuate the assumption that civilians instigate this response (See for example, Holmes & Smith, 2012, Wolff & Cokely, 2007). Wolff and Cokely (2007), qualify their focus on troubling findings of LGBT community experiences with police, offering the reminder that police respond aggressively to aggressive behavior (p.16). However, unlike Holmes & Smith (2012), many researchers do not operationalize or substantiate what aggressive behavior means (Wolff & Cokely, 2007). Relying on vague definitions of aggression, rather than questioning what constitutes appropriate, legal, humane, or intentional police behavior,

further implies that those stopped incite the natural, aggressive police reaction they receive (Wolff & Cokely, 2007, p. 16) .

Terrill and Mastrofski (2002) attempt to refine this line of research, distinguishing disrespectful from resistant behavior in their study of thousands of police interactions with suspects, finding that disrespect from suspects had little effect on officers' choice of action, though increased resistance was met with increased severity. Importantly, while their study only examines "suspect-initiated" resistance, Terrill and Mastrofski (2002) do control for the chronology of suspect behavior, noting that provocative officer behavior may precede suspect resistance. Following their work and taking it a step further, this dissertation holds assumptions that confuse inherent civilian aggression, disrespect, and resistance at bay, slowing the observation of the police-civilian interaction, and inquiring into it long enough to notice the initial direction of provocation - often, officer to civilian - by bringing together qualitative and quantitative evidence based on the civilian perspective.

### **Framing Provocative, Coercive, and Excessive Use of Force**

Research that assumes officers instigate discriminatory, unlawful, and dangerous treatment of civilians analyzes police behavior as "provocative," "coercive," and "excessive" (Holmes & Smith, 2012). These concepts are often interchanged (see Terrill and Mastrofski, 2002). For example, McCluskey, Terrill, and Paoline (2005) define coercion broadly as "acts that threaten or inflict physical harm on citizens, order(ing) different acts according to the amount of coercion exerted: none, verbal, physical restraint/search, and impact (pain compliance techniques, takedown maneuvers, etc." (p. 25). Based on my assessment of the literature and the needs of my research, I define each

concept narrowly: provocation can be defined as those actions that instigate a defensive or fight response in civilians while coercion implies manipulative or threatening behavior used to gain compliance. Excessive use of force is a physically forceful attempt to subdue, punish, injure, and/or kill.<sup>10</sup>

Provocative police behavior is usefully studied in qualitative analyses of young men's narratives in low income neighborhoods in St. Louis by Weitzer and Brunson (2009) who assess experiences of “aggressive,” “disrespectful,” and “forceful” policing in ways that the researchers argue undergirds the hostility young people can feel toward police and their lack of ready compliance. For these researchers, police aggression motivates young men’s self-protection and resistance. Social scientists have also begun to quantify coercive policing. Watson et al. (2010) are refining a set of items on the influence of officer behavior on cooperation or resistance by people with mental illness, particularly the degree to which they perceive police action as a means to push or force them into hospital admission (p. 210). Significant questions remain, however, about the extent and severity of coercive officer behavior, how this relates to perceived coercion, and how other communities respond. That is, while Watson et al. (2010) found their scale to be successful in measuring coercion-related dimensions of freedom, control, and voice, the researchers concluded it to be an inadequate measure of the unexpectedly high levels of coercion responders reported and the kinds and degrees of force and brutality these levels represent.

Researchers have also studied police use of force and police brutality fairly extensively. In a comparison of thousands of police-civilian interactions in two cities, Terrill and Mastrofski (2002) tested many of the findings in this literature. Hunt (2003)

further discusses officers' use of the categories "legal," "normal," or "excessive" to describe their behavior depending on the context in which they do so.) These studies contribute to a distributive justice perspective, that is, justice as a matter of outcomes or "fair allocations" (Tyler, 2012), although they do not invoke distributive justice as concept nor are the politics informing their methods and findings discussed.

Despite the obvious distributive injustice implications for much police practice, little research using this theoretical lens exists. Only two studies investigate distributive justice in the police-civilian interaction; both concern crime victim reliance on the police. Examining the low rates of domestic violence reporting, Hickman and Simpson (2003) find that victims of domestic violence are more likely to call the police in the future if they first experience their preferred outcome to an earlier incident, while being treated fairly had no effect on their likelihood to call (p. 607) (For the second, see Ruback, Cares, and Hoskins, 2008). The small handful of other studies of distributive justice in criminal justice system include work on job satisfaction among correctional officers and prisoner concerns with prison conditions. This relative lack of DJ research on policing raises questions about the dominance of procedural justice frames and where theories of police injustice live in social psychology.

As I described in Chapter 1, other work has generated a consistent core typology of police harassment and violence (including verbal, physical, legal, and sexual forms) provides a foundation for my analysis. Researchers study additional categories based on their specific theoretical emphases and unique populations. Cooper et al. (2004) include psychological violence (the pervasive experience of questioning and threat) and neglectful policing (egregious delay to call regarding serious crime, refusing to file police

report). Other researchers analyze the coercion in specific communities including policing among youth (Fine et al., 2003; Fine et al., 2010), gay and lesbian populations (Herek & Berrill, 1992; Wolff & Cokely, 2007), people with mental illness (Watson et al., 2010), transgender people (Xavier, 2000), and those who exchange sex for money and other resources (Young Women's Empowerment Project, 2009). These studies concern themselves with implications for community safety and development, as well as impacts on youth development and HIV risk and prevention.

### **Officer Control: Decision-making, Determining Deception, and Bias**

A body of research attempts to explain how officers make decisions about how to interact with civilians, arguing that the suspicion with which officers approach police-civilian interactions develops from a) workplace and public-servant pressures, b) competitiveness stemming from the officer's imperative to control the encounter, and c) deeply flawed, yet widely used officer training approaches that wrongly assume behavioral cues are race-neutral and effective in determining whether a civilian is being deceptive. These studies, described in more detail below, reveal the institutional and professional investments in police suspiciousness that civilians must negotiate.

Looking at departmental structures that govern low ranking police officer behavior, Staller (2002) describes a pervasive tenet of policing: "Establishing authority must be the officer's 'principle concern....without which further controlled interactional exchange is not possible'" (p. 231, citing Manning, 1979). Staller (2002) focuses on the arbitrary accountability practices of a major metropolitan police department and the high degree of police officer discretion. She argues that officers learn to judge whether and how to violate regulations governing handling civilians based on the likelihood that

public or political pressure will come to bear on their actions. This translates into an approach to the public that is suspicious and highly concerned with the perception of authority. Within the department, this perspective is narrated as necessary to ensure their own safety in dealing with an unpredictable and potentially dangerous public (Staller, 2002).

Other research indicates that officer suspicion may be the product of the “competitive” nature of the encounter (Robinson, 1996) established by the officer’s need for control rather than the likelihood of danger (Masip, Alonsoe, Garrido, & Anton, 2005; Robinson, 1996). Masip et al. (2005) question the effectiveness of commonly used behavioral cues that indicate deception and in popular training models for interviewing and interrogation (Johnson, 2006). In a review of more than 20 studies, Masip et al. (2005) find that police officers are no more accurate in detecting deception than lay people (p. 1048). They argue that the knowledge gained through experience and training about behavioral cues that are said to indicate deception reflects instead the development of what Meissner and Kassin (2002) call “the investigator bias effect,” that is, an increase in (inaccurate) judgments of deception.

In their research with 329 undergraduates, new officers, and experienced officers in Spain, Masip et al. (2005) tested the investigator bias using a scale that measures generalized communicative suspicion (GCS), a cognitive construct in which someone is predisposed to believe others’ messages are deceptive (p. 1050). They found that the experienced police officers demonstrated significantly higher rates of GCS than the other groups, providing support for their hypothesis that officers become more prone to determinations of deception over time (though not that these are correct). Johnson (2006)

further argues that attributions of deception can be based on non-deception related dispositional and situational conditions such as infringements on personal space, stressful environments, and ethnic culture. Based on an analysis of 120 non-criminal police-civilian interactions (such as bystanders, lost child callers), Johnson (2006) argues that “beliefs about nonverbal cues related to deceptive and suspicious behavior widely held by criminal justice professionals potentially places African-American and Hispanic citizens at greater risk of being misidentified as acting suspiciously” (p. 441).

Trends in policing philosophy also influence officer decision-making and behavior. Evaluating the costs of Order Maintenance policing (discussed in Chapter 1), Gau and Brunson (2009) critique the direct and collateral effects among young African American men. They theorize that the vagueness of “disorderly conduct” laws grant officers the leeway to use personal characteristics or social environment cues (ascribed race, gender, location, etc.) in stopping young people (p. 258). Feldman (1991) further theorizes this process as the “political art of individualizing disorder” (p. 109) in which the broad imperative to police a disorderly environment is repeatedly converted into a focus on a disordered individual body, de-collectivizing political unrest and privatizing violence.

### **Civilian Responses, Resistance, and Distrust**

Very little in the literature theorizes or analyzes the microreactions of civilians in the moment of being stopped by police. Most studies of resistance look at social movements and community organizing efforts. While collective efforts are one way community members respond to their individual moments of being policed, this dissertation focuses on the thoughts, behaviors, and feelings of individual and small groups before, during, and after being stopped. Researchers who analyze the logics of

civilian response to disturbing police behavior often do so through frameworks that can account for asymmetrical power relations as well as the material repercussions of distributive injustice as a reflection of a) group position (Blumer, 1958), b) developmental and everyday activist motivations related to structural oppression (Cross, 1995; L. Hyers, 2007), and c) youth/adult relations and civic belonging (M. Fine et al., 2003; M. Fine et al., 2010).

Weitzer and Brunson (2009) find that the mechanisms young people deploy to manage “adversarial and provocative” police behavior include “strategic aversion”, “noncompliance,” “overt resistance,” and “verbal resistance.” These reactions express young peoples’ assessments of structural social group relations. They draw on Blumer (1958) to suggest that young people may interpret their interactions with police in relation to their racial-cultural group’s historical position in the social hierarchy (p. 237). Intergroup relations theory can also be used to analyze the behavior of those stopped as a form of context-related resistance that functions on behalf of identity development and the everyday negotiations of a discriminatory social world (Cross, 1995; L. Hyers, 2007). Cross (1995) proposes that African Americans and members of other culturally-distinct and historically oppressed groups demonstrate the identity transaction “buffering” as a way to deflect unfair or dehumanizing social experiences and protect one’s self-concept. Weitzer and Brunson (2009) consider the significant role of socialization in “attempt(ing) to instill in (young people) a set of safety precautions to guide their interactions with police officers,” inform each other of incidents, share ideas for intervening in the moment with police, and filing grievances. Though real possibilities for justice seemed elusive to youth participants they talked to, they supported civilian oversight of police and sought

ideas about the kinds of irrefutable evidence they felt was needed - such as video recordings of incidents - to make a successful case against police.

In addition to the Polling for Justice study discussed above, Fine et al. (2003) analyzed aggressive policing as a mechanism that mediates the relationship between society and youth. unfounded police encounters NYC youth left some shocked in the moment and others jaded over time. Many reported feeling distrusted by adults (M. Fine et al., 2003).

Carr, Napolitano, and Keating (2007) offer a metatheoretical look at police legitimacy that helps make sense of conflicting perspectives about this distrust. According to Carr et al. (2007), one set of theories argues that youth consistently oppose police based on an allegiance to a local sub-culture held together by a “code of the street.” A “code of the street” framework, however, which implies that disaffected youth, loyal only to each other and in opposition to police, risks providing a justification for aggressive neighborhood policing. If young people are allied against police, an antagonistic police force would be required to break these local bonds of loyalty to assert a broader social ideal. Other theories find a more complex youth culture, however, in which young people who respond to police must manage contradictory social values: trust in the police on the one hand and distrust based on systemic harassment on the other. In response to the social exclusion conveyed by criminalization, rather than rebel in opposition, these studies instead find that young people attenuate their investment in some wider social values. Even young people whose experiences leave them deeply skeptical of police often retain at least some support for police as a crime-control option (Carr et al., 2007; Fine et al., 2003, pp. 447, 451). This perspective contributes to mine,

that civilians confront dilemmas in their encounters with police and that studying these dilemmas may reveal important aspects of the struggles in which civilians engage (See Chapter 4 for my discussion of psychological surveillance threat dilemmas).

### **Policing Targeting of Communities by Race, Sexuality, and Gender**

Of particular concern in this dissertation are the ways policing is enacted through intersectional racism, sexism, heteronormativity, class, and a coercive gender binary. (Additional forms of oppression such as ableism, xenophobia, and ageism should be incorporated into all intersectional analyses but are less central in my theorization.)

Knowledge about law enforcement stops often omits the stories of women and LGBTQ people (INCITE!, 2006). Yet critical inquiry into the gender, race, sexuality, and class dimensions of police interactions in cultural theory and critical race and gender legal scholarship actively challenge social science research that promotes hate crimes legislation as a solution to violence in LGBT communities. These critical perspectives question the latter's reinvestment in and reliance on the very criminal justice system that perpetuates racialized heterosexism, sexism, and homophobia in the ways it operates. Social psychology and critical criminology have offered very little insight into the ways racialized gender and sexual normativity fuel criminalization.

In this section I focus primarily on policing in LGBTQ communities. Research on contemporary LGBT community-police relations, where it exists, lies almost unseen within the more general study of anti-LGBTQ hate crimes in which police violence is one form among many including family, peer, stranger, and hate group violence (Herek & Berrill, 1992; Wolff & Cokely, 2007). Still, some analysis exists. In the early 1990s, Berrill (1992) assessed 26 studies of violence and discrimination against lesbians and

gays, finding 20 percent reported victimization by police including verbal and physical assault, entrapment, blackmail, and mishandling of cases because of sexual orientation (p. 32). Only two of these studies conducted race-related descriptive analyses and neither reported interactions between racial identity, sexuality, and police behavior (Berrill, 1992, p. 29). Further, violence against transgender people was neither reported nor commented upon in any of the studies reviewed. These reflect significant gaps in research on LGBT violence against racially diverse and gender nonconforming and transgender people more broadly that has only recently begun to be filled (Garofalo, Deleon, Osmer, Doll, & Harper, 2006; Minter & Daley, 2003; Xavier, 2000).

Despite social advances, recent research affirms that policing remains a problem for LGBTQ communities. To assess Minnesota LGBT hate crime legislation, Wolff and Cokely (2007), research anti-LGBT violence reports, finding that LGBT respondents experienced most cases where police initiated contact negatively. Arrests and tickets, for example, were later found to be illegitimate in almost 80 percent of cases. When LGBT community members initiated contact with police, officers refused to file crime reports in 31 percent of cases. (See also the National Coalition of Anti-Violence Programs, 2008).

Still, while some data has been collected on forms of abusive police behavior as a manifestation of homophobia and heterosexism, few studies in psychology or criminal justice have further theorized either the factors contributing to, or the social impact of, such outcomes. A small number focus on the effect of aggressive policing on LGBTQ youth development (Reck, 2009) and others focus on the potential impact on HIV risk and prevention rates among transgender youth and adults (Garofalo et al., 2006; Xavier, 2000).

Contemporary race and class critiques undergird concerns for LGBT homeless youth in which policing in gay neighborhoods functions as a mechanism of racial, economic, and age exclusion (see Chapter 1). This raises questions about the conditions of belonging in LGBT-dominated spaces and the leveraging of law enforcement to police LGBT space on behalf of class and race based interests (Reck, 2009).

### **Conclusion**

Critiquing the coercive and unjust aspects of police interactions is vital for disrupting slippery links between assumed criminality, race, gender, inherent aggression, and the necessity of force to establish control among civilians. Such work is also integral for framing the complicated ways civilians relate to the role of policing in their lives. The lack of social psychological and critical criminological critique of the racialized, sexual, and gendered facilitation of daily police practices in NYC, and the often missing perspective of civilians means the nature of provocative policing remains partially buried not only within dominant narratives from the police perspective but even among counternarratives (those stories that provide an account that challenges the master, or dominant narrative). The next chapter describes the use of participatory action research to begin filling these gaps as well as the analyses of data from focus groups and archival research in order to respond to unanswered questions about surveillance threat and civilian response in the police-civilian interaction.

### **Chapter 3: Method**

#### **From Concept Development to Data Collection to Narrative Analysis**

In this chapter I describe my use of empirical findings to develop the concept *surveillance threat*, which captures the civilian experience of potential harm at the hands of law enforcement. I then continue developing this idea by widening the unit of analysis around the threat of surveillance to examine it as a dynamic interplay of forces, that is, as a struggle in which civilians engage over the psychological experience and material effects of surveillance. Finally, I use the framework of a psychological and material struggle as an analytic tool to assess how civilians enact urban civil life when interacting with law enforcement.

To study surveillance threat, I examine stop and frisk practices of the New York City Police Department (NYPD) from the perspective of overlapping communities of color, LGBTQ communities, and low income communities, identifying their experiences of surveillance threat and how they respond. I ground my dissertation in advocate analyses of NYPD data as well as two participatory action research (PAR) projects that I mine for theories and methods. I then use these to guide focus group and visual and text based data collection and analysis. The Welfare Warriors Research Collaborative, a PAR team of over 20 mostly low-income, racially and ethnically diverse lesbian, gay bisexual, transgender, and gender nonconforming (LGBTGNC) co-researchers conducted exploratory survey, ethnographic, and interview research (with 171 participants), establishing, among other things, a detailed record of police and civilian behavior from the perspective of those unfairly targeted by police (Welfare Warriors Research

Collaborative, 2010). In a sister PAR project, Polling for Justice (PFJ), over 40 young people worked with graduate students, faculty at the City University of New York, and community partners for over two years to develop and conduct a survey with 1,100 young respondents in 2008 and 2009 on their experiences of health, education, and criminal justice (Stoudt et al., 2011/12).

In WWRC's research, negative interactions with police stood out as a pervasive form of harm I might address more specifically in my dissertation research, in part because stop and frisk in NYC was gaining widespread attention in 2011. Given that I had a previously-developed knowledge of NYPD violence from anti-police brutality activism in the 1990s and given my access to WWRC's rare data on low-income LGBTQ experiences with police, I decided to study the police-civilian interaction in NYC as instance of potential harm at the hands of law enforcement. In the post-9/11 era, terrorist threat and heightened surveillance had become pervasive social themes in NYC and across the US. To reflect the reality often made invisible by these discourses, I sought to flip the notion of "threat" on its head and began to call this phenomenon surveillance threat (ST).

As I developed my ideas about ST, new problems and possibilities arose. These forks in the road of my thinking became the research questions that guide my dissertation. I came to ask what kinds of surveillance threat civilians face, how they negotiate it, and what their actions suggest about the kind of society they are attempting to create through how they respond in these encounters. Specifically, I ask:

1. What kinds of surveillance threat do civilians face in interactions with NYPD officers? What stories do stop and frisk narratives tell about nuanced forms of ST, including those not captured in NYPD data such as sexual, gendered, psychological, and neglectful ST?

2. How do civilians respond to ST? What do civilians do to negotiate physical, legal, sexual/gender, and spatial forms of surveillance threat from NYPD law enforcement?
3. What kinds of urban civil life do civilians enact through forms of struggle in their interactions with police?

From answering one research question to the next, I develop an increasingly refined analysis of surveillance threat and civilian responses, using descriptive statistics and qualitative findings from the two PAR projects. I drew on PFJ's and WWRC's qualitative and survey data to create a participatory focus group interview protocol investigating how LGBTQ young people of color in NYC make sense of police behavior and their own responses. I built on both of these studies to craft a narrative analytic method for assessing stop and frisk testimonials in the form of videos and texts toward developing theories of civilian action in the face of ST. I then applied a framework of civilian struggle I developed through this process to understand the characteristics of everyday communal life civilians enact when interacting with police in NYC.

After discussing the empirical, ethical, and analytic background for my study, I describe my process of concept development, I describe the method I use to create an archive of narratives as data for investigating them. My findings are explored in each of the three analysis chapters that follow, Chapters 4, 5, and 6.

**Empirical, ethical, and analytic background for the concept and study of surveillance threat.** In 2007, I helped found the WWRC, a PAR project looking at issues faced by low income LGBTGNC (gender nonconforming) communities in NYC. A multiracial, cross-class group of 20 co-researchers, the WWRC investigated how low income, racially diverse LGBTGNC communities survive daily interpersonal, institutional, and systemic violence. The WWRC charged itself with researching the lived

intersections of race, poverty, gender, and sexuality, a nexus rarely examined by social scientists or advocates, even less often from the perspective of low income LGBTGNC communities themselves.<sup>11</sup>

Our research led me to focus on the material and psychological implications of constant discrimination across public and nonprofit services among LGBTQ people and our approach to ethics and methods fundamentally shaped how I did so. Over the course of three years, we collectively designed and carried out our research, analyzed the data we gathered, and disseminated our findings. Together, we used ethnographic, qualitative, and survey methods to gather participant observation data from audio recordings of our weekly research meetings; narrative data from 10 in-depth, video-recorded interviews with each other; and qualitative and quantitative data from a self-report community survey with 171 low-income LGBTGNC participants<sup>12</sup>. Our research culminated in a 68-page report and 30-minute documentary we presented to at a large community gathering during Pride, the annual activities like marches and special events that recognize queer rights movements that concentrate in June, at the LGBT Center of NYC in 2010 (Welfare Warriors Research Collaborative, 2010).

As the research team did our work, I became increasingly disturbed by the scale of violence co-researchers lived with at the hands of public and publicly-paid authorities. In weekly meetings, we were figuring out how to study low income LGBTGNC issues, developing our theories and methods. Our group “check-ins” often included someone’s story of being arrested, rejected for an identification document change, sent home from the hospital with dangerously inadequate treatment, taunted by shelter safety staff, or any of a number of other injustices from the past week. At about the year-and-a-half mark, I

counted over 70 such stories among the 13 regular co-researchers. I came to see the co-researcher stories as produced in part by the daily pushings around, closings of doors, derailments of journeys, and relegations to ill-health that together make up the constancy of what Michelle Fine and Ruglis (2009) call “circuits of dispossession.”

Yet debates over gay marriage and the military’s “Don’t Ask, Don’t Tell” policy were consistently trumping mainstream public and LGBTQ awareness of these stories, policing stories that seem to sound a lot more like systemic racism and economic injustice than heterosexism and homophobia. I became compelled by the idea of bringing my scholarly attention to these contradictions of nationhood born on the backs of the people with whom I studied in which new freedoms, tied to sexuality and gender, could be denied by class and race, and the role policing took in making this so.

**The importance of studying strengths.** However, a study of the problems faced by racially and ethnically diverse, low-income LGBTGNC communities risked generating yet another victim narrative. I was challenged by my own intellectual and ethical commitments, principles of participatory action research, and co-researchers with whom I worked not to head down this path. Some co-researchers argued that rather than turn the spotlight, once again, toward the relentless forces pummeling queer people of color (poc) communities, we needed to direct our gaze to low-income queer poc creativity and strength. We needed to wrestle with what they lived with other such goals in mind.<sup>13</sup>

Over time, I eventually came to see how the constancy of dispossessive processes, viewed through a strengths-based lens, can also point toward possibility. By paying attention to what the participants in our research (including ourselves) did in the face of

oppression, I came to see civilians as actors in the dynamics of oppression, not products of it, and their daily actions disruptions of the smooth-running circuitries of dispossession.

Therefore, while the WWRC was gathering data on violence and discrimination, we worked to shape broader theories about the proactive dimensions of low income LGBTGNC lives. To guide our research, we asked research questions about how low income LGBTGNC people a) rely on each other for the resources they need to support their daily resilience, b) define and fight for justice, and c) build community with each other. We itemized problems such as access to government benefits, discrimination and violence at state and nonprofit agencies (including hospitals, schools, homeless shelters, and LGBT organizations), and targeting by police and balanced this with a focus on how LGBTGNC folks participate in their communities, engage in self-care, manage societal abuse, and assert ideas about justice. We applied our ideas to our storytelling project and survey methods, foregrounding low income LGBTGNC participant voices, inviting them to tell their own stories, asking not only about the strategies they used to challenge unjust treatment, and asking for their opinions about justice and the strengths they bring to their lives and communities.<sup>14</sup>

In focusing my dissertation research then, the problem of harm at the hands of authorities did not take root as an analysis of state power or government power over, rather, I aimed to validate what civilians did from their perspectives. Turning away from a direct look into danger, pain, and injustice made me feel uneasy, like I was trying to study something without admitting it. At the same time, the unease became a useful

pressure to keep me from reproducing discourses of a superior, unidirectional oppressor power and to re-envision civilian action as proactive (See Billies, 2010).

**The importance of studying problems: A return.** As I practiced studying the negotiation of social problems from the perspective of strengths, I began to recognize anew the importance of my preoccupation with potential harm. Whether low income queer folks were nastily rebuffed at state benefit offices or taunted and roughed up by law enforcement, the harms they faced – physical and verbal harassment as well as denials of public service – had become a kind of latent understanding of what it means to be poor, queer, and from a community of color. I began to see it was important to identify at least two aspects of harm left out of most discourses I found. For one, the range, severity, and regularity of harms that were simply missing from not only masternarratives but also counternarratives in media and research. This trend prevented some of the important material I needed for my effort to make sense of community responses to surveillance threat from being available. In order to conceive - or even perceive - what people do when targeted by state officials, I had to better understand the kinds of threats they faced. I needed data about law enforcement behavior as a foundation: a specific, moment-to-moment itemization of the potential harms civilians are up against.

Further, a detailed analysis of what became my focus, police action (see more below), was necessary for me to be able to talk in new ways with researchers and advocates about something they (thought they) already knew. Many facts of surveillance threat – the groundless stops, the unfounded pushes into the criminal justice system, the uses of physical and sexualized force, the deceitful harassment - are hidden in plain sight, both obvious to those who live it and vastly under-acknowledged by mainstream thought

and research. I needed to emphasize these gradations in order for civilian action to even be recognized as such.

For two, because creative civilian response keeps up so insistently with potential and actual harm from authorities, surveillance threat and civilian response need to be understood as an interactive dynamic. To resist narratives of power in which government authorities hold all, I had to pay close attention to the ways civilians respond. Therefore, while I emphasize the kinds of harms civilians face with my first research question, my larger goal was to study the nexus of civilian interaction with authorities. This led me to lines of inquiry into the kinds of surveillance threat civilians face and how civilians negotiate them.

Quantitative analyses NYPD stop and frisk conducted by local and national advocacy institutes and university-based research projects have been providing reports on stop and frisk in support of legal cases (Fagan, 2010), community education, and public debate. Most of these analyses tell stories of the disproportionate extent of everyday policing among Black and Latino men in NYC and the likely unconstitutionality of a great number of these stops (Center for Constitutional Rights, 2012a; Jones-Brown, 2010; New York Civil Liberties Union, 2012b).

A few analyses in these reports proved central for clarifying the problem of surveillance threat, particularly the extent of officers' provocative behavior. The rates of ticket, arrest, and weapon retrieval appeared surprisingly low compared to the rate of stops, suggesting those stopped were not the incipient criminals police would have the public believe. Also, rates of force used by officers was suspiciously twice as high as those stops resulting in a legal consequence, leaving the question open about why officers

would stop and use force against civilians in the first place. These data led me to ask what concept could express the psychological and material package of being stopped, accused, manhandled, and let go.

Among many troubling aspects of stop and frisk, advocates and researchers point to such data as evidence of the egregious disregard for the civil rights of young men of color. Yet police violence continues to be framed in the media as relatively rare instances of police brutality. This framework seems to cast commonplace use of force into a different order of public concern than “unfair” or even “unlawful” stop and frisks and makes invisible unprovoked officer aggression. One of the problems with the public discourse of police brutality is its slide into an exceptionalist framework in which police violence is unusual, committed by rogue officers under unique circumstances. My challenge was to conceptualize potential violence as typical of, rather than an exception to, everyday stop and frisk. These perspectives further support the idea that targeted communities must regularly wrestle with violations of both their civil and human rights in encounters with police officers. I discuss the methodological implications of these issues in the section on Research Question 1 below.

A second and related issue is the way the stop and frisk narrative as a genre shapes and restricts both mainstream and advocate discourses about stop and frisk as a practice. The stop and frisk narrative is a burgeoning form of public witness against widespread police harassment. This narrative is also a genre, a way of communicating a story that has a particular with serious implications for meaning-making. As Solis (2004) argues, “narratives are a cultural medium for the development of consciousness” (p. 184). Mainstream and alternative news outlets, advocacy organizations, and research institutes

focus on the phenomenon of stop and frisk in ways that have resulted in a familiar story: a young man or group of young men of color is stopped by one or more police officers; questioned, searched, or thrown to the ground; given a ticket, arrested, or released without charge; and sometimes goes to court. Counternarratives, or those that challenge dominant cultural narratives of just policing, often emphasize the injustice of the stop. In some narratives, a witness shares his opinion about policing after the stop is over, critiquing racism or abuse of authority in ways that underscore unjust treatment.

While this stop and frisk story is crucial for portraying the reality of policing, it is important to examine critically. INCITE! (2009) questions discourses of police brutality because the media and advocates alike tend to leave out the stories of women and LGBTQ people. Not only do these experiences need to be addressed, they argue, but also, broadening the notion of police brutality to include misogynist, heteronormative, homophobic, and transphobic forms generates a more comprehensive, intersectional critique of state violence against people of all sexualities and genders.

Similar to police brutality stories, the stop and frisk narrative tends to leave out stories of women and LGBTQ people. Further, the proactive steps of civilians, straight and queer alike are left out or made invisible in the telling. The methodological implication of these issues are discussed in this section on Research Question 2 below.

Next I discuss the conceptual and development of surveillance threat for Research Questions 1 the development of a focus groups method to collect civilian response data for Research Question 2. I then describe my collection of stop and frisk narratives into an archive based on the initial ST conceptual work and response findings, an archive I use to study both Research Questions 1 and 2 with more depth, breadth, and complexity.

I describe the analytic method I use to make sense of the archive narratives and conclude with a short

**Research Question 1: Method of Developing Surveillance Threat as a Concept**

To respond to question I, first developed the concept surveillance threat using empirical data and then gathered qualitative and quantitative data to analyze its forms.

**Developing the concept Surveillance Threat.** The development of this concept is a direct result of the need for it. In the literature, there is no specific term for the risk of unjust psychological and material consequences to civilians subject to law enforcement attention. Machado and Silva (2007) highlight conceptual analysis as a core but under exercised practice in psychology. It is important, they argue, to clarify and specify vague concepts and those that suggest multiple meanings. This is especially important when studying interactions with law enforcement because concepts in the literature can obfuscate police injustice. Existing terms either portray the encounter with law enforcement as a neutral interpersonal meeting (the “police-civilian interaction”) or as a form of violence that has been used to imply intermittent, exceptional police behavior (“police violence,” “police brutality”). A concept closer to my study, “criminalization,” suggests, as I hope to, a pervasive, community-level phenomenon of injustice at the hands of legal authorities; however, it also refers to a more widespread set of processes than I examine. Two concepts in the psychology and public health literature, “provocative policing” and “coercive policing” offer an important foundation of meaning and data about police behavior on which I build my model of thinking about such harm. With my concept “surveillance threat,” I add a study of the anticipation of harm as immanent, with the potential to escalate, an experience for which civilians prepare and to

which they pay close attention as they negotiate police behavior. And, as stated earlier, my case study of policing provides a basis for understanding criminal justice and border enforcement dynamics more generally.

Complementing research institute analyses of NYPD data with data from WWRC and PFJ, I conducted secondary analyses of quantitative survey data and findings to support my definition of surveillance threat.

Because data coming from WWRC and PFJ represent the perspective of those stopped, they often include details of interactions with police not captured in police records. Not only do these PAR studies corroborate the story of disproportionate stops among men of color in NYC, they also capture the experiences of women, girls, and LGBTGNC New Yorkers. They document the epithets and threats officers use, the sexual harassment and abuse officers commit, and other kinds of disturbing antagonistic and provocative police behavior not captured in police records.

**Operationalizing surveillance threat.** In order operationalize my conception of surveillance threat, I began sifting through WWRC data for three perspectives:

- 1) the presence of police in low income LGBTGNC peoples' lives;
- 2) the perceptions among low income LGBTGNC respondents of the stereotypes that fuel police targeting; and
- 3) the pervasiveness of negative treatment by police.

To do so I analyzed three WWRC survey items:

- a) a measure of the rate of police involvement in instances of discrimination and harm,
- b) a measure of the range and frequency of stereotypes civilians perceive in operation when police target them, and
- c) a scale enumerating instances of negative and positive interactions with police.

I also drew on PFJ data as additional support for my conceptualization. I will discuss how each contributes to my understanding of surveillance threat in turn.

***Surveillance as police presence.*** In our research, the WWRC wanted to study the insidious presence of police in low income LGBTGNC peoples' lives. To do so, when we asked in our survey about experiences of discrimination in government and nonprofit agencies, we provided check-boxes to tally the number of authority figures involved including staff, guards, and police. Over 40 percent of the 66 incidents of discrimination survey takers reported involved a police officer (over 50 percent involved an agency staff person and 20 percent involved a security guard, Welfare Warriors Research Collaborative, 2010). Qualitative findings help make sense of this data: police are often called in to handle problems in nonprofit and government health, housing, and welfare agencies. These data back my operationalization of the concept "surveillance" as the regular presence of law enforcement personnel.

***Surveillance as multiplicitous profiling.*** Because low income LGBTGNC communities in NYC are also racially and ethnically diverse, we wanted to find out how the well-documented racism of police violence intersects with other forms of profiling in low income LGBTGNC lives including class, gender presentation, assumptions about sexuality, political and community activity, immigration status, and ability. A third of WWRC survey takers reported that they are targeted based on one form of profiling, a third reported being targeted based on two forms, and a third reported targeting based on three forms (Welfare Warriors Research Collaborative, 2010).

Relatedly, PFJ (Stoudt et al., 2011/12) found that lesbian, gay, and bisexual-identified (LGB) youth face rates of negative policing almost 20 percent higher than the already high rates among straight youth (63.8 of LGB youth survey takers reported negative interactions compared with 53.5 percent of straight youth. These rates also vary

based on location and type of harm – LGB rates can be 10 percent to 300 percent higher than those of straight youth). Further, multiracial, African American, and Caribbean youth were more likely to report negative interactions with police. For example, 24.8 percent of multiracial youth and 17.8 percent of Black (African American and Caribbean) youth reported being frisked or strip searched by police compared with 11.1 percent of white and 7.4 percent of Asian, South Asian, and Pacific Islander young people.

Surveillance threat intensifies in relation to race, gender, and sexuality.

***Threat as negative interactions with police.*** For our survey, the WWRC developed a 12-item scale based on modifications to one developed by PFJ (discussed in more detail below) to capture the frequency of a range of negative interactions with police while measuring rates of two positive forms of interaction as well. WWRC found extremely high rates among low income LGBTGNC respondents: 54 percent had been stopped for questioning in the previous two years, 47 percent had been arrested, 47 percent had received a ticket or a summons, 29 percent had been strip-searched, and 19 percent had been physically-assaulted. Cross-tabulations by gender and by housing status show even more dramatic levels of policing among self-identified transgender, Two Spirit, and currently homeless survey takers. These data provide important evidence of the negative repercussions of policing, further supporting the idea that these interactions threaten the material and bodily safety of targeted civilians.

***Physical, verbal, sexual, legal threat.*** PFJ analyzed data from its survey measures of negative interactions with police among NYC youth for their physical (16.1 percent), verbal (40.6 percent), sexual (12.0 percent), and legal (22.7 percent) forms. Critical criminological, psychological, and public health community-based survey and

ethnographic data verify not only that targeted communities (low and middle income park users in Harlem, young men and women of color in NYC and St. Louis, etc.) are familiar with regular physical threat from police, but also face accusatory, insulting, inflammatory comments; sexualized force; psychological pressure; and unfounded legal consequences (Cooper et al., 2004; Fine et al., 2003; Fine et al., 2010; Stoudt et al., 2011/12; Weitzer & Brunson, 2009). (See Chapter 2, Literature Review for more.)

***Surveillance threat in space.*** Lastly, contributing a spatial analysis to reports of NYPD stop and frisk, PFJ also measured where those young people who experience negative policing live, finding disproportionately higher rates among youth in the Bronx and Brooklyn. ST is a spatial phenomenon as well.

**In sum: Defining surveillance threat.** I brought these findings together to define Surveillance Threat (ST) as a multidimensional dynamic in which those who have been portrayed as a threat to society are themselves potentially subject to harm at the hands of law enforcement. ST takes three interrelated forms: a) the potential for physical, legal, verbal, sexual, psychological, neglectful, and spatial harm; b) the threatening attitude of law enforcement officers, and c) the civilian's perception of immanent harm. Although not naming anything new - surveillance threat is as old as policing itself (Mohammed, 2012)- what this concept offers is a tool for reversing the direction of threat, challenging the notion of an aggressive civilian (based in large part on the stereotype of black men as aggressive criminals, Mohammed, 2012) to which police respond with more or less justifiable force. It also makes possible an analysis of police interactions for the characteristics of police authority and the forms of force civilians confront. In Chapter 4, I start within these broad contours and analyze a data set of stop and frisk stories (from an

archive I describe below) with greater specificity to better understand how police assert control, identifying these characteristics in a more detailed and nuanced way.

### **Research Question 2: Method for Studying Civilian Response**

Having established the ST framework, I returned to the larger project of studying the police-civilian interaction as a dynamic. My task was to widen the unit of analysis around the phenomenon of surveillance threat to develop a model of civilian-centered experience that emphasizes the civilian role. Looking in this way could also clarify relations of power between civilians, communities, state agents, and state agencies.

Therefore, I conceptualized the negotiation of surveillance threat as a struggle and used an opportunity to collaborate with Polling for Justice (PFJ) to find out more about what interactions with police are like for young people.

Having tabulated disparities based on sexual and gender identity among youth, PFJ sought the insight of LGBTQ young people to help explain why and how police target them even more frequently than their steadily policed straight peers. Researching all too familiar police violence from the very unfamiliar perspective of LGBTQ youth offered a chance to apply evolving participatory methods for collecting data and analyzing it. Joining forces with a colleague, Kendra Brewster (Ph.D. Candidate in Social/Personality Psychology at the Graduate Center) and three young people hired as co-researchers, I helped develop a method of data-driven focus groups. Our participatory project sought to explore racially diverse LGBTQ young peoples' opinions and feelings about the rates of policing PFJ found in their lives and what they do in response to unjust policing.

To collect data, the co-researcher team recruited 10 LGBTQ youth who participated in one of two 2-hour focus groups in March 2009 through networks of youth organizations, primarily by sending fliers over email to staff and youth members, reaching out in person, and inviting individual youth recommended by professional contacts. All participants identified as youth of color (identifying as African American, Latino, and multiracial), with a range of sexual identities (including gay, lesbian, bisexual, same gender loving) and gender identities (femme, transgender, gender nonconforming, male, and female).

Contributing to the focus group protocol gave me a chance to study how young people negotiate interactions with police in a more nuanced way. By developing primary questions and prompts I hoped to crack open typical narratives about policing that tend to encapsulate a story of justified or unjustified policing and leave out discussion of what civilians actually think, feel, and do. That is, as I discuss above, masternarratives tend to racialize and demonize civilians as aggressive while counternarratives urgently caution them against provoking officers. Neither, however, recognizes or validates a wide range of civilian action as proactive, strategic, justified, and defensible. Because this perspective undergirds the logic of my dissertation, the next section describes how I used the focus group protocol to address limitations in the counternarratives of stop and frisk. Namely, because the stories of LGBTQ people are often left out of stop and frisk discussions, we as focus group co-researchers recruited our sample toward filling this gap.

Further, in the focus group interview protocol<sup>15</sup>, I began to develop the analytic theory that became the foundation for my research. I sought to complicate the stop and

frisk narrative by "troubling the end of the story," suggesting that what the officer does may not be the only or most useful endpoint of the story. Troubling the end of the story opens the possibility of a wide range of civilian actions during and after the interaction. This is important because, as Ewick and Silbey (2003) propose in their research on citizen resistance to authority, "the act of storytelling extends temporally and socially what might otherwise be an individual, discrete, and ephemeral transaction" (p. 1328). While they emphasize the potential reach of storytelling, I add that civilians' perspectives can enrich the story itself when their actions help define when it starts and ends. (See the Video and text analysis: Slowing the interaction section below for an extended discussion.)

In crafting focus group protocol questions, I drew on conceptual work conducted by the WWRC team regarding survey takers' strategies for managing negative interactions with police. Our measures allowed us to identify a wide range of self-protective, self-advocating, and collectively-focused responses to police violence and other forms of oppression. (While above I itemized measures that aided in the development of the concept surveillance threat, here I drew on WWRC's research to think through ideas of civilian response.) A majority of low income LGBTGNC respondents reported taking action on their own behalf in discriminatory or oppressive situations, including speaking and fighting back in the moment and afterward; using informal, formal, and legal means to challenge how they were treated; joining social change efforts; and staying focused on their own needs and goals. Based on these findings, I included prompts in the youth focus group protocol ("What did you do?" "What did you want to do?" "How did you feel?" "What did you do when you were

feeling that way?") intended to elicit a range of young peoples' responses to being policed.

These prompts proved useful. Young peoples' responses in the focus groups suggested they did not even recognize their proactive, self-deterministic choices as such. Though quick to tell policing stories, when co-researchers asked young people what they did and how they felt in response, there was often a 'hiccup' – a repeating of the question or a pause, as if caught by surprise. What they said next was often full of actions and opinions not included in the first telling of the story. My hypothesis that civilians may not recognize their own self-determining behaviors when interacting with police seemed evident in these narrative "disjunctions." Yet this information is also just below the surface – a resource waiting to be tapped.

Findings from the focus groups greatly enriched my understanding of the phenomenon of surveillance threat and the reconceptualization of this threat as a struggle. Chapter 5 uses evidence from the focus groups to analyze multiple dimensions of civilian struggle with surveillance. In the fourth phase of concept development, I studied the steps civilians take to deflect, temper, and confront police action.

### **Collecting Data for Research Questions 1 & 2: Developing an archive of stop and frisk narratives**

Applying lessons learned from the survey and focus group methods I had used thus far, I gathered 101 stop and frisk stories in a range of formats into an archive to test and refine my ideas.<sup>16</sup> In addition to stories from WWRC and PFJ data, I took advantage of a rapidly growing pool of testimonial stop and frisk videos readily available on the internet, Youtube.com in particular, in the form of individual and organizational (legal

advocate and grassroots media) postings. I assembled them into the Stop and Frisk Archive, a collection of text and video narratives from a number of sources spanning the years 2007 to 2012<sup>17</sup> including

- participant observation notes, focus group transcripts, and qualitative survey data from WWRC and PFJ,
- websites of NYC-based alternative and mainstream news sources (such as All Things Harlem, City Limits, the Village Voice, the Independent, the New York Times, the Daily News); and
- Youtube videos and web-based texts from NYC legal advocacy organizations and community organizing projects (such as Police Reform Organizing Project, the Audre Lorde Project, and Make the Road) and self-published video channels (such as the rap team Rebel Diaz).

I have chosen to analyze these stories as narratives in order to assess how they speak back to police-centered interpretations. Together I used these narratives to better understand both surveillance threat and civilian negotiations of surveillance threat. In essence, I revisited these concepts, applying them in an analysis of the micro-moments of police-civilian interaction that prioritized civilian perspectives and agency. The following describes my methods of data collection and theories of analysis.

**Covering the gaps: Purposive narrative collection.** I chose this eclectic method for collecting narratives based on principles of purposive (or “theoretical”) sampling (Barbour, 2001; Mays & Pope, 1995; Patton, 1990) to reach stories beyond the mainstream that had more potential to reflect the kinds and details of policing experiences I aimed to study. That is, I sought narratives that a) implicitly or explicitly included the civilian perspective; b) showed or described action by both officer and civilian; and c) included representations of women, transgender people, and lesbian, gay, bisexual communities. To do so, I gathered stories in a range of formats. Barbour (2001) cautions against the analytic problem of knitting together different kinds of data because

the contexts from which they emerge cannot be reconciled with each other. In other words, since “stories are social events,” (Ewick & Silbey, 2003), their varying contexts shape their meanings. Meanings that appear similar might, in fact, reflect very different discursive projects and purposes. In that sense, when I analyze Stop and Frisk Archive narratives as a group, my findings are limited because the ways in which the data were gathered (focus groups, video interviews, newspaper archive searches), the self-selection bias that strings through many stories posted online, and the varying forms they take (transcripts, survey responses, video transcripts, visual narratives) make them serve different social purposes. At the same time, some stop and frisk stories are still very hard to find, particularly those that articulate proactive civilian behavior during the interaction and those that represent (cisgender) women, transgender and gender nonconforming people, and LGB communities. I brought together varied forms of narrative in order to ensure coverage of these gaps.

**Demographics of the Stop and Frisk Archive video and text narratives.** The table below describes the number and proportion of civilians in the Stop and Frisk Archive stories by gender, race/ethnicity, and sexuality, where identifiable.

Table 1: Demographics of Stop and Frisk Archive  
Video and Text Narratives

Civilians Identified in 101 Narratives	N	%
<b>Total Sample</b>	135+	
<b>Gender</b>	96	
Male		73 %
Female		24 %
Transgender/Gender nonconforming		3 %
<i>Not identifiable</i>	39	
<b>Race/Ethnicity</b>	82	
Person of Color		100%
White		0%
<i>Not identifiable</i>	53	
<b>Sexuality</b>	11	
Lesbian, gay, bisexual, queer		8%
<i>Not identifiable</i>	124	

Over 135 people were involved in the 101 analyzed interactions.<sup>18</sup> Among those civilians whose gender was self-identified or identifiable,<sup>19</sup> 73 percent were men, 24 percent women, and three percent transgender or gender nonconforming. All those who could be identified appeared to be people of color (though 53 civilians in text based narratives were not identifiable). Eight percent, (PAR co-researchers, participants in focus groups, and those described in news articles), explicitly identify as lesbian, gay, bisexual, or queer.

**Who narrates incidents in videos and texts.** Video testimonies by those who have been stopped make up more than three-quarters of the narratives, while about a sixth of the stories were reported in text or video by journalists (see the chart below). Bystanders and community members told 13 of the stories, four of which were told second-hand. Eight videos show police encounters as they take place, two of which included interviews with civilians immediately after. This leaves six videos for which a visual, but not verbal, narrative can be read.

Table 2: 101 Text and Video Stop and Frisk Narratives<sup>20</sup>

Narrated by	Number of Police-Civilian Interactions Described or Shown
Civilians who were stopped	78
Journalists	18
Bystanders	9
Community members not present during interaction	4
No verbal narration	6

### **Research Questions 1, 2, and 3: Analyzing Video and Text narratives by Slowing the Interaction.**

I analyze narratives from the archive to study what threats civilians face, the ways they respond, and how their responses attempt to shape their daily lives, developing a highly productive analytic method that starts from the civilian perspective and slows the pace of often rapid interactions in order to capture micro moments of expression and behavior. (I discuss the rationale for Research Question 3 below and the analytic method I use for this question in Chapter 6.)

The videos are in two forms: live-action footage and after-the-fact eye-witness accounts. For live-action video of actual police encounters, I modified a method of analysis used by Johnson (2006) who coded episodes of the television show *COPS* to study officer behavior. In his critical project, Johnson (2006) found that officer likelihood to treat non-suspects like suspects varied in direct relation to non-suspect race and emotional expressiveness. I became intrigued with the idea of using video as a tool for analyzing police behavior because studies of officers in action are often ride-along studies (in which researchers accompany officers on the job) from the law enforcement perspective. I extended Johnson's (2006) method by using conceptual tools developed in

the PAR studies in order to bring the civilian perspective to bear on what takes place.

I approached the data using a discourse and visual content analysis from a phenomenological perspective (which I describe in more detail in Chapter 5), aiming to slow the interaction down to explore what Crenshaw and Peller (1993) call the “meaning-giving context”. The process of slowing narratives can render parts of the context invisible, change them, or bring them forward. Next I describe these dangers and possibilities in detail because this method proved to be so useful.

**Slowing the video to replace harm with doubt.** By analyzing how the infamous video of Rodney King being beaten by police was manipulated in the courtroom, Crenshaw and Peller (1993) show the pernicious effects of evacuating and replacing contexts of meaning. Police defense lawyers displayed images from the video in isolation, successfully convincing jurors they could not find officers guilty of excessive force beyond reasonable doubt. Slowing the video to a halt and describing officer gestures with professional, scientific-sounding terms (“baton strokes”) worked to deny the common sense frameworks of meaning (such as “beating,” “injuring”) jurors might otherwise have used to make sense of police brutality. The lawyers’ approach resulted in a masternarrative of just policing that rendered history transparent – that is, seemingly simple and unconflicted – by changing the context and therefore changing the meaning. The researchers show how meaning can be made flexible by inserting logics that sound like reason and manipulating the discursive authority of science.

**Slowing the narrative to acknowledge strength and resistance.** Yet slowing the narrative is also a fundamental technique in psychotherapy with trauma victims with the opposite intent – to make meanings denied in the course of traumatization available to

be processed and integrated. When a client repeats the story of a traumatizing experience at a slower pace, she can regain control over what was an overwhelming flood of thoughts, feelings, and sensations at the time. In this way, she can acknowledge the micro-choices she made at the time and feel more fully each changing feeling that emerged as the event unfolded. This processing was impossible at the time but can now facilitate the reclamation of a sense of power over what happened. With this method, a story of traumatic fear and shame can transform into a story that includes proactive, self-protective, self-assertive actions. It can also include a reassessment of the reality faced: the nature of the surroundings, relations of power, etc. to rework clients' perceptions of individual failure and inaction into a sense of agency amidst contextual demands. More complex meaning-making that had been put on hold in the face of a crisis is restored in time.

**Slowing the narrative to assess multiple meanings and dynamics of power.**

Narrative analysis itself depends on slowing down what it means to read texts, parsing meanings to appreciate the rich and complex forces shaping the meanings and effects of discourse. Narrative analysis is premised on the idea that meaning is both fluid and a reflection of the social; what matters more than truth per se is the ability to recognize the relationship between perspective, politics, and the meanings made by narrators and audiences.

Based on these perspectives, in analyses of the Stop and Frisk Archive through the rest of this dissertation, I slow the stop and frisk narrative to identify patterns of routine police provocation and civilian agency. As I will show, this method opens a fertile space for civilian-centered assessments, including a nuanced and deeply troubling

understanding of the actual harms civilians face from provocative policing in Chapter 4 and a comprehensive account of civilian responses in Chapter 5.

### **Research Question 3: Implications of Civilian Struggle over Surveillance Threat**

After analyzing ST and civilian response, I was not satisfied. Pettigrew (1997) models the varying relationships among individuals, groups, and society studied by social psychology and it was fundamental to my research aims to place the police-civilian dynamic I had now identified within a social context. Among the possibilities I saw, it felt important not to romanticize civilian agency as its own reward without considering the impact of the context. Rather, following M. Brewster Smith (Kahn, 2008) and many other sociological social psychologists, I look at the interpersonal interaction between police and civilians for its relation to social conditions, which Pettigrew (1997) describes as a social psychological activity of researching the relationship between mezo and macro levels of analysis. I applied the thinking of Abu Lughod (1990) to analyze civilian struggles as expressions of power and theorize what conditions of daily living they might be struggling over and for, linking micro and macro analyses. I defined the “macro” level of analysis using a local community framework, imagining the urban setting of NYC as the relevant context for understanding police and civilian behavior, developing this thinking into a framework for considering the kinds of urban civil life civilians enact. I express this theoretically in more detail in Chapter 6, in which I ask the question, What kind of urban civil life do civilians struggle over and for in interactions with police?

### **Conclusion**

In order to study questions about the police-civilian dynamic that are rarely explored, even in critical psychology and critical criminology, I bring together strengths

of varying critical methods in a unique way. While some of these literatures analyze provocative policing from the civilian perspective, they tend to focus on police power and leave civilians subject to it. The civilian perspective also makes issues of liberation foundational for a social psychological theory of police threat. I needed a method that could acknowledge civilian action as an expression of power.

After developing the concept surveillance threat and developing a focus group method for collecting civilian response data, I constructed a data set for studying my three research questions. I discuss how I created the archive here and use the rest of the dissertation to respond to the research questions. In Chapters 4, 5, and 6, I apply the concepts of surveillance threat and civilian struggle to further theories of surveillance threat, dynamics of power, community practice, critical consciousness, and generative responsiveness.

## Chapter 4: Police Surveillance Threat

Me and my girlfriend were coming home from hanging out; it was about 1 o'clock in the morning. I was tired and I was sitting next to her in a two-seater (in the subway car) and a cop tapped me and woke me up and told me to get off the train. And, he told me to get off the train and frisked me. He asked me for my ID and he had no reason to. I felt like it was because of...what I, what I am, and, um, I wouldn't give him my ID so he put me under arrest. When he put me under arrest he kind of like was rough for no reason.

Gabrielle

In this chapter I explore how stop and frisk policing practices turn the city into a material and psychological minefield for certain communities. This minefield creates a social psychological condition I call Surveillance Threat (ST), the civilian perception of immanent harm at the hands of law enforcement.

Gabrielle and her girlfriend, roused out of a bubble of imagined safety, find themselves thrown off a subway car in an encounter with police. They are quick on their feet, though they cannot stop the plot from unfolding. In fact, Gabrielle's very assertion of rights becomes the trigger for her arrest. According to Gabrielle, she is singled out for "what" she is – a young, queer woman of color.<sup>21</sup> From the moment the officer taps Gabrielle, they are drawn into a history of long-circulating forces that wrap race, gender, sexuality, class, ability, and national borders around blunt instruments of policing that restrict mobility and securitize urban space.

By bringing together city-wide quantitative stop and frisk data with narrative analyses of specific police-civilian interactions, I focus on the harm civilians negotiate in their encounters with police to understand the material and psychological instability these interactions create. Civilians, particularly those most often targeted by police, must figure out ways to handle a pervasive, generalized surveillance that becomes highly

concentrated when approached by officers who surprise, falsely accuse, ticket, taunt, force to the ground, point guns at, arrest, handcuff, beat, strip search, imprison, and threaten to kill.

As discussed in Chapters 1 and 2, advocate and academic institute reports have provided consistent evidence of police violence in NYC (Center for Constitutional Rights, 2012a; Jones-Brown, 2010; New York Civil Liberties Union, 2012b; Stoudt et al., 2011/12). In addition to obvious racial injustice, of over 4 million stop and frisk interactions from 2004 to 2011, 86% to 90% of those stopped each year have left the encounter without having been summoned a ticket or arrest, suggesting a pervasive lack of legal bases for stops (New York Civil Liberties Union, 2012b).

These figures indicate an escalating problem of police power that the field of social psychology needs to do more to understand. The dominant social psychological model of the police-civilian interaction assumes a world of criminality within which law enforcement makes relatively just or unjust choices (Murphy, 2009; Shon, 2002; Sunshine & Tyler, 2003; Tyler & Huo, 2002). This framework urgently needs to be transformed, with the perspective of targeted civilians at the center. As I describe in Chapter 2, some researchers such as Cooper et al. (2004), Fine et al. (2003), Holmes and Smith (2012); Stoudt et al. (2011/12), and Weitzer and Brunson (2009) are doing this work, establishing a typology of provocative policing in everyday interactions. Work that “theorizes up”, like that of Weitzer and Brunson (2009), Fine et al. (2003), and Stoudt et al. (2011/12) analyzes what young men’s and women’s reactions to policing reveal about structural policing patterns, intergroup racial relations, and societal priorities. Over the

next two chapters, I build on their work by analyzing the forms of power civilians face and the kinds of power they assert.

Investigating stop and frisk as an instantiation of surveillance threat from the civilian perspective means analyzing police violence as an everyday rather than aberrant practice. It also means critiquing the relationship between the use of force and the law. It further means theorizing sexual and gender-based forms of policing through a lens of intersectionality. In this chapter I zero in on everyday police practice for the ways it produces relations in which those who have been portrayed as a threat to society are themselves potentially subject to harm. In the next chapter (Chapter 5) I focus on how civilians prepare for, respond to, and shape surveillance relations.

### **Researching and Theorizing Surveillance Threat**

My approach to surveillance threat draws on research on social psychological approaches to racial oppression. Steele (1997) created the concept “stereotype threat” to describe the effect of the perception of racial or gender stereotypes on performance among African Americans and women respectively. Importantly, stereotype threat captures an interface of the psychological-material dimensions of oppression. That is, while stereotype threat is an experience of perception and is therefore, as Steele (1997) says, “in the air” and *not* based on an immediate material interaction, the material effects of *actual* stereotyping are real, posing an ongoing psychological challenge to perceivers. How does one perceive one’s possibility for achievement in a world in which stereotypes can materially trump one’s success? With the concept surveillance threat, I build on this theory at the nexus where psychology meets materiality by focusing on how practices of

harm and intimidation create a psychological problem for civilians who perceive and must negotiate these threats before, during, and after their materiality.

Like stereotype threat, which reframes African American student disengagement from school, for example, as a means of protecting the perception of reality and the self (that is, disidentifying with an institution that actually produces their failure), surveillance threat means that civilians must materially and psychologically protect themselves from institutions and systems that criminalize and incarcerate them without basis. Unlike stereotype threat, however, which also — and more famously — examines how students respond to the threat of being stereotyped by subconsciously undermining their own performance, I define surveillance threat in relation to civilians' more often conscious, multiplicitous responses<sup>22</sup> to the impending material actualities of provocative policing.

This chapter delineates a police approach to civilians that encompasses a wide range of legally questionable behaviors. I analyze the kinds of power these forms assert and the psychoemotional challenges they pose. The concept “Surveillance Threat,” as I describe in Chapter 3, refers to three aspects of the police-civilian interaction: the potential harms civilians face, the threatening attitude and behavior of officers, and the civilian perception of immanent harm.

### **Analytic Method**

In Chapter 3 I describe my data collection method and my approach to coding and analyzing videos and texts. With my analytic strategy grounded on the principle of slowing the moment to develop a more nuanced understanding of the interaction, I conducted a content analysis (Smith, 2000) using previously established codes for police behaviors including physical, legal, verbal, and sexual forms (Cooper et al., 2004; Fine et

al., 2003; Stoudt et al., 2011/12). I also added a set of codes to analyze police action in relation to the spatial context. Within these five codes, I borrowed and generated original subcodes that provide new insight into police behavior. I included codes (with examples taken from narratives in parentheses) such as: physical (handcuffed, pushed against a wall, grabbed, physically restrained, shoes and socks searched, roughed up); excessive physical (sprayed with mace, beaten and anally strip searched); legal (asked the cop to see his badge – cop put his shoe on his face; charged him with a DWI in a parked car); verbal: threatened, harassed, accused (told to stop complaining or they would make it worse for her, verbally abused); sexual (strip searched in van, precinct, hallway; anal search); and spatial: location, coming/ going (park bench, subway car, school, a block from his house, waiting for his grandmother at the station).

## **Findings**

In what follows I describe four threats to civilians in a surveillance encounter: legal forms that usurp civil rights, criminalize civilians, and represent potentially illegal police behavior; physical forms that threaten physical safety; sexual and gender forms that infringe on bodily and psychological integrity; and spatial forms that challenge civilians' right to occupy and move through space. This analysis replicates and extends the typologies of police violence found previously in the literature. How I define and operationalize the categories and subtypes as surveillance threats is described in each section below.

The chart below lists the four types of surveillance threat, provides descriptions of each sub-type, and the number of times they appear in the Stop and Frisk Archive.

Table 3: Typology of Surveillance Threats in 101 Stop and Frisk Interactions with the NYPD <sup>23</sup>			
Threat	Sub-Type	Description	Instances <sup>24</sup>
<b>Legal</b>			
	Questionable Application of the Law		
	Lack of legal basis	Stop without reasonable suspicion, search without probable cause, arrest without probable cause or warrant, arrest for not having ID, refusal of explanation for stop or arrest, etc.	52
	Vague or Quality of Life charges	Using 'disorderly conduct,' 'obstruction of pedestrian traffic,' 'trespassing,' etc.	19
	Questionable Use of Authority		
	Fabrication	Inventing crimes, inventing cause for legal action, misrepresenting reality	12
	Provocation	Instigating antagonistic interactions with civilians such as initiating a stop with aggressive physicality, accusing civilians of lying or having criminal behavior or intent, threatening to 'make things worse', using ethnic or sexual slurs, etc.	11
	Retaliation	Verbally assaulting, detaining, arresting, or using force against a civilian after civilian asserts rights	9
	Outcome		
	No ticket or charge	No ticket or legal charge after questionable use of the law or authority	28
	Charge dismissed	Charges dismissed in court after questionable use of the law or authority (assumed ticket or arrest)	15
	Arrested, ticketed, or taken in (no other information)	Ticket, arrest, or possible arrest following stop, with no other outcome information	3
<b>Physical</b>			
	Use of force	Forcing civilian to ground, beating with fists or batons, spraying with mace, kicking civilian	17
		Grabbing, "jumping," or pushing civilians	5
		Physically abusing civilians inside institutions (e.g. precinct, hospital)	3
		Pointing gun to civilian's head	2
		Civilian death as a result of use of force	1
<b>Sexual and Gender</b>			
	Physical sexual assault	Strip searching civilian	5
	Verbal sexual or gender assault	Sexually harrassing civilians, verbally assaulting civilians with sexist, homophobic or transphobic language, threatening sexual assault	5
<b>Spatial</b>			
	Detaining, imprisoning	Taking civilian to precinct, holding civilian in squad car, etc.	23
	Forced civilian movement	Telling civilian to move out of public or private space or instructing bodily behavior	19

### **Threats to legal protection by and from the law.**

“I was stopped for obstruction of pedestrian traffic right here actually, while I was waiting for my cousin, who actually lives in the building, who was with me and showed ID that he does live in the building. And they arrested me for disorderly conduct because I asked him (the officer) what was the charge and why is he harassing me.” (Charges were later dismissed.)

Aaron (ID 93)

Aaron’s story demonstrates a variety of legal threats civilians can face. While advocates and many others question the constitutionality of police stops (Center for Constitutional Rights, 2009; Fagan, 2010; Jones-Brown, 2010; New York Civil Liberties Union, 2012b), as shown in the chart above, data from the Stop and Frisk Archive call legality of police behavior into further question. Police surveillance can be legally threatening to those stopped because of questionable applications of the law and questionable uses of police authority. Further while other studies define negative “legal” interactions with police as a result in a legal consequence such as a ticket, arrest, or being taken into custody, I add the lack of legal consequence as an outcome in order to analyze both the problematic use of authority issue and the resulting lack of means for accountability for police behavior.

***Questionable application of the law.*** On the one hand, stopped civilians are at risk of disproportionate legal outcomes. As shown in the chart above, I have grouped these kinds of threats to safety from the state into two kinds of officer behavior (Each is followed in parentheses with the number instances in the 101 stories)<sup>25</sup>: the legally questionable stopping and arresting of civilians (N=52) and the application of generic or Quality of Life<sup>26</sup> charges (N=19). While Stoudt et al. (2011/12) found there were no differences in rates among ticketed or arrested youth by race or gender in the NYPD data, PFJ’s own findings show ticket and arrest disparities by gender (32.2 percent of young

men and 16.8 percent of young women), race (29.5 percent of multiracial youth), and sexual identity (34.3 percent of LGB youth). In WWRC's (2010) analysis, 47 percent of all low income LGBTGNC people reported having been ticketed and 47 percent reported having been arrested in the 2 years prior to its survey (N = 98, 105 respectively); 70 percent ticketed and 68 percent arrested among transgender and Two Spirit respondents (N=25), and 62 percent ticketed and 62 percent arrested among those currently homeless (N=26). It is no surprise that civilians are being ticketed and arrested; these figures add stop and frisk and Quality of Life reverberations through communities – youth, LGBTQ communities — under theorized despite their disproportionately high rates.

On the other hand, most stops in the Archive resulted either in no legal repercussions at all or charges being dismissed in court after questionable use of the law or authority (N = 43). In only three stories was an arrest made without further information about whether it was upheld in court, meaning that these are the only reported that may have stuck.

***Questionable use of authority.*** In the SFA, I identify three patterns of abuse of authority: office provoke civilians, retaliate against them when they are perceived to challenge officer authority, and fabricate evidence and law. Police antagonize civilians verbally and physically, provoking, intimidating, and overpowering them. Police stop and manhandle civilians without apparent reasonable suspicion or probable cause and may refuse to give a reason for the stop<sup>27</sup>. They may bring civilians to the precinct only to release them without explanation, or arrest them for not carrying ID. Officers refuse to give badge numbers, take personal possessions, and enter homes without permission or warrant. Officers fabricate events or rationales for tickets and arrests despite a lack of

evidence or evidence that proves them wrong. I will discuss provocation and retaliation by officers briefly.

*Provocation.* Not only are police aggressive in police stops (Holmes & Smith, 2012) but they often initiate aggressive relations. A number of narrators did not describe the interaction as a “stop” at all. Rather, many were suddenly grabbed or thrown against a wall. As a woman reports after witnessing an incident in her neighborhood, officers involved with one community member end up attacking another:

For no apparent reason, one of the officers ran over and pushed the kid. The kid did not push back, but stood back up and told the officer to stop. Then, the whole group of white police officers began pushing the kid, eventually knocking him onto the ground. It was clear that he had not been their original target, but...they ended up arresting him along with another young black male. (ID 39)

Whether physically aggressive or not, police provoke civilians by accusing civilians of lying then inventing or misinterpreting their behavior as defiant or criminal. This finding deeply counters the idea of an aggressive, probably criminal target and turns the tables on who instigates aggressive policing. While many civilians might become provoked by provocative police behavior and become angry, self-protective, or scared, whether and how they respond with their behavior is a separate matter, crucial to delink from the causality that casts policing as a result of aggressive or resistant civilian reaction. Therefore, I focus on the ways police behavior initiates a negative interaction, questioning the source and direction of aggression in the police-civilian encounter.

*Retaliation.* As shown in the chart, civilians reported in nine archive cases that officers beat, arrested, or incarcerated them after asking the reason for the stop, questioning officer authority, or asserting their rights. The officers respond to the civilian’s question as a trigger to rapidly escalate the severity of the stop.

While sitting in his car outside of his mother's apartment, P. was approached by the police. The officers asked for his identification and P. questioned their motives. The police responded by spraying him in the face with mace, ordering him out of his car, and handcuffing him. (ID 80)

As with both Gabrielle and Aaron, the police assert force immediately in response to Rinaldo's questioning. What authority do police officers think civilians are defying when they ask about their civil rights? Evidence of legal ST suggests targeted civilians face not only democratic but also authoritarian expressions of power. Historian Khalil Mohammed (2012) ties stop and frisk to the legal and institutional origins of the US criminal justice system which he argues were invented and expanded to manage free black people after the civil war. Black codes and law enforcement practices in the South coupled restrictions on mobility with "elastic" laws to ensure a prison population that could work on plantations. As black people migrated to Northern cities fearful of the black crime the South warned them about, policing was used to contain them in ghettos, which then reinforced an inherent black criminality used to justify the denial of social resources like education (in contrast, Mohammed (2012) argues, with the belief in European immigrants' ability to become full citizens which merited social investment in their growth and development). From his perspective, not only have the civil rights associated with policing always been continuously denied black communities, but policing has been the mechanism that has actively prevented access to rights by imposing a criminal status before entering the criminal justice system, a contortion of democratic law on behalf of something other than the people's will that denies black peoples' rights before they exercise them. Legal surveillance threat, that is, the threat to one's legal status and to the functioning of one's civil rights, therefore, may reflect a fundamental

belief in black and brown criminality that fuels and is fueled by an elastic, extralegal application of law enforcement power.

**Threat to Physical Safety.**

S. was walking home with a bag of dog food in March 2011 in Brooklyn when three plainclothes officers grabbed him, accused him of swallowing drugs, and tackled him. After a strip search in the precinct and a series of forced and invasive medical tests over two days at Interfaith Hospital, no contraband was found. The hospital billed S. \$9,500. (ID 62)

Troubling findings on legal threats to those stopped are even more sobering when the spectrum of physical harm is added. The data in the chart emphasize the commonplace use of force, much of which is familiar: beatings, shoved to the ground or against the wall, etc. although other examples include outrageous subjections like the forced medical testing above. According to NYPD data, officers recorded using force at least once in 21.6 percent of stops and rates vary greatly by location; the 46<sup>th</sup> precinct in the Bronx used force in 57.7 percent of stops while the 111<sup>th</sup> precinct in Queens only used force in 4.7 percent of stops (New York Civil Liberties Union, 2012a). This pattern was echoed in the Stop and Frisk Archive in which over a quarter of the narratives (28 percent) reflected at least one threat to bodily integrity or physical safety. In the Welfare Warriors Research Collaborative (2010) data, almost a fifth (19 percent) of the low income LGBTGNC survey respondents reported having been physically assaulted by police in prior two years prior, including almost a quarter (24 percent) of homeless LGBTQ survey takers and over two-fifths (42 percent) of transgender and Two Spirit identified survey takers. Even further, officers use force upwards of twice as often as they ticket or arrest (New York Civil Liberties Union, 2012a). What do these findings suggest about the kind of struggle officers initiate with their forcefulness? What is going on that officers use

force first and reflect on legal issues later? What framework is necessary to theorize the severity and ordinariness of aggressive policing? Like problematic uses of the law, egregious and unjustified use of force suggest a philosophy and practice of government that greatly exceeds democratic rule, an authoritarian form reserved for communities of color and protected from most white, class-privileged communities.

### **Threat to Sexual and Gender Integrity: Intimidation, Harassment, and**

#### **Assault.**

Grey and Jimenez, both self-described lesbians of color, recalled how they had been subjected to unwarranted brutality outside of the nightclub as homophobic slurs were screamed at them from the officers. They were beaten, they said, with nightsticks and forced to the ground. “They had the audacity in front of their own sergeant and the rest of their brothers and sisters to say, ‘We are having some dyke pussy in here tonight!’” (Aguirre, 2009) (ID 3)

Women and transgender experiences have been regularly ignored by larger anti-police brutality and stop and frisk advocacy institutions (INCITE!, 2009; Mogul et al., 2010; Ritchie, 2006), yet as the above quote shows, homophobic, sexualized threats continue and need to be theorized. Below I discuss examine data from Stoudt et al. (2011/12), Welfare Warriors Research Collaborative (2010), and the Stop and Frisk Archive that amplify the need to analyze specific, gendered and sexual harassment as well as the strip search as a form of sexual humiliation and violence, setting up a discussion at the end of the chapter about the kinds of dilemmas these impose on civilians.

***Sexual, Homophobic, and Transphobic Harassment.*** Outside the nightclub, the officers flaunt their arousal as they sexualize and make obvious the homophobia fueling their power over the women they hold. Looking through lenses of sexual and gender violence shows how police, in their interactions with civilians, tap into discourses that

assert white, patriarchal, heteronormative hierarchies in asserting power. PFJ found 11.3 percent of young women and 13.0 percent of young men reported either receiving sexual attention from the police or being touched inappropriately (Stoudt et al., 2011/12). In comparison, 27.8 percent of LGB young people (N=121) reported negative sexual interactions. Young women of color describe being talked to (approached sexually) at young ages by officers. LGBTQ young people relay being singled out on subway platforms and in trains among other riders. Transgender young people are accused of lying about their ID and are physically assaulted by police. WWRC (2010) found that 16 percent of the low income LGBTGNC people they surveyed had received sexual attention from the police, including 33 percent of transgender and Two Spirit-identified (N=21) and 23 percent of currently homeless (N=26) respondents.

### *Strip search.*

P. was walking in Coney Island in August 2011 when four plainclothes officers jumped and searched him. He told them they couldn't just search him for no reason. After that, they arrested him and strip-searched him at the precinct. The police also took his car to the precinct, where they searched it and caused damage to the vehicle. P. was held in the precinct for a day and then, inexplicably, released without charges. (ID 61)

Prior research has documented sexual coercion by officers who threaten to arrest women or transgender people unless they perform sex acts (Cooper et al., 2004; Young Women's Empowerment Project, 2009). While the data analyzed here do not reflect this phenomenon, Angela Davis (2003) points to the strip search as a sexual assault, committed in prisons, precincts, and on the street. From this perspective, the possibility of sexual assault places civilians across genders and sexualities at risk in police stops. NYPD data do not capture this form of force, yet critical research reveals a disturbing picture of likely groundless sexually invasive searches (Cooper et al., 2004).

Approaching a third (29 percent) of low income LGBTGNC survey takers reported having been strip searched in the two years prior to the survey; among these, 42 percent of homeless LGBTGNC people and 55 percent of transgender and Two Spirit-identified respondents had faced such treatment (Welfare Warriors Research Collaborative, 2010).<sup>28</sup> Polling for Justice found that almost 6 percent of 1,100 youth in NYC had been strip searched (Stoudt et al., 2011/12).

Of the 101 narratives in the Stop and Frisk Archive, eight percent involved strip searching of men and boys of color — in public, in a police van, or at the precinct. At least one of these included a violent anal search in a public housing hallway. Of the five strip searches for which an outcome was described, three resulted in no charges, leaving open further room for questioning whether there was sufficient legal cause for the invasive search.

**Spatial threat: Restricting the freedom to move, walk, stand, visit...**

(A man was) standing outside his apartment building talking to his brother when officers stopped and searched him without explanation. He offered his identification, but the police told him to open his front door to prove he lived there. (The man) refused to enter the building saying he had a right to stand outside. The police told him: “You don’t own the street. You don’t own the sidewalk. You don’t own the building. You have no right to stand here.” The officers then issued him multiple summonses. (ID 81)

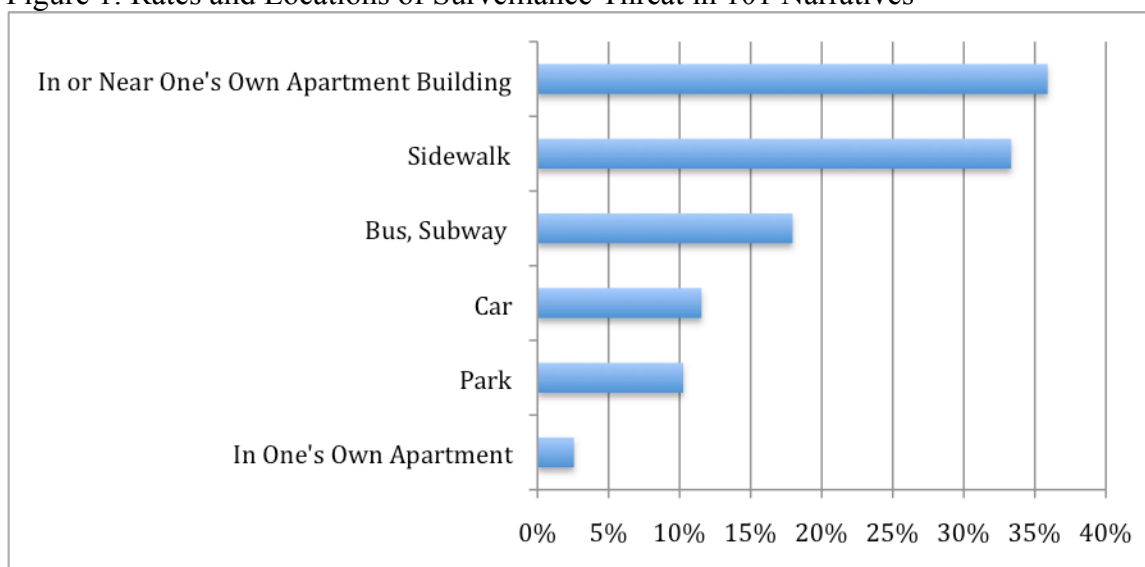
In the story above, an officer exposes a logic of property ownership undergirding the abrogation of civil rights around a housing project. This is strange. Public housing seems to exemplify space legally defined as public to operate as an alternative to private property, expressly because private property does not adequately meet the needs of low income communities. What does it mean to insert owner logic into space that has been legally preserved for the public? Who does this officer believes owns public housing? On

the behalf of who or what does he declare the resident's lack of rights? In this way, space becomes threatened through an absencing of civilian rights based on a property ownership logic without owners.

While the stories analyzed here are not representative of all stops because such about a quarter were gathered from civilians in public housing locations, reading them through a lens of location and space changes the stop and frisk story from one of potentially criminal trespassing to one of everyday journeys and standings-in-place of going to work or school, seeing family and friends, and coming home.

There are two important ways to think about space and surveillance threat. One is space as a geographic location regulated by policing to control the entrance and exclusion of bodies, and the other is space as something to move through and in which policing effects freedom of movement. In the chart above, I identify numerous cases of detainment, confinement, ejection, and forced behavior found in the Stop and Frisk archive including being held on sidewalks, in police vehicles, at precincts, and hospitals, being forced to move out of public and private space, or commanded to do things like pick up objects, open doors to private residences, etc. To think further about how surveillance threat operates in space, I analyzed where stops in the Stop and Frisk Archive happened.

Figure 1: Rates and Locations of Surveillance Threat in 101 Narratives



The graph above depicts the rates and locations of stops including in or near an apartment building in which the civilian, a friend, or family member lived (36 percent); on the sidewalk (33 percent); on the bus or subway or at a bus stop or subway platform (18 percent); in or near a car (12 percent); at a public park (10 percent); and inside one's own apartment (3 percent). These data highlight the ways private is being made public and public made private among targeted communities, creating psychological dilemmas in which civilians must negotiate contradictions among spatial meanings and practices. For one, it is important to look at the private space of the home. Stoudt et al. (2011/12) found that black and Hispanic youth were far more likely to be stopped inside housing as compared to those who were white and Asian: while there were over 92,000 stops inside homes and apartment buildings among NYC young people in 2008-2009, almost half of black or African American youth, almost a third of Latino/a youth had been stopped indoors, compared with 13 and 16 percent of white and Asian youth.

For two, it is important to think about how the notion of "public" is being implemented by police in and around public housing, parks, subways, and sidewalks in

ways that constrict its meaning and the kinds of bodies and behaviors denied inclusion in those meanings and spaces. (See Chapter 1 for a longer discussion.) Doing so raises the question of, safety for whom? “Last year, the police department stopped more than 59,000 people in public housing” (Alcorn, 2011). Arrests for trespassing increased 37 percent from 2004 to 2008, to over 5,800 (Buckley, 2010). By January 2011, the New York City Council was briefed that 9,000 had been arrested in the year prior (Alcorn, 2011). A class action lawsuit filed by the NAACP and Legal Aid in 2010 is contesting this steep rise in trespassing tickets and arrests, asserting the right to stand on the sidewalks surrounding public housing (Baker & Goldstein, 2011). With home, public, and private forcefully up for grabs, how do targeted civilians define, construct, and defend space on their own terms?

## **Discussion**

**Findings support the concept Surveillance Threat.** My findings support the utility of the concept surveillance threat, substantiating the first and second parts of my definition that a) describes the actual harms law enforcement officers can commit and b) that they can do so with a threatening attitude. Importantly, I established a typology of harms that replicates and adds to current literatures. And, while I do not measure officer expressions as intimidating or civilian perceptions of officers as threatening per se, evidence of verbal threats, as well as manipulation and coercion with questionable uses of the law and authority (as well as other elements I do not analyze here such as the gun, the uniform, previous knowledge and experiences of police abuse, and other forces of meaning that may shape civilian perception), taken in consideration with the threat of the use of force, strongly suggest intimidation shapes the encounter.

**ST and the body.** While the psychology of oppression wrestles with the internalization of oppressive relations of power — the ways people are damaged by the violence they experience and play out survival and get-ahead behaviors that keep the relation in place, particularly before they develop critical consciousness (Fanon, 1967; Oliver, 2004) — I am pulling back to the moment “before” “internalization,” where a struggle might still ensue as shown by evidence of a dilemma. I disagree with Oliver (2004) who quotes Fanon to “suggest the negative effects of the oppressor are ‘deposited into the bones’ of the oppressed” (p. xix). I take a Reichian stance toward social structural effects on the body in which coping becomes rigidified in muscular formations Reich (1980/1945) called “character” or “body armor.” The difference is crucial because armoring conveys an engaged (if subconscious) embodied response that can be altered — Gestalt therapy offers “safe emergencies” (Perls, Hefferline, & Goodman, 1994/1951) to try out new behaviors, Roberts (2005) would have civilians dance their bodies’ knowledge of oppression, rather than a naturalized *fait accompli*. In this way, I do not assume the “effects” of police ST on civilian minds and bodies, rather, I assume police ST enacts forces of control with which civilians must contend psychologically and materially. How they do so is a question I take up in Chapter 5. Next I discuss some of the psychological dilemmas created by ST.

**Surveillance threat as psychological dilemma.** Finding themselves caught in architectures of surveillance, civilians wrestle with dilemmas that may be “internal,” such as making quick assessments, considering options, managing emotions, and constructing knowledge and “external,” such as struggles with law enforcement over social meanings and the possibilities for enactments of bodies and space. In what follows I discuss

specific challenges posed by four types of ST from above legal, physical, sexual/gender, and spatial ST.

***Legal surveillance threat as psychological dilemma.*** To existing analyses of legal consequences for civilians that calculate ticketing and arrest outcomes (Cooper et al., 2004; Stoudt et al., 2011/12), I added a closer look at officers' questionable use of the law and authority in the stop, finding that they can fabricate laws and evidence, initiate provocative interactions, and retaliate against civilians, sometimes in direct response to the request or demand for respect of civil rights. Using the law to repress communities places reason, common sense, and legal ideology in conflict with civilians' lived experience, sense of justice, and instincts for survival. As I will show in Chapter 6, despite a well-known history of racism and criminalization, civilians in my data believe in their civil rights and try to get officers to abide by them. When they don't, civilians must negotiate the suspicion of a legal system that is supposed to presume their innocence; judge the viability of their civil rights; assess how to best protect themselves from potential escalation by the officer; intuit the officer's ideas about race, and evaluate the risk they are willing to take to protect their rights, body, and integrity. They may need also to make sense of duplicitous, discriminatory, dehumanizing, or irrational officer behavior; face the structural lack of dependable mechanisms that hold officers accountable; and wrestle with contradictions between public discourses of policing and its practice. These dilemmas span issues of meaning and decision-making for targeted civilians.

***Physical surveillance threat as psychological dilemma.*** Following the findings above, civilians from targeted communities must psychologically manage a physical

police violence that lies in wait below the surface of interactions. Sometimes stops begin with force, a thrust to the ground, a grab from behind. This violence can be unpredictable, severe, and can escalate without notice, challenging civilians ability to sense and respond to danger. Civilians must also weigh the injustice of compliance with the risks of defending themselves or fighting back. The risk of death, that ‘you could get shot by cops’ frequently entered the risk calculations of queer young people of color focus group members in NYC, demonstrating the extent to which this psychological dilemma is also an embodied one of survival, harm reduction, and integrity management. This dilemma is made harder in a social context of racism that continues to assume an inherent black criminality and aggression.

***Sexual and gender surveillance threat as psychological dilemma.*** Those who identify on the female identity spectrum (women, Male-to-Female transgender people, etc.) report sexist, sexualizing, and sexual assault from officers. How men manage homophobic taunting and sexual violence from police is less well known. For people of all genders, officer sexualization attempts power over through humiliation and shame coupled with the use or threat of force that civilians must negotiate. While officer behavior sets up a psychological environment cross-hatched with these and other forms of sexualized threat, I will focus on struggles over gendered bodies and identities that may be less familiar yet constitute crucial embodied psychological dilemmas civilians must face. Gendered threats from surveillance here show up as immanent physical harms entwined with psychological and emotional assaults that initiate racialized struggles over gender(ed) roles, identities, bodies, and expressions.

Based on stories from the Welfare Warriors Research Collaborative (2010) and others' research, I identify at least five methods of often violent gender control officers may enact: gender assessment, effeminization, defeminization, enforced feminization, and enforced masculinization (INCITE!, 2006; Mogul et al., 2010; Nair, 2000; Serrano, 2007; Stoler, 2000; Stryker, 2008). These processes can be seen as part of a larger project enforcing a “coercive gender binary” (Spade, 2006) serving purposes of social control that challenge bodily safety and integrity, certain raced masculinities and feminities, the gender spectrum (Monro, 2005) and self-expression. Gender assessment is the practice of using the frisk and strip search to assess gender by seeing and touching genitals. Effeminization (from “effeminate”) is the attempt to humiliate cisgender<sup>29</sup> straight and gay men through demeaning, racialized sexual, hypermasculine, and homophobic verbal and sexual assault, such as anal penetration in a strip search. Defeminization is the attempt to deny a transgender woman's female presentation and identity through a range of tactics such as accusing her of deception, calling her a man, processing her through the criminal justice system as a man, ripping, taking, or denying her female-looking clothes or hair, and strip searching or sexually assaulting her. Enforced feminization is the attempt to force people who are perceived as masculine women – and assumed to be lesbians – into a straight female role by threatening or committing rape or other heteronormative sexual violence. A fifth coercive tool, enforced masculinization, takes the form of searching or punching butch, AG (aggressive), or other female-bodied gender nonconforming civilians who present their genders on a male (or nonfemale) spectrum, treating them “like men” (INCITE!, 2009).

With identities, bodily safety and integrity at stake, civilians facing sexual and gender surveillance threats must further contend with a broader social environment, that shame sexual assault survivors and justifies violence against gender transgressors.

*Spatial surveillance threat as psychological dilemma.* Civilians face a wide range of spatial threats including stops and forced immobilizations, commands to move out of or denials of access to public or private spaces, harassment that accomplishes the same, and detainments and confinements that control the body's location and movement. Psychically they must manage a tension between bodily safety and the need or desire to move or stay put. Further, they contend with imposed meanings over the spaces and practices-in-space of their daily living. As shown above, police practices exchange public for private and private for public space, throwing each into question along with the meanings of home.

While my findings demonstrate a clear threat to those in and near public housing (among others), the story of surveillance threat here is more complicated because public housing residents also want protection from crime.<sup>30</sup> Retaining the ability to construct spatial meanings and use on one's own terms may mean wanting control over the kind of policing in spaces like public housing and low income neighborhoods, a meaning ST works to deny low income communities of color. How do racially diverse public housing residents psychically negotiate a superficial policing that criminalizes their neighbors rather than reducing the serious crime they face?

**Conclusion.** Fanon's (1967) core concern was the impact of the forces of colonization on the minds and bodies of those subjected to them. Because I analyze the forces rather than the impact, I formulate legal, physical, sexual/gender, and spatial

surveillance threat as a number of psychological dilemmas these practices may pose for civilians in encounters with police. As demonstrated in psychological research on oppression, civilians may leave many encounters with unresolved anger, shame, fear, that lasts for longer or shorter periods of time. My perspective adds to this perspective, however, by acknowledging the psychological forces oppression impose on civilians without making an assumption about their impact.

While Fanon (1967) explains the sense of inferiority among oppressed peoples as a result of “internalizing” colonial relations of power, liberation psychology opens its gaze to an oppressed subject as an agent of change who can analyze and take action in the face of oppressive structures and ideologies (Fine et al., 2003; Lykes & Coquillon, 2006; Martin-Baro, 1994; Smith, 1999; Varas-Díaz & Serrano-García, 2003). In the next chapter, I generate data that supports a theory of civilian action in the moment of stop and frisk that does not assume psychological damage in order to analyze the far under researched phenomenon of proactive civilian response to surveillance threat.

## Chapter 5: Civilian Response to Surveillance Threat

And then when he brought me to the precinct... actually, my girlfriend called, um, internal affairs because he did that whole process really messed up. I don't really remember it too well because I was so tired, but um.... They ended up letting me leave very soon because... she... they knew that she knew what she was talking about. I didn't know my rights so well, so, but, she kind of like advocated for me and I ended up leaving after that, but the whole precinct wasn't very happy with me.

Gabrielle

In part two of her subway story<sup>31</sup>, Gabrielle credits her girlfriend for her pivotal role. Taking on an entire precinct, her girlfriend points to the shakey legs holding up a bastion of legal authority with an effective, rights-based advocacy. Gabrielle and her girlfriend oppose their targeting with the united front of their relationship and their civil rights, a demonstration of Audre Lorde's power of the erotic if there ever was one. Their story is improbably heroic for these young women: they leave a trail blazing, the threatening menace thwarted for now. Gabrielle is a very different kind of damsel in distress - she too has stood up for her rights by refusing to show ID - and her girlfriend an educated, savvy, and bold freedom fighter. Gabrielle's reporting serves as an eyewitness account of the power of voice, rights, and girlfriends.

This story resonates with histories of women of color who have fought for their rights in public transportation: Rosa Parks-style refusals to move to the back of the bus and innumerable other daily push backs (Kelley, 1993). It connects too with historical fights by LGBTQ communities against criminalization (Mogul et al., 2010). In an archetypical struggle over a body,<sup>32</sup> the young women wrestle with the police on the subway and in the precinct by leveraging the sociocultural forces at hand – race, age, gender, sexuality – in a mutually-reinforcing intersectionality to influence the encounter (See Ewick & Silbey, 2003, p. 1331).

In the previous chapter, I documented stop and frisk as a site of provocative, coercive, and violent threat by law enforcement. This analysis, left alone, risks contributing to a social psychological “fixation on exploitation” (Haslam & Reicher, 2012). Instead, I aim to contribute to critical thinking about the “possibilities of resistance” (Haslam & Reicher, 2012) and what communities can learn in service to their social justice goals. Following Kelley (1993) and Foucault (1990) I am thinking about in-the-moment responses to policing as constant attempts to influence the dynamics of power and control. Inspired by Deleuze and Guatteri (1987) I perceive civilian action as abundant and generative. Moane (2006) shows how everyday action connects to ever widening circles of impact, a feminist, “personal is political” approach to social change. The strategies I analyze hold potential value as data for communities that can then analyze and prioritize their responses to surveillance threat, generating new ideas. This is especially important because ideas about how those unfairly targeted by police can or should respond to policing has undergone a fundamental shift since the mid 20<sup>th</sup> century.

### **Resisting Unlawful Arrest: From Legal Right to Foolish Risk**

Much policy work is either based on, or based on refusing, the stereotype of an aggressive civilian that provokes the police into forceful action. The image of an aggressive civilian rests on historical stereotypes of African American men as inherently criminal and antagonistic (Mohammed, 2012). To complete a master depiction of policing, this image is posited against the right way to perform citizenship with police: the white or appropriately submissive citizen (or noncitizen) of color who gladly cooperates with an officer responding with justifiable suspicion to nonwhite bodies. These racialized images of criminality, innocence, and suspiciousness constrict

appropriate responses to policing, cutting the legs out from under physical resistance and self-defense. Yet the law itself used to protect one's right to do just that.

The idea that civilians should not resist arrest became naturalized by way of twin ideas emerging in 20<sup>th</sup> century case law. Finding on behalf of the state, judges argued that the right to resist, founded on common law stretching back hundreds of years, had become obsolete because serious harm by law enforcement had become so rare (Hemmens & Levine, 2000). First, civilian self-defense, it was argued, had become unnecessary because modern policing, with its advanced technology and practice, had virtually shed itself of the risk of harm. Second, the opposite idea became a legal truism: police power had become so all-encompassing that resistance was not only futile, it was dangerous to the civilian who would fight back (Hemmens & Levine, 2000). Further, a Minnesota legal precedent established the principle that police authority follows the badge, not the law, and that actions conducted on duty would be considered an extension of job responsibilities. Civilians were dealt a stiff blow when they lost this recourse to actionable infringements of their rights.

The loss of the right to resist unlawful arrest further signaled the loss of societal acknowledgement of provocative and unconstitutional police behavior, leaving civilian aggression to explain police behavior —civilian efforts at self-protection and resistance became evidence of irresponsible overreaction, perilous behavior civilians should avoid if they are truly innocent and know better. These naturalized ideas have contributed to a contemporary discourse environment in which civilians' actual, self-protective, reasoned, justifiable responses are made irrationally risky, less important than the greater good (a secure society), or simply erased.

### **Infrapolitics: Daily Acts of Resistance**

This chapter aims to resurrect the importance of civilian action in the moment with police, exploring history in the present as pools of resistance practices and the proliferation of grassroots forms of organized and unorganized resistance to policing.<sup>33</sup> Kelley (1993) borrows James Scott’s term “infrapolitics” to describe every day, invisible yet influential unorganized resistance to arbitrary mistreatment.<sup>34</sup> He argues, “the political history of oppressed people cannot be understood without reference to...these daily acts (because) they have a cumulative effect on power relations” (Kelley, 193, p. 78). The heat they emit, unseen, is powerful. This chapter contributes to efforts to make this spectrum of power visible.

Below I describe my analytic method in which I scan the police-civilian encounter for responses that flow from critical consciousness and from automatic processes that guide human behavior. I then share findings of a typology of five strategic tools civilians use to negotiate their interactions with police: a) using rights and reason to question officers; b) protecting themselves and those around them; c) asserting cultural and structural social power; d) constructing knowledge of specific incidents and policing more generally; and e) seeking justice in courtrooms, legislatures, and the streets while remaining focused on their everyday lives. (See Chapter 3 for an extended discussion of my data collection methods.)

### **Analytic Method**

Every one of us has the power to do something. If you're walking around with a cell phone, you have a camera! Don't walk on by...

Jazz Hayden (ID 4)

Recording himself talking to bystanders after witnessing a stop and frisk, activist journalist Jazz Hayden (his actual name) prods the members of the community he loves into the knowledge of their potential power. Hayden, who roams the neighborhoods of Harlem with a video camera recording incidents of policing for posting on his Harlem-focused website and discussing on his local radio show, demonstrates the kind of faith in personal and community capacity on which I build my theory and method. Hayden democratizes the possibilities of action and encourages the spread of interventions and deterrent tactics to interrupt and prevent police violence.<sup>35</sup>

Analytic strategies identified in previous research on resistance to oppression informed my coding for civilian response from a critical perspective. In their target perspective research, Swim and Stangor (1998) elaborate on the ways women from different ethnic groups in the U.S. respond to prejudice and discrimination (p. 50). Their work represents a crucial body of qualitative research emboldened in and by social movements like feminism and black liberation. Grounded in epistemologies of the perspectives of communities themselves, these works contribute to liberation psychologies by identifying practices for managing oppression that reflect individual agency, group identity, resistance, and knowledge production. These include “critical watching”(Hall & Fine, 2005); “constructing knowledge” of social conditions and institutions (Krumer-Nevo, 2009); “resourcefulness” and “collective action”(Lister, 2004); “challenging authority” (Haslam & Reicher, 2012); and “colonizing space” (Ewick & Silbey, 2003) and “reworking” forces of globalization (Katz, 2004). These technologies of self and community provide a broad framework for making sense of resistance and community-making.

I also drew on psychologies of stigma management (Frable, Blackstone, & Carol, 1990) and resistance to prejudice (Cross, 1995; Hyers, 2007) which provide fine-tuned analyses of how people react to targeting, especially their sensitivity to stigmatization (Frable et al., 1990) and their verbal and behavioral responses (Hyers, 2007). “Rejection sensitivity” (Frable et al., 1990) measures the degree to which an individual perceives the potential for stigma, an important notion for thinking about the perception of surveillance threat. Hyers’ (2007) study of “assertive versus non-assertive” responses to sexism recognizes not only a range of ways women may react but also how their varying ethnic backgrounds and personal goals shape their reactions. This approach acknowledges that reactions to prejudice may reflect assessment and consideration rather than a simple reactivity.

**Coding process.** I conducted the analysis in two stages. First, I broke down stops into fragments of civilian behavior before, during and after the stop, analyzing video and text testimonials of stop and frisk by implementing a phenomenological approach to identifying civilian behaviors. Second, I conducted a thematic analysis of civilian action toward developing a typology of responses. Guided by the above studies, I sought to discover what the data could teach me about what people do, imagining their behavior as goal-directed and agentic based on explicit visual or verbal evidence of the civilian’s thoughts, feelings, and actions.

Unaware of the individualistic bias of phenomenology of which I discuss more below, I integrated my training in a phenomenological approach as a Gestalt psychotherapist with my analytic method for coding the data. My Gestalt tradition is firmly rooted in Husserlian thought, which provides the foundation for psychological

phenomenology as well (Wertz, 2011). According to Wertz (2011), studying experience using Husserl's methods means, for one, "'bracketing' prior knowledge of the subject matter" in order to "freshly reflect on concrete examples of the phenomena under investigation" (p. 125). In other words, the method requires setting aside assumptions about what phenomena are and what they mean. For two, this method aims to be open to "all the complexities and intricacies of psychological life" relevant to the phenomena under study to see *how* meanings emerge and what happens when they do (p. 125). These two principles undergird my approach to studying video and text narratives of stop and frisk. I suspend assumptions about what civilians do and the meanings behind them while casting a wide net for the elements of civilian experiences of themselves, their surroundings, and their interactions with officers.

Importantly, and partly why my phenomenological Gestalt approach does not reify the individual as the sole source of experience and meaning, "phenomenology investigates the person's ways of being in the world...showing that human experience is embodied, practical, emotional, spatial, social, linguistic, and temporal" (Wertz, 2011, p. 126). As a feminist, critical race, and queer researcher who has grown up intellectually through the politics of intersectionality, I have always only understood these indicators as socially mediated, historical, and relational. Despite the seeming contradiction, I am not alone in claiming phenomenology useful for reading mediated human experience. While Husserl's method is premised on the rejection of preestablished ideas in order to assess a pure "what is" of subjective experience (Wertz, 2011), Rubin (1998) argues that discourse theory offers a helpful corrective, acknowledging that experience is always mediated and can and should be explored as such (p. 268). While I suggest the meeting

of phenomenology and discourse theory forms more of a productive tension than a fix, this mediated phenomenology is, I argue, what makes room for analyses of power, relationality, and history. “Because phenomenology is methodologically descriptive and legitimates the knowledge of the subject” adding the step of “pointing out the critical possibilities that result from the subject’s negotiation with the world” makes phenomenology useful for critical research (Rubin, 1998, p. 268).

At each level of analysis from coding to themes to application to a broader question, I use a constructivist grounded approach that accounts for researcher and participant “standpoints and positions” (Charmaz, 2011, p. 169). The method is based on a “relative epistemology” which assumes “multiple realities (and) situated knowledge” (Charmaz, 2011, p. 168). I amplify this intersectional approach with explicit codings for race, gender, sexuality, etc. As a vital compliment to my phenomenological analysis, “constructivist grounded theory treats methodological strategies as heuristic devices” that foreground an assessment of the social construction of experience (p. 169).

**Four coding heuristics: Critical consciousness, mindfulness, embodiment, and goals.** The codes I developed to identify civilian strategies reflect a “complex personhood” (Gordon, 1997) that expresses the tenet that those who “get stuck in the symptoms of their troubles...also transform themselves” (p. 4). This allows for the multiple, seemingly contradictory ways civilians respond to police. In order to assess but not evaluate civilian behavior, I analyzed the data using heuristics from a phenomenological psychology perspective, that is, as a method to identify micro components of civilian action while setting aside the familiar habits of seeing that reflect assumptions about how civilians stopped by police behave. Compliance with a command

to stand still, for example, may look less like total subjugation when coupled with asking officers for justification for the stop and denying them permission to search one's home without warrant or probable cause. In what follows I describe the four heuristics I use.

***Heuristic 1: Knowledge, opinion, questions.*** My research contributes to theories of critical consciousness that transform daily occurrences into knowledge and strategy. Critical consciousness is where thought and social justice meet, where decision-making based on the awareness of power arrangements becomes possible. I assume that many civilians stopped by police are familiar with patterns and histories of policing. I also assume they put this knowledge to use in assessing and interacting with officers. I therefore listened for their critiques and opinions, their knowledge expressed, rights asserted, and challenging questions asked.

***Heuristic 2: Mindfulness.*** To appreciate the both/and of critical knowledge and action, Guishard (2008) finds that critical consciousness shifts from moment-to-moment in “unremitting instances...(of) identifying, perceiving, or acting on injustice” (p. 100). Action, in other words, is an expression of critical consciousness. Awareness of the structures imposing on one's life is also an iterative process in which learning takes place alongside knowledge already possessed, reframing it, contextualizing it in new ways, or finding spaces in which it is be recognized *as* knowledge (Billies, 2010; Cahill, 2004; Moane, 2006). “Mindfulness” (Frale et al., 1990) is one way of describing how civilians assess experiences of injustice which informs their behavior. A concept of stigma management, mindfulness is “characterized by both a close attention to...the environment” and an ability to take on the perspective of the stigmatizing other (Should this be Frable, et al, 1990, citing Chanowitz & Langer, 1980; Langer, 1978, 1989).

Therefore, I looked for evidence of mindfulness as descriptions of the officers, setting, bystanders, etc. as well as civilian interpretations of officer thoughts and intentions.

***Heuristic 3: Embodied knowledge.*** Yet, even a complex, critical consciousness implies the centrality of conscious thought in shaping behavior and I aimed to recognize civilian actions that might not be “thought out”. Despite the obvious connection between the psychology of oppression and the body, however, Ussher (2008) critiques critical psychology, like most psychology, for ignoring the body and relying primarily on constructionism and theories of representation (p. 1782). Offering an alternative, Ussher (2008) argues that “critical realism” usefully theorizes the “materiality of the body” in ways that are “always mediated by culture, language, and politics” (Ussher, 2008, citing Bhaskar, 1989, p. 1782). Through this approach, the body is understood as “constitutive in the making of experience and subjectivity, and in the process of contesting and transforming discursively constructed beliefs” (p. 1783). Rubin (1998), who studies transsexual experience from the perspective of transsexuals themselves, especially appreciates phenomenology’s interest in bodily experience. “(I)t seems particularly prudent to use a method that not only legitimates subjectively informed knowledge but also recognizes the significance of bodies for the lived experience of the I” (Rubin, 1998, p. 268).

This psychological materialism is crucial for studies of civilian response to stop and frisk because the body is so deeply implicated in how oppression is enacted and experienced. Bhabha (2004) emphasizes that affect and the body were central to Fanon’s psychoanalytic critique of colonialism and Roberts (2005) underlines the point: the body becomes the site where the experience of oppression must be negotiated and within

which it must be contained, particularly when the cost of speaking can be death. Psychic accommodation to violence, then, can warp the body with tension and illness (Bhabha, 2004) or, when expressed as bodily truth, can contribute to collective understandings of history in the present (Roberts, 2005).

Studying dance as a means of critical consciousness, Roberts (2005) explores how dance can communicate historical and collective experience of domination and resistance in part because this knowledge is stored in the body. Bhabha (2004) validates the body's capacity to know and survive oppression as "visceral intelligence" (p. ix). Building on their work, I look at stop and frisk as a potential site of "found choreography" (Bickart, 2012) a set of movements, gestures, and stillness's that express historical patterns, reflecting, among other things, how to hold a posture to keep an officer calm, how to reach for ID without causing alarm, and how to protect one's body while conveying cooperation and managing the urge to fight back. Therefore I code stop and frisk narratives for civilian behavior as potential embodied knowledge and strategy.

***Heuristic 4: Behavior reflects less-than-conscious assessments and goals.*** To think of action as the product of nonconscious yet proactive psychological dynamics, I draw on psychological theories of "automatic self-regulation" (Bargh & Chartrand, 1999), that is, unconscious daily habits that reflect previously internalized goals, learnings, and in-the-moment assessments of the environment. "Non conscious processes...are unintended, effortless, very fast... guiding the individual safely throughout the day"<sup>36</sup> (Bargh & Chartrand, 1999, p. 476). These automatic responses often become rooted in everyday routines once the need for conscious attention to the goal recedes and actions transform into predictable habits requiring no thought (Bargh & Chartrand, 1999).

I am particularly compelled by the idea that an individual's goals are already integrated into daily routines and that subconscious assessments shape responses to policing that are not exactly novel but also not planned. Civilians may hold onto the goals they already had before the stop (i.e., going home after basketball practice) and may add others (i.e., protecting their friends, leaving the situation without a ticket, acting in line with their integrity, preventing a beating, etc.). In these ways, civilian action need not be conscious to reflect intention. Therefore, I code nonverbal civilian action as potentially reflective of individual and community goals.

In sum, the heuristics I use to code civilian behavior as proactive recognize a toggling back and forth between critical consciousness, which reflects relative degrees of awareness and choice-making, and an automaticity, in which behavior is the product of habituation, subconscious assessment, and autonomic response (Bargh & Chartrand, 1999). As embodied responses, they also need to be understood as a potential reflection of dynamics of power, oppression, and resistance. Importantly, I add a collective component to readings of civilian responses, which opens a window onto the simultaneous experience of individual and group targeting (particularly, though not only racial targeting), an irreducible and simultaneous experience of history in the present. In this way, bringing constructivist grounded theory to a phenomenological method makes it possible both to read the present and history without claiming either as correct or overly deterministic but rather making both available for meaningful, critical interpretation.

*Numbers of codes.* After logging individual stop and frisk incidents into an Excel spreadsheet, I coded the audio- and text-based narratives (videos, newspaper articles, focus group transcripts) first by isolating police, civilian, and bystander behavior

fragments in the interaction. I then coded 250 civilian behaviors into 68 forms of response to policing before, during and after the stop.<sup>37</sup> I grouped these into 18 thematic strategies and further collected into a typology of five forms of civilian action.

## **Findings**

In this section I introduce a typology of five forms of civilian action and the sets of thematic strategies they represent. I then describe each more fully with an example from the data. I then provide in-depth analyses of narratives that indicate struggles over suspicion, security, and urban civil life.

**Five forms of civilian action.** Civilians take five forms of action when interacting with police: 1) contesting with rights and reason; 2) protecting self and community; 3) asserting social power; 4) constructing critical knowledge; and 5) pursuing justice, living life. The following table represents these forms and the corresponding thematic strategies that make up each form grouped below.

Table 4: Five Forms of Civilian Action with Police Officers <sup>38</sup>				
Contest with Rights and Reason	Protect Self and Community	Assert Social Power	Construct Critical Knowledge	Pursue Justice, Live Life
Thematic Strategies				
<ul style="list-style-type: none"> <li>• Use reason and common sense to question and challenge officers</li> <li>• Claim rights and use evidence to question and challenge officers</li> <li>• Consider options</li> <li>• Make strategic choices about behavior</li> </ul>	<ul style="list-style-type: none"> <li>• Comply</li> <li>• Refuse and resist - verbally and physically</li> <li>• Seek/ Take up communal responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Assert relational and moral influence</li> <li>• Use copwatch procedures</li> <li>• Assert hierarchical and group relations</li> </ul>	<ul style="list-style-type: none"> <li>• Construct knowledge of the incident</li> <li>• Construct knowledge of policing</li> <li>• Construct knowledge of hierarchical power relations</li> <li>• Construct knowledge of community power</li> </ul>	<ul style="list-style-type: none"> <li>• Take action in the civil sphere</li> <li>• Publicly protest or provide testimonial</li> <li>• Express feelings and humor</li> <li>• Keep on with life</li> </ul>

### ***Contesting with rights and reason.***

Like, two or three summers ago, I was with my friend, and she's a lesbian and she wears like baggy clothes and stuff. And that day, my clothes got wet so I was wearing her sister's clothes. So I was, you know... I looked overly gay and we were... It was in the 4 train and you know how those stations are, like, above ground? They have, like, a little waiting area and then you go up to the platform. We were waiting and hence there was, like, 20 other people. It was the summer; there was a lot of people in that station waiting for the train. And funny how the cops — from everyone in the station — went to the two of us and they're like, "You can't wait here." And I'm like, "But there's like 20 other people waiting here." And he's like, "But you need to wait for the train upstairs." So I was about to go off and my friend was like, "You know what, just go, before we get a ticket." And I was like, "No!" (Laughter from the group). (ID 23)

Civilians frequently punctuate interactions with officers with questions, assertions, and challenges. They assert reason, logic, and common sense; they reference

the law and civil rights; and they point to concrete evidence to counter officer fabrications and unfair treatment. In a scene that typifies this response, a young man of color and his friend are in the midst of a funny, campy, “overly gay” moment, maybe enjoying the rain-induced challenge to gender norms and the excuse to appear “gay” in public.<sup>39</sup> Then, the police step in, directing them to move. The young person balks, pointing out the 20 other people waiting, simultaneously revealing that he recognizes their unreasonable and unfair treatment. Aware the officers could respond to him by escalating the situation, his friend counsels him to comply, asserting another kind of reasoned perspective, considering their options with a focus on minimizing potential harm.<sup>40</sup>

In this moment, the young person and his friend both sense the power of witnessing from different perspectives. In voicing awareness that the officers’ behavior betrays contradictory logics – the reason of law versus the exercise of authoritarian power — the young person demonstrates an agency that threatens the absolute authority police rely on to control not only those singled out but also the bystanders nearby. While the young person considers arguing back, the friend errs on the side of caution and together they negotiate what to do next. The next form of civilian action addresses this type of collaboration more specifically.

***Protecting self and community.*** Self-protection and defense are often explicitly community-oriented. Civilians and bystanders —friends, neighbors, family, and fellow subway riders — take verbal and physical steps to interrupt police authority on behalf of people they know and those they don’t. They yell at officers and shame them, use cop

watch strategies like taking badge numbers and video recording incidents, and sometimes intervene.

Others act independently, protecting themselves as best they can. The man in the following story physically and verbally resists officers who tell him to leave the subway. When a fellow subway rider records the incident using his cell phone camera, what might usually become a moment of intense isolation and risk for the man becomes a collective moment. He is still facing police officers, and he does not acknowledge the camera in any way, but that does not mean the camera does not alter the dynamics of power, for him or the officers. In the video narration, the video recorder explains the subway rider has just walked from one subway car to another, an MTA violation. The rider's response suggests the rule is unknown or unreasonable to him.

Straphanger: I just paid for the subway. Now this? I just paid for the subway!  
 Officer one: (Moves toward the man and motions for him to rise.)  
 Straphanger: I tell you! Don't touch with me! Don't touch with me! I tell you.  
 Officer two: (Moves toward the man.)  
 Straphanger: Why?! Why?! Why?! Tell me what he did! Tell me for what he did! (ID 3)

The officers pull him off the train, telling him, "You've got to go," and, in a bear hug, push him against the wall of the subway station. They step back at arm's length. The man gesticulates as one officer repeatedly grips his shoulders, and the straphanger continues to forcefully question them until one officer looks him in the eyes. The officer tells the straphanger to look at him, which he does, the officer explains the violation, and the man becomes a bit calmer and quieter.

In the course of this encounter, the subway rider demonstrates a range of proactive responses, asserting his innocence, verbally challenging officers, refusing and

denying their actions and interpretation, verbally and physically deflecting them, gesturing-at-will, demanding justification, persisting, and nonverbally complying. When the video begins he has already started asserting his innocence and challenging the officers. (In saying he paid for the subway, he seems to think he is being accused of fare evasion, the reason, he might have imagined, they were approaching him.) He makes forceful arm movements that are self-defensive and proactive and yet simultaneously express no threat to the officers. As they move toward him in a slow, firm manner, the man shifts to questioning the basis of their actions with an extremely skeptical and self-protective “Why?!” Even after they pull him from the train, against which he continues to struggle, the man persists in demanding justification. The story turns again in what seems to become a nonverbal truce. The officer attempts to diffuse the conflict using effective de-escalation strategies – steady eye contact and even-toned, direct instruction — and the man complies.

This is a rare moment of outright resistance caught on video. While this civilian takes action, most others often simply comply with officers whether out of habit, fear, or effort to minimize harm. I couple compliance with resistance because I see both as alternatives civilians use to protect and defend themselves. Rather than assess ‘active’ versus ‘passive’ responses, I am more interested in what priorities motivate these choices, that is, what civilians are trying to protect or defend when they resist or comply. In one story, a public housing resident is asked to show his key to his apartment. He does so. In another, a resident is told to open his door to prove he lives there but refuses.<sup>41</sup>

*Asserting social power.*

Woman: You've got a lot of nerve. Don't find no drugs on you or nothing...Whitey stepping up in here.

Officer: Relax.

Woman: I'm not going to relax. That's cuz the whites living up in here.  
This is our territory, not yours. I didn't do nothing. (ID 8)

Dichotomous and hierarchical social forces are often pulled into police-civilian interactions. Officers exercise racist, sexist, homophobic, transphobic, anti-poor, and anti-disabled discrimination by profiling, denigrating, assaulting, and arresting certain groups. Civilians also leverage social power – that is, power based on enforced or self-defined group identity. As Ewick and Silbey (2003) explain, citing Steinberg (1999a, 1999b), “both dominant, institutionalized power and resistance to institutionalized authority draw from a common pool of sociocultural resources, including symbolic, linguistic, organizational, and material phenomena” (p. 1331). As this scene unfolds in Harlem, a woman of color on a park bench is surrounded by officers in a slow-motion stalemate as she attributes their presence to the racialized gentrification processes underway in her historically black neighborhood.

In addition to naming the social dichotomies at play, sometimes civilians leverage their hierarchical power, showing their professional or elite college IDs or a family member's police badge number. Other times, civilians fake it, undermining while leveraging hierarchies by pretending that they do not understand English, that they are lawyers, or that they are oblivious to police authority. As described next, making sense of stops and policing practice is another fundamental action civilians commonly take.

### ***Constructing Critical Knowledge.***

None had weapons, no drugs found, no wrappers on the ground, no one spit... We weren't doing anything. (ID 40)

I don't understand them. It's crazy. I don't know. This is disturbing. It's crazy. (ID 99)

A great deal of analysis takes place after the stop. Civilians recite what happened as an attempt to make sense of the reality they experienced, constructing a legal, evidence-based narrative. They also build collective knowledge about policing more generally. Reflecting on one of the many fabricated quality-of-life tickets he has received, one Bronx resident demonstrates a highly developed analysis of the networked system of that links job quotas with faked violations and the complicity of the courts:

It was towards the end of the month and I'm familiar with quotas. And sometimes with loitering, spitting, these things that aren't really, really, uh, actually happening, this is a charge that they can put down fill out their, their booklet and know that when it goes to court it's going to get thrown out or you are going to pay a fine and they just go about it that way. (ID 94)

Civilians also critique the lack of more general public awareness of the realities they live, highlighting the centrality of knowledge production in efforts to impact chronic police abuse. As one young person reports,

I went to high school with a female, she was of Puerto Rican descent and her grandfather died in the hands of police officers...Apparently they pushed him into the wall, he cracked his rib, punctured some internal organs, (inaud) didn't make the headlines because it wasn't video recorded. (ID 18)

In this case, though it merits front page news, this story remains out of public view for lack of visual proof. The longing for this senseless violence to be publicly recognized communicates the loss of not only his friend's grandfather but the loss also of community justice that never has a chance to take place.

From details of the stop to police practice to social forces inhibiting the challenge to injustice, civilians continually collect and develop knowledge of the policing they live. Civilians explain policing with race, of course, at the forefront of many critiques, sometimes including gender, sexuality, and public and private space as well.

*Pursuing justice, living life.*

Two days later I was stopped right here for spitting. Now, the officer said I spit. He stopped me at least 70 yards from where he said I spit at. And that's incredible to me because I don't recall spitting and I don't think I did spit. ...Well, recently when I went to court they tried to give me a \$50 fine and I told the DA that I didn't spit. So they said, so I have a choice, you can pay this fine or you can go to court. I'm not going to pay a fine for something I didn't do, so let's go to trial. I'm actually going to trial for spitting and I think that is the most absurd thing I've ever heard of in my life. (ID 94)

Many civilians go to court or file administrative grievances with the police department to challenge unfounded tickets and arrests and sometimes file civil and criminal individual and class action suits against officers. One reported 14 tickets and arrests, all of which he contested in court and all of which had been thrown out. They speak at public protests, get involved with police accountability organizations, publish their stories and video record and post their stops and testimonials (See Chapter 6 for more on the role of video in individual, small collective, and large organizational social change efforts). Civilians also fight for police practice that serves rather than targets them, shaming officers into behaving more humanely and respecting their civil rights. Holding officers accountable, they gather information in the moment, video recording stops on cell phone cameras, and asking for badge numbers. Lastly, civilians retain their sense of perspective and their humanity, expressing their feelings and using humor. One civilian keeps it simple, after a stop she keeps "living her life."

**Summary.** In sum, as this exploration reveals, civilians explicitly assert their civil rights and the scope of legal police authority to question and challenge officers. They engage in self-protection when they comply and in self-defense when they verbally and physically refuse to comply or resist officer control. They extend this self-protection and defense into their communities when they reach out for help or step in with family,

friends, and strangers to interrupt police power. They also defend their communities by fighting back individually and with collectives. In the aftermath of stop and frisks, civilians assemble what they know about what happened and critically evaluate how it reflects patterns of police practice, constructing frameworks for understanding the structures and systems within which they live, going on to seek justice for themselves and continue living their daily lives.

### **Discussion**

As I show above, evidence of civilian response to policing reveals far more than opposition; it demonstrates that the police-civilian interaction is a moving site of negotiation, exchange, and (in)tense struggle. Targeted civilians do not go gently, fully, or finally into a disciplined subjectivity. Yet, their stories offer further corroboration that they often respond to rather than provoke aggressive officer behavior. Civilians in this study try to alter the outcome with reason and calm – and sometimes activation, taking steps to minimize harm, protecting and defending themselves, and constructing the space in which policing takes place on their terms. After being stopped, civilians analyze their experiences to gain the power knowledge has to offer, influencing how the story about stop and frisk is told and extending its reach through multiple venues – courts, internet, media, public space – and levels of intervention – individual, collective, institutional, and systemic. As I discuss in the next chapter, by doing so, civilians enact their lives despite and through the policing moment, creating a shared, moving community of struggle. Another way to put this is that in response to a police attempt to make of them a certain kind of community, communities make themselves. And, as I will show, this is not (only) oppositional.

**Threat Responsiveness.** I find that civilian actions reflect conscious, less-than-conscious, and automatic embodied processes that I argue reflect a form of civilian agency I call “threat responsiveness.” Diverging from literatures that tend to focus on the negative outcomes of sensitivity to stigma (Kang, Downey, Iida, & Rodriguez, 2009), I argue that civilians demonstrate a “social psychology of responsiveness” that describes the ability to negotiate the psychological and material dimensions of surveillance. Moving beyond individual psychology, this responsiveness reflects the simultaneity of individual and group experience as well as present and historical experience of threat, drawing on biography, affect, desire, and the body. Based on actual rather than manufactured threat, the social psychology of responsiveness is especially important to acknowledge and research further in the context of an era of security, the defense of which is being used to justify militarization and amped-up policing. Threat responsiveness is not a readiness to defend one’s family against terrorism or one’s country against attack; it is an ability to manage the threats faced being targeted by the state under conditions of surveillance.<sup>42</sup>

**Knowing Your Rights is not enough.** Civilian response to the reality of police provocation must also be addressed because police so frequently disregard civil rights or respond to the assertion of rights with added force and legal sanctions. Know Your Rights (KYR) trainings offered by legal and community based organizations, a crucial means for educating targeted civilians for the moment they are stopped, cover only some of the issues for which civilians need to be prepared and only some of the inner and shared resources they might leverage.

As a complement to KYR, these data offer a rich set of possibilities communities might reflect on to decide which strategies they wish to promote and experiment with in service to which kinds of goals. As Ewick and Silbey (2003) explain, “resistance does not...seize upon lapses of power so much as it relies on the persistence of and familiarity with a particular social organization” (p. 1330), a stance which does not require (even if it might be enhanced by) formal training. These acts of daily living affirm that “groups and individuals have already developed capacities for action out of their experiences of oppression and out of their resistance to oppression” (Moane, 2006, p. 77). I propose, based on my findings, that a social psychology of responsiveness to threat indicates a creative, generative, embodied capacity to respond in the moment through which civilians exert and experience control over the outcomes of an encounter with law enforcement.

In the next chapter, I deepen an analysis of the strategies civilians use to counter law enforcement and assert urban civil life on their terms in this dispersed, every moment kind of way.

## Chapter 6: Civilian Struggles over Urban Civil Life

He stopped me (at the subway turnstile) because he saw me use my student metrocard and he was like, “Oh, let me see your ID.” So, I took it out and, obviously, since I’m a student I can use it, and it was like right after school. And when I showed him my ID, he, um, there was a ticket attached to it and he was giving it back to me and it fell out of his hand. And he’s like, “Oh, pick that up.” And I’m like, “I’m not picking that up.” But he’s like, “You dropped it.” And I’m like, “No I didn’t, you dropped it, and I’m not picking it up.” And then I walked off. He’s like, “Come back here.” I was like, “No.” (Laughter from the focus group). And then the train came and I got on and I’m like, “I’m not going back, fuck you.” (ID 13)

In this chapter I analyze the everyday strategies civilians use in interactions with police officers to assess what NYC residents might be struggling over and struggling for. To do so I conduct in-depth qualitative analyses of Stop and Frisk Archive stories, focusing specifically on the forms of urban civil life civilians enact.

In telling his story, the young queer person of color provides the evidence — which will be obvious to his audience of queer young people of color and researchers who presume his legitimacy — of his legal right to use his metrocard: he is a high school student. His surety about his position as a rights-bearing subject reveals itself in his agreement to show his identification coupled with a refusal to obey an unjustified police command. In doing so, he asserts his interpretation of civil society, one based on legal status backed by civil law rather than arbitrary use of authority. By walking away from the officer and into a subway car, he connects his approach to civil society with urban mobility – both his particular freedom to move and his ability to use public metropolitan transportation. In this way, the young person constructs an urban civil life on his own terms backed by ideologies of legal rights and public resources.

The urban civil life he defines is not the only one at play, however. The officer has already conducted subway station surveillance, defining the civil as one in which civilians will be watched and stopped whether legal justified or not. He has also created a psychological dilemma for the young person, whether or not to defy the officer's instruction and risk a more severe response. In a context of surveillance threat, this risk seems high, and the young person's victory is celebrated with joyful, if anxiety-releasing laughter. He and the focus group members perceive the both/and of the situation through something like spatial double consciousness (Du Bois, 1994/1903), an ability to recognize a conflict over the type of law-in-space that will be enacted. In this way, the civilian and the officer can both be seen to generate forms of urban civil life, neither of which has the power to fully take over the other, but instead exist in tandem, both reverberating from the moment of interaction with ongoing effects.

In this chapter, I playfully engage in a serious experiment to analyze the data for forms of urban civil life civilians enact when they interact with police officers. My playfulness comes from the imaginative approach I take to other peoples' experiences. Also, the potentially extraordinary, yet unknowable, impact of my social location on my interpretations as a white, class-privileged researcher who has never been stopped by police makes me laugh. That is, I find my choice to interpret these stories without consulting those who have lived the experience to be full of hubris. However, rather than a definitive list of forms of city living, my aim is to develop a method of analysis that communities can use or modify to assess for themselves what outcomes their interactions with police may generate. At the same time, my effort is serious, because I think that everyday civilian action – particularly in response to policing — is so deeply

undervalued. Because it has been subject to a damage-centered (Tuck, 2009), hierarchical analysis for so long (and because this analysis is not wrong, just overly emphasized and only part of the story), I argue for the need to acknowledge how civilians attempt to preserve and create the kind of daily lives important to them, whether or not they are also stopped, frisked, assaulted, or sent to court. I also think I bring a unique perspective to the project, one informed by human and urban geography, critical race theory, women of color feminisms, and liberation psychologies that can contribute to new methods of self-awareness for communities and individuals.

### **Analytic Method**

**Resistance as diagnostic of power.** In my research, I hope to understand what is at stake psychologically and materially for civilians in the ways they respond to police by applying Abu Lughod (1990)'s claim "where there is resistance, there is power." Abu Lughod (1990) picks up Foucault's (1990) notion of power as dispersed and traceable only through its enactment, inverting his statement, "where there is power, there is resistance" (p. 95).

Arguing in response to a trend in feminist research in which resistance was being portrayed as evidence of "human freedom," Abu Lughod (1990) challenges such celebration of the human spirit for missing a greater potential. Instead, she sees resistant acts as signs of power at work which can enable the ability to name and better analyze it. "Studying the various forms of resistance will allow us to get at the ways in which intersecting and often conflicting structures of power work together" (Abu Lughod, 1990, p. 43). She researches what Bedouin women are up against in their communities, seeing particular forms of resistance as diagnostic of specific dynamics of power (such as

religious patriarchal mechanisms of interpersonal control) (Abu Lughod, 1990). Ewick and Silbey (2003) also find “stories of resistance express...a recognition of social structure as it operates within transactions” (p. 1331). Stories of resistance can reveal much about the formation and exercise of power.

At the same time, these approaches continue to focus on dominant power and I base my analysis that follows on theories of community power revealed in everyday acts of resistance (Abu Lughod, 1990; el-Khoury, 2011; Ewick & Silbey, 2003; Kelley, 1993; Scott, 1990). From their Foucauldian perspective, Ewick and Silbey (2003) power operates as a “series of transactions whose consequences are contingent upon the contributions of all parties” (p. 1331). Yet, their bias toward imagining a less-powerful group relating to a more powerful group undermines the transactional approach they offer: “Various referred to as secondary adjustments (Goffman 1961), tactics (De Certeau 1984), or “weapons” of the weak (Scott 1985), these everyday acts of resistance represent the ways in which relatively powerless persons accommodate to power while simultaneously protecting their interests and identities” (Ewick & Silbey, 2003, p. 1329). Their frame of relative powerlessness may be a function of the definition of power they use, that is, the “probability of achieving foreseen and intended effects” (p. 1333). In doing so, they move away from Foucault (1990), who emphasizes power’s “exercise from innumerable points” rather than something (mostly) possessed by rulers over those ruled (p. 94).

Further, because their definition focuses on the outcome rather than the assertion of power, it disregards both the value of the assertion itself and the possibility of positive, unintended (or at least not consciously intentional) effects. They lose the possibility of

accounting for less-than-conscious forms power that may nonetheless reflect civilian desire and make invisible effects of power that preserve or generate some values at the expense of others, consciously or not. As Foucault (1990) offers, “Power relations are both intentional and nonsubjective...There is no power that is exercised without a series of aims and objectives’ yet at the same time, ‘this does not mean that it results from the choice or decision of an individual subject’” (Novak, 2003, cites Foucault, 1990, pp. 94-95). It is this lack of subject I trust for acknowledging the non conscious yet agentic possibility; therefore, for my analysis I define power as the capacity to assert conscious and less-than-conscious desire.<sup>43</sup>

This means that while police encounter studies often reconcile conflicts of power, especially police/community interactions, as dichotomous, self-evident, instances of subject and object in which the inferior power of the oppressed faces the superior power of the oppressor, I make central the multiplicity inherent in a transactional approach and theorize the police-civilian encounter as a system that produces multiple outcomes.<sup>44</sup>

**Narrative analysis: The Collective imaginary.** In the analysis below, I explore civilian action as a lens for theorizing what kind of world they struggle over and for, looking slowly at dynamics of threat and power in stop and frisk stories. With an eye on the urban context, I investigate the ways civilians challenge being deemed suspicious and being made materially insecure while promoting practices of civil life that support cultural expression and need for space. In particular, I focus on the notions of community that emerge in their tellings, lifting up the stop as a collective moment with collective outcomes, some of them empowering and generative, others damaging, yet affirming of a collective experience that deserves recognition.

Zaal, Salah, and Fine (2007) offer a model for thinking about proactive civilian behavior in the face of surveillance threat, examining how Muslim girls negotiate a post-9/11 context of heightened surveillance in the US. Young Muslim women struggle to manage assumptions, insults, and threats that come their way in terms of a sense of self, the concerns of family members, and a wider, judgmental and objectifying society. Comparably, I examine the many ways civilians negotiate policing as terrains of struggle. While Zaal et al. (2007) focus on the terrains of identity, family, and society, I focus on the terrains of urban space and community. I theorize that while the material and psychological guideposts of the everyday are questioned by unlawful police behavior, civilians continually attempt to construct a city of mobility and safety while creating communities structured by law and enriched with culture.

I build a definition of urban civil life from the data, using ideas from human geography, law, and anthropology heuristically to read the explicit and implicit content of stories for struggles over “urban,” “civil” “life.” I ask what kind of city civilians enact in the stop and frisk encounter by assessing the kind of city they want to live in or imagine themselves living in. I investigate how they relate to the realm of the civil, that is, their take on the law, their rights, and law enforcement. And I look for what it means for them to live, that is, what cultures, identities, practices are fundamental and meaningful to them. My central criteria was to identify those aspects of urban civil life over which civilians are willing to struggle with police, assuming that struggle indicates value. I am especially interested in the ways civilians think and enact community in these interactions. I am curious about the extent to which the interactions themselves are collective experiences, whether the civilian is alone or not. I propose that a collective

imaginary may be at play, reflecting collective knowledge, a sense of group protection, an audience of support, a motivation for collective action, and a value in communal life worth defending.

### **Findings**

The following chart lists data from the Stop and Frisk Archive (SFA) I analyzed for specific practices and principles characteristic of three civilian struggles over urban civil life in NYC, including struggles over 1) civil community and policing; 2) culture and territory; and 3) security and suspicion. The first column identifies the general strategy used by the civilian, one of 18 listed in the chart in Chapter 5. The N represents the number of times civilians used that strategy among the video and texts in the SFA. The Example is a part or a summary of a transcript from the SFA. The last column is an exciting interpretation of the narrative's content in which I identified a specific social principle or practice over which the civilian could be struggling.

Table 5: Civilian Struggles with NYPD over Urban Civil Life <sup>45</sup>			
Civilian Strategy <sup>46</sup>	N	Example	Object of Civilian Struggle
Struggle over Civil Community and Police Practice			
Refuse and resist	3	L. was standing outside his apartment building talking to his brother when officers stopped and searched him without explanation. He offered his identification, but the police told him to open his front door to prove he lived there. L. refused to enter the building saying he had a right to stand outside. (ID 81)	Policing private space as public; 4 <sup>th</sup> Amendment
Use reason and common sense to question and challenge officers	26	After stopping the car on the highway, the officer ticketed everyone for alcohol though no one was intoxicated. J goes on, "I asked the police officer to do the breathalyzer to see if I was drunk or not. He didn't." J then went to court. "I told the lawyer, I was like, 'Can you tell him that I need, I want to explain myself?' And he's like, 'Oh, if you want to do that, you need to wait a month, and then you'll schedule another hearing if you want to speak.' And I was like, 'You know what, how much do I have to pay?' He's like, '25 dollars.' Good bye!" (ID 26)	Procedural justice; Justice in court; Personal time
Take action in the civil sphere	22	R. was cleaning his car outside his sister's house ...when cops approached him, accused him of drug possession, and searched him and the car. They found no drugs but charged him with a DWI, even though he wasn't driving. Eighteen court appearances and nearly two years later, the charges were dismissed. (ID 56)	Due process; Legality of stop
Use cop watch procedures	3	One evening B walked out his church with four friends and entered their car. Two undercover police cars cut them off. Officers jumped out, guns drawn. "They screamed to put our hands up," Mr. Gibson recalls. "I asked, politely, for their name and badge numbers. They said, "Oh, you're a wiseguy?" The officers searched the car without permission and without showing a warrant. And they departed without explanation, or apology. (ID 67)	Public oversight of police
Assert relational and moral influence	5	Videotaping two girls getting arrested, the journalist says to the officers, "Locking these kids up for fighting, man...now they got a record. ...What are you running these kids through the system for? I mean they fight. That's what kids do!" (ID 9)	Police practice that supports rather than criminalizes young people
Assert relational and moral influence	2	"You know, back home in London, they wear checkered caps' ...And I was like, 'Really? Because the police officers here are assholes.' And coincidentally there were like three guys in blue and they were outside and they heard me." (ID 24)	Free speech; The contradictory expectation of respect for law enforcement given regular police violence

table continued on next page

Struggle over Culture and Territory			
Assert hierarchical and group relations	8	“You've got a lot of nerve. Don't find no drugs on you or nothing... Whitey stepping up in here — that's cuz the whites living up in here. This is our territory, not yours. I didn't do nothing.” (ID 8)	Construction of racialized space; Land claims
Publicly protest or other advocacy	4	Two lesbians of color arrested outside a nightclub spoke out at a public demonstration. “They had the audacity in front of their own sergeant and the rest of their brothers and sisters to say, ‘We are having some dyke pussy in here tonight!’ Grey said of the officers.” (ID 30)	Public dissent and protest; Homophobic sexual threat
Seek/ Take up communal responsibility	9	“I'm fortunate that other people showed up because if they didn't show up I really felt that I would have been hurt. I really felt threatened by (the police)” (ID 85)	Reliance on neighbors to deter police violence
Claim rights and evidence to question and challenge officers	13	Waiting for the subway, a male-bodied person of color wearing girls' clothes after his own got soaked in the rain told officers who had instructed him and his female friend to move, “There are 20 other people waiting down here!” (ID 23)	The right to stand in place; The construction of gender— and sexually—ambiguous public space
Struggle over Suspicion and Security			
Question or challenge officer	13	When (woman) asked a police sergeant why she was stopped, he said to her, “Because I can.” (ID 57)	Authority to turn someone into a suspect
Make strategic choices about behavior	2	“I dress better if I go downtown. I don't hang out with friends outside my neighborhood in Harlem as much as I used to.” (ID 36)	Likelihood of suspicion
Assert hierarchical and group relations	2	An English-speaking newspaper reporter describes being stopped: “The officer demanded, ‘Do you understand English?! Answer the question!’ ‘No, no hablo ingles,’ I quipped. Under normal circumstances, I wouldn't have said that to any cop, but I found his tone surprising and insulting.”(ID 32)	Ability to leverage irreality by pretending
Construct knowledge of the incident	28	Interviewing two men Hayden asks, “You all were stopped by those police officers. Did you receive any traffic tickets or anything?” “No, no.” “Did you receive any kind of violation tickets?” “No, no.” “Why were you stopped?” “We're black.” “And why was your car searched?” “Cuz we're black.” (ID 1)	Identifying race as the actual motive for making someone a suspect
Refuse and resist —verbally and physically	12	“A group of about 10 white officers...began calling out ‘move the fuck along’” to a young man standing apart from the scene. “He didn't leave, but he didn't interfere either.... “One of the officers ran over and pushed the kid. The kid did not push back, but stood back up and told the officer to stop.” (ID 39)	Bodily safety and integrity; Freedom from unlawful harassment.
Comply	8	Coming out of the gym, police run up to a group of friends: “One of my mans twisted his ankle. They rush him to the floor; he's screaming his ankle hurts; they got they knee all in his face. Taking IDs, I was tired, my back hurt, I wanted to eat...” (ID 98)	Severity of impact of state violence
Construct knowledge of policing and of hierarchical power relations	16	A journalist videotapes two young men of color sitting on a bench while two officers question and search them. Afterward, one states, “They want to change the name of this park. Want to call it a private park.” (ID 2)	Construction of public space as private

**Struggle over civil community and police practice.** In their interactions with police officers, civilians want the law on their side. They steadily struggle over their civil rights, asserting them, calling their violation into question, attempting to ensure their rights are not just protected but exercised. They want reason and common sense to structure police/community relations and concern themselves with how the police police—the philosophies, the practices, and the degrees of accountability that guide and restrain their behavior. The following examples suggest the struggle for a civil community featuring mutual support and youth-centeredness characterized by a policing that supports both.

*Community of mutual support: Stepping in.* This bystander presence can become active. As reported in a newspaper article, two activist brothers stepped in to translate English and Spanish for a fruit seller whose stand is being dismantled by police officers. The reporter begins by quoting the brothers,

"We see police picking up boxes of street vendors' product and throwing it away. This one vendor was looking all bewildered and helpless. We approached him, and he says in Spanish that he doesn't understand why they are taking his stuff." The pair asked the police if it was all right for them to translate. The cops...didn't seem to have a problem. One of the officers explained that there were health-department violations, but others became belligerent...and told the brothers to butt out.

Robbins (2008) (ID 29)

The officers in this situation face a dilemma. While they often keep bystanders at bay to establish control over interactions (Staller, 2002), the brothers approach the officers with deference and are initially treated as if they've made a reasonable request. The civil life the brothers attempt to create is a multilingual community in which those who are subject to the law can understand the language in which the law is being exercised. One officer begins to co-create this with them, widening the "scope of justice" (Opotow, 2011) to

include bilingual communication, yet others treat the brothers like a threat to their authority. As the scene unfolds, the brothers ask for badge numbers and officers begin to wrestle them to the ground, arresting them. The officers turn down the opportunity for working with community to define policing in favor of the control of a threatening public.

*Youth-centered community.* From the threshold of her apartment building door, a woman is heard loudly asking, “Why can’t she spit?” as Jazz Hayden begins to video record the scene of a police stop. With his camera steady on the two girls arrested for fighting and the officers frisking them, Hayden challenges the officers.

Jazz Hayden: Locking these kids up for fighting, man, now you’re going to put them in the system, and then, now they got a record, huh. something that’s going to follow them for the rest of their life.

...

JH: Hey, officer! Can I speak to you?

Male officer: Hey.

JH: I mean these are kids, man! What are you running these kids through the system for? I mean they fight. that’s what kids do! They fight all day long. man. That’s what they do! (ID 9)

As the journalist turns on his camera, the peak moment of arrest has already taken place, yet the scene shows many signs of ongoing struggle. Hayden aligns himself with the aunt as he starts to sort out what has happened. She has not let go of the point she is making and tells the facts as she experienced them. She claims her relation to her niece and defends the niece’s need to spit, refusing to fully concede officer power. It is not clear if her niece has been arrested for spitting, or fighting, or both, but the aunt’s vocal objection resists their assertion of authority and suggests it is outsized, contrary to common sense. The two become a kind of tag team: the aunt who calls out police pettiness from her doorway joins up with the camera-armed, seasoned journalist who

openly asks why officers would choose to ruin young peoples' lives. In a struggle for a more child-supportive form of urban civil life, Hayden morally challenges the officers as potential authority figures in a community that could care about its young people. He gives them a choice: to side with him, the aunt, the friends, the neighbors, and the handcuffed young people in the kind of community that uses perspective and wisdom to raise their understandably agitated teenagers, or to side with a "system" that truncates their futures.

### **Struggle over culture and territory.**

"It feels like an important thing to be part of a community of hundreds of thousands of people who are wrongfully stopped on their way to work, school, church or shopping, and are patted down or worse by the police though they carry no weapon; and searched for no reason other than the color of their skin." (ID 36)

In the habits of their daily lives, civilians enact their intersectional cultural identities yet police often target cultural and identity expressions for punishment and exclusion. When stopped, civilians attempt to preserve their ability to be where they are, as they are, with the expectation of respect from police. This can mean they challenge officer derogatory harassment and blatant sociocultural discrimination. Beyond in-the-moment protection of their bodies, civilians also defend their communities, often tied to local geographies, reflective of racial, ethnic, gendered, and sexual expressions and ethics of their own design. Bounded geographic areas have historically provided a base of protection and self-definition for communities along lines of ethnicity and, more recently, sexual and gender identity. For some, this places them in direct conflict with economic and governance claims over urban space in ways that show up in the police encounter.

Stop and frisk works because it isolates those stopped, divorcing them from their realities and their communities and turning them into suspects and criminals. To the extent that family and neighbors also then distance themselves, wrongfully and excessively policed civilians are left to wrestle with their criminalization on their own.

However, stop and frisk is also a site of a great deal of community work. Crowds gather and pressure officers. Strangers, family members, friends, and bystanders step in. And small, grassroots projects cop watch and video record stops, seeking justice in organized protests and broadcasting their findings through independent media outlets. Importantly, these responses turn the one-on-one police-civilian dynamic into a collective one, posing a significant challenge to the diffusion of responsibility literature which argues that the presence of other people makes it less likely that someone will step forward to help, demonstrating that civilians may initiate circuits of resistance in response to surveillance threat that mobilize rather than diffuse responsibility.

In the following examples, civilians construct cultures of protection and sexual respect, recognizing and leveraging the power of the bystander.

***Community of protection: Witnessing deters police violence.*** The importance of in-person witnessing reverberates through much of the data. Bystander presence can mean the difference between a ticket and a beating. In the following quote, a public housing resident familiar with the rough issues in his neighborhood describes being stopped with his sons by three officers in his building's lobby. He is asked whether he lives there and is told to show his ID. One son asks whether he has done anything wrong but his question goes unanswered. The father explains that a few minutes later, when

people walk through the lobby, "they (the officers) let us get on the elevator." He went on,

Now the funny thing. Might sound kind of strange. Of all the things that go on around here, I'm more scared of the police. They (inaud) be our protectors but we don't get that feeling in this neighborhood. Every time (inaud), I feel threatened. That's how they approach me. And, amazingly, I'm fortunate that other people showed up because if they didn't show up I really felt that I would have been hurt. I really felt threatened by them. (ID 85)

The resident is afraid. What might appear to be a potentially benign, routine stop is not for him. As we find out later, he has been stopped repeatedly, choked by police, brought to jail, all for supposed offenses like trespassing in his own building. At the same time, his fear contradicts the dominant discourse of police as protectors. What he is grateful for, and amazed by, instead is the protective power of community presence.

***Community of sexual respect: Lesbians of color define police/civilian relations.***

NYPD officers are known for harassing and assaulting women and transgender people (M. Fine et al., 2003; INCITE!, 2006, 2009; Mogul et al., 2010). Civilians, though, can be at the ready, looking for opportunities to undermine officer sexual authority and assert practices of sexual respect. In the following interaction, Ndila plays a verbal game with an officer:

There's this one instance. It's one of my good friends, you know. I went in with her to the train station. And there's this cop and I see him look at her in a certain way, so I was like (inaudible), and I was like, "Like what you see?" He's like, "Yeah." And I'm like, "Well, you can't have it. And I went right back upstairs. And he can't do anything. And he was like, "Hey, hey, hey..." And I was like, you can't do anything because technically I didn't verbally assault you. Good bye, have a nice day. So I think that if someone were to, a cop were to try to do something to a female, it's just more about, um, your choice of words. Instead of cursing at them, getting a ticket, say something smart and they can't say anything back, so...

Ndila (ID 17)

Ndila catches the police officer sexualizing her friend. Officers develop sexual and romantic relationships with civilians on the job, yet they are also known for preying on young girls (see Chapter 4). She knows the risk her power play entails (the accusation of verbal assault) yet she wants to fight sexual harassment. Ndila asserts herself in a role of protector over the sexual and relational integrity of her friend. Drawing on forces that affirm and strengthen protector identity (which might include black womanhood, black lesbian politics, and historical community relations with police), she transforms a sexually-predatory subway surveillance into a we-protect-our-own space of sexual mobility.

Ndila attributes her success to her intelligence and coaches the focus group listeners by example, showing them another way to express their powerful feelings while asserting control. She models an artful approach, pretending to share the officer's sexual gaze at first as a mutual appreciation of her friend, but then confronting the officer as a sexually exploitative authority, drawing a tighter circle around the boundaries of police professionalism to promote a culture of sexual safety and integrity.

**Struggles over Security and Suspicion.** While the history of criminal justice contains many debates over what defines suspect behavior, contemporary discourses and practices of national security infuse such questions with new urgency. New means and justifications for infiltrating the body and rendering it suspect are rapidly proliferating. Surveillance studies articulate how anxieties over borders, terrorism, and interior threats fuel the disruption and dispossession of those deemed threats to society. Frightening a general public with specters of criminals and terrorists relies on what Massumi (2010) calls “affective” rather than “actual” fact, the felt sense of threat, a looming presence that

seems to prove the catastrophic is all but inevitable. New and old practices of suspicion support this manufacture by putting perception up for grabs, affecting how reality is claimed and how it is asserted. Such threat requires security intervention at any cost to stave off an obviously apocalyptic future.

This “security” actually renders great swaths of the populace materially and legally insecure, contrasting greatly with the kind of safety and stability many groups seek. Moten (2002), citing Althusser (1997), articulates the actuality of fear faced by those targeted in dynamics of security: “The terror that characterizes the proletariat is not some obsession with the horrible that might happen. 'The worker is not a proletarian by virtue of what-will-happen-to-him-tomorrow, but by virtue of what happens to him every minute of the day. . . . (P)overty, in the proletariat, is not the fear of poverty, it is an actual presence that never disappears” (p. 191). While civilian struggles over officer suspicion attempt to rectify and ground officer perceptions in a shared reality (or, sometimes leverage the same ability to make reality ambiguous), in struggles over security, civilians fight for their physical safety and material stability in a context of largely manufactured anxiety.

*Community of strategic avoidance.*

After the third incident I worried when police cars drove by; I was afraid I would be stopped and searched or that something worse would happen. I dress better if I go downtown. I don't hang out with friends outside my neighborhood in Harlem as much as I used to. Essentially, I incorporated into my daily life the sense that I might find myself up against a wall or on the ground with an officer's gun at my head.

Peart (2011) (ID 36)

In his highly circulated New York Times Opinion piece, Nicholas Peart (his actual name) describes the four stops he has faced so far in his 23-year-old life, filling out

the civilian side of the stop and frisk story and its influence on his appearance and mobility.

His story echoes through the data. Whether trying to stay alive or avoid contact with police in general, civilians attempt to blend in. The form of urban civil life is characterized by self-restriction and normalcy, tools to reduce the likelihood of being made suspicious, yet at the same time reflect the abdication of the right to be protected in public space. Some manage potential targeting for transgressing racialized norms of gender and sexuality. LGBTQ young people and low income LGBTQ adults describe tailoring their appearance and conduct to induce perceptions that recognize them within the bounds of a gender binary: “I dress like a normal man, work, and conduct myself as a professional in society.” “I try to avoid interaction with the police if at all possible. I also feel the need to 'pass' as a woman in order to avoid harassment on the street and in the subway.” For these two respondents, appearing as a normal man or woman to society doubles with appearing normal to the police. Others, acutely aware that police target civilians based on dubious markers “gang activity” and “prostitution,” avoid wearing hoodies (hooded sweatshirts) or gender nonconforming clothes and hair in order to present a “noncriminal citizenship.” Not only does this obviously restrict personal freedom, for people of color, especially those perceived as male or transgender, their self-management practices are especially fraught since the NYPD uses so many other markers—skin color, neighborhood – to criminalize. This form of community-making may be what Ewick and Silbey (2003) would describe as “accommoda(tions) to power” that takes place alongside “protecting (one’s) interests and identities.” Yet civilians are more than just fearfully and strategically willing to sacrifice their personal expression and freedom

of movement to protect themselves from being made suspect. They also challenge the status quo.

*Community of pushing the boundaries.* We know from the NYPD's own statistics that at least 20 percent of stops involve the use of force, putting civilian safety at risk. Yet mainstream discourse, as discussed in Chapter 1, often blames an aggressive civilian for triggering a normalized police reaction. If much police forcefulness is unfounded or incommensurate with the triviality of the violation, how do we theorize forceful civilian behaviors from a justice perspective?

In focus group discussions, young LGBTQ people of color told of standing up for themselves with officers and refusing to comply with directives. It seems well-known that some young people “curse officers out”, although the discussants expressed ambivalence about this, following each story of a curse-out with a “they shouldn't do that.” In a moment of claiming this behavior, one young person, Carter says:

I mean, I come across as nice, um, however, if I really get a ticket from a police officer (inaudible), um, I do often curse them out. Um, and whenever they're like in my neighborhood and they're standing in the streets or anything and they look at me like and um I just give them like mean looks back. But like in general I'm respectful, not necessarily nice, when I met some of them, so yeah.

...

I know that when I'm annoyed at the police, like, I crack jokes on them. That's how I am. I know it's bold. But I crack jokes on them in their face and again, I curse. And you know like, yeah, it can get me in more trouble. But nine times out of ten I don't get a ticket for it, which is shocking.

Carter is on top of his game. He knows precisely how he comes across to officers at a distance (“nice” or “mean”), and makes a sharp distinction between interacting with them respect rather than niceness. And, when he gets a ticket, he curses them out. Carter disregards the urgent instruction of every mother of color who has ever sent their son out

the front door and every legal organization that has taught its communities their civil rights. Yet Carter demonstrates a questionable practice infused with knowledge and bravery. He knows he risks getting in more trouble, yet more often than not, he does not. This is rare and valuable knowledge for young people who verbally assault police officers; those who push the envelope may have a more seasoned sense of the degree of push back officers tolerate. The need to assert power and control for self-defense or dignity may sometimes outweigh the risks.

***Community of copwatching.***

If you weren't standing there with a camera this would have been a whole different story. It would have been a whole lot worse. You would have heard the vulgar language, you would have seen the roughness. (ID 5)

From the individual to the collective to the institutional, watching and recording officers is understood as a powerful means of accountability. One coalition in NYC, People's Justice, argues that the threat it poses to officers in action has turned the camera phone into a serious tool of police violence prevention. The civilian stopped can use the video as evidence in legal proceedings. And, as a working archive, videos can be used for community organizing campaigns, news stories, advocate reports, and research like this dissertation. In its community workshops, People's Justice hopes to promote a "culture of copwatching" and advocates educating the public about tactic during encounters. This is where unorganized response meets organized resistance.

The NAACP archived testimonial videos in an internet organizing strategy supporting its 2012 Father's Day March against stop and frisk in NYC. Gabrielle recorded her story, which heads Chapters 4 and 5, in conjunction with this march. The video does many things: it bolsters the organized march, it frames the issue of stop and

frisk, it validates the possibility of everyday resistance in the moment, and it models how to do so.

*Community contesting suspicion of institutions and selves.* In this section I discuss how a young person questions the disparate treatment she receives for a minor subway infraction and how she manages the subsequent accusation that her LGBT organizational ID is fake.

In one focus group, the LGBTQ youth participants debated the causes for officer abuse. Trena, a young, soft-spoken woman of color shared her story, one that echoes Gabrielle's:

There was a time when I was in the train and it was one o'clock in the morning, whatever, and I was, like, so tired and I just put my, I just lay down on the thing (bank of seats), whatever. Not lay down on, but I put my foot on it, whatever. And these other people had their feet there. So the police officers had the audacity like to call me out, instead of, like, bring them two alongside with me. And he basically gave me a ticket and I was just like proving my point about why didn't he take the other two people that were basically doing the same thing. (ID 21)

As the moment of policing unfolds, Trena assesses the scene for justice and finds it wanting. In "proving her point," Trena contests being singled out in the officer's blatantly unfair targeting. A youth facilitator later asks Trena how she felt at the time. She says she was mad. Another focus group member asks her how the officer replied.

His reply? He was like, "Oh, well, that doesn't matter, well, I'm not dealing with them now, I'm dealing with you" (inaudible) and I was like, this makes no sense. And then he asked for my ID, and whatever, and then he saw that it said "The Door" and he was like, "What is that?" I was like, "A LGBTQ community area where people hang out." And then he was like, "Oh, well, I feel like this is a fake ID" or whatever, so then I had to show him my school ID, and I was mad. I was just mad. I just felt like punching him in the face but I couldn't. But anyhow. (ID 21)

As focus group members support Trena with receptiveness and curiosity, she becomes increasingly expressive with her feelings and sense of injustice. This is an unsurprising yet important finding about young peoples' habituation to policing. Policing designed to isolate civilians, coupled with wider social discourses that ignore or dismiss young peoples' experiences, vacuum seal an airless space around them, preventing their angers from sparking a potentially explosive collective reaction. Yet their feelings may rest just inside the edge of that seal. In the focus group, verbal validation and embodied support work to create a larger container for Trena's powerful anger.

She becomes even angrier when she has to show him her school ID. People whose gender presentation does not conform to a gender binary face a particular dilemma with authority figures whose decisions turn on a gendered name, M or F (Currah & Moore, 2009).<sup>47</sup> Because we do not know more about what made Trena mad about having to show her school ID, I am borrowing her story to raise the issue of the policing of gender through ID. Other people like her may strategically manage perceptions by the kinds of ID they use, showing ID with their chosen name or gender identity rather than the gender or name they were assigned at birth. In other words, it might be that young people use ID from places like The Door because this organization allows its members to self-identify. A young person who identifies as female but was raised male from birth can then use a Door ID that says "female." If forced to use a legal ID, however, and the gender contradictions exposed, the young person can be subject to additional forms of surveillance threat.

We cannot know whether the officer targeted Trena for his perceptions of her gender presentation but we need not assume he happens to target a member of an

LGBTQ youth organization by chance, or that declaring her ID a “fake” has nothing to do with a history of calling gender transgressors deceptive. She, like others who recognize the ways they are singled out by officers for gender nonconforming dress and hair styles, may have appeared targetable to an officer trained to be suspicious of the not normal. Further, transgender people are commonly accused of faking or lying about their gender. Someone like Trena, then, is forced into struggle over their gender identity, in ways that put them at risk for unchecked and potentially violent transphobic reactions.

Trena’s effort reveals struggles over gender and public transit. In contesting the transparency of the space (Lefebvre, 1984/1991), that is, the obvious legibility of how gender and race (are supposed to) manifest in the subway, Trena and her ID do not fit. Rather, she makes the space paradoxical (McKittrick, 2006; Rose, 1993), in which multiple readings of space are possible and competing, one of which is a construction of space from Trena’s perspective, based on her materiality. That is, the space is more than simply male or female because she is there. She actively demands equivalent treatment and brings the community institution that recognizes her and others like her into the verbal and material struggle. She battles on many microfronts: a) challenging the officer’s unfair treatment, b) choosing among forms of identification to influence his perception of her, c) risking his response to an ID issued by an LGBTQ nonprofit program, d) keeping quiet about her response to his accusation of faking, e) complying when he demanded another form of ID, and f) choosing not to lash out physically. If she leaves the interaction with only a ticket and an interrupted subway ride, do we recognize her success in reducing the potential harm that came her way? Do we see her attempt to assert her identity a paradoxical spatialization that challenges a subway system gender

binary? How do her racial identity and age contribute richness to this spatialization? I argue that Trena's effort exemplifies a will to urban civil life characterized by young assertions of justice, identity expression, community institution legitimacy, and personal safety that contest an individualizing, dichotomizing, delegitimizing and threatening police practice.

### **Discussion**

I propose that a collective imaginary mobilizes civilians' actions on their own behalf and on behalf of others in response to policing. The community organizations, families, friend groups, neighborhoods, ethnic and racial groups, sexuality and gender identity groups, and urban communities with which they are allied offer a sense of protection and identification, a reality check, a reason to act, and a means to sustain one's position. The collective, imagined, becomes a collective-made-real as civilians invoke their definition of who matters – and who has power —when stopped. Sometimes civilians give up identity expression in exchange for the protection of the norm, enacting a disciplinary city life by allying with dominant society. Many other times, however, civilians enact a city in which their communities of reference carry them through the police encounter, produced anew when spoken of, defended, or relied upon.

Through their struggling, I find civilians constructing as many versions of urban civil life as there are stop and frisks in ways that also reflect shared ideals. These include lives in which reason shapes police-civilian relations and community-oriented policing reduces exposure to crime; a personal and community safety defined by legal rights and assumptions about humanity; and in which control over community territory and access

to public space are needed to continue pursuing everyday lives free from suspicion and rich with culture.

Mitchell (2003) argues that the ability to tolerate tension and risk is necessary to make life livable in the city (p. 4). This is a profound statement of faith and pragmatism – faith in a public able to differentiate between actual and affective insecurity. Under current conditions of stop and frisk, targeted civilians continually face the actual threat imposed by the affective fact of their “suspicious” behavior and counter this insertion of irreality with strategic action. I think it is important to consider that in their interactions with police, civilians may be struggling for the kind of security that publicness makes possible – the exchange, the dissent, the taking and making of public space (Mitchell, 2003). If so, they are trying to make urban life livable not so much by tolerating but engaging in tense conflicts, and in this way are already practiced at establishing a security based on the actual risks they face.

## **Chapter 7: Contributions, Limitations and Future Research**

In this dissertation I investigate the patterns of harm civilians face in their encounters with police officers, assessing whether and how civilians proactively respond. I also theorize, by studying civilians' actions and words, the kinds of cities they imagine living in before the encounter and the kind of cities they assert during and after. Based on my findings, I argue that stop and frisk is a site of psychological and material struggle over the conditions of urban civil life. Stop and frisk threatens a range of harms that work to protect economic elite interests by asserting a racialized, gendered, sexual, economic, and geographic order. Yet in the face of these threats, civilians continually invent and use strategies to protect themselves and assert control over their everyday lives. In doing so, they demonstrate a responsiveness to threat. As I discuss, it is important to think about how the dynamics of surveillance threat and threat responsiveness reflect psychologies of both oppression and liberation; my study contributes to both.

I analyze the police-civilian encounter specifically to inform a theory of surveillance threat more generally. While police practice in the US has always targeted black and other communities in order to manage labor, territory, and population (Johnson, 2003; Mohammed, 2012), by developing surveillance threat as a concept, I offer a significant new social psychological tool for researching and theorizing the realities of law enforcement encounters across sites. Surveillance threat offers a crucial reframing of social threat, looking behind the statistics, detention centers, and prison bars of a manufactured, affective threat that attaches risk to brown, perverse bodies, revealing the actual bodily and spatial violence of that manufacture: moving, shoving, stripping of

rights, violating in private, humiliating in public. Fanon (1967, 2004) struggled deeply with the ways colonized peoples warped themselves around such patterns, contorting their humanity and locking their fates. Yet liberation psychologists and those they learn from globally have found it crucial to document the dailiness of community challenges to oppression (Kelley, 1993; Moane, 2006) and acknowledge a “desire” that reflects complexity and growth (Tuck, 2009). Recently, this has become imperative for a social science context that has built itself on defining and examining the problems of targets of social oppression without end (Tuck, 2009). Because “surveillance” as a concept and rapidly proliferating practice has new power in an age of terrorism and national security, how studies measure its effects, the people affected, and peoples’ responses matters for the role of research on injustice. Surveillance threat, while it serves as one of these measures, may do as least as much harm as good if left to stand on its own. I use ST in tandem with a strengths perspective as a means of highlighting the resources already at play that can be nurtured, amplified, learned from, shared, modified, and brought together as power. I further develop ST as a site of struggle in order to contextualize it as a social psychological dynamic in a material field.

**Queer, transnational, feminist perspectives inform my theory and method.**

Examining surveillance threat through queer and transnational feminist lenses link sites of law and border enforcement locally and globally (Grewal, 2005, 2006; Puar, 2007; Tawil-Souri, 2011). These perspectives influenced by thinking through the kinds of bodily enactments civilians manage in moving within and across nations. Transnational feminism highlights how nation states manage internal and external borders and groups, enacting racialized, classed, and differently-abled genders and sexualities to do so. In a

US context, feminist literature on women's relations with police focuses on women's concerns like domestic violence and sexual assault, and critics challenge a law enforcement solution to violence in communities of color for whom law enforcement is a source of violence (INCITE!, 2006; Mogul et al, 2010).

Despite these literatures, discussions of police violence of the sort I study here, even among advocates, often leave out the experiences of women and LGBTGNC people (INCITE! 2009). In part because the overwhelming majority of stops (90 percent) are of black and Latino men, other groups have been less widely discussed. However, the gendered and sexual dimensions of the threats men of color face need to be better articulated in discussions of stop and frisk. A feminist and queer intersectional analysis is necessary to show how the policing of women and LGBTGNC communities, coupled with sociocultural discourses about different bodies, sexualities, and genders, entwine with dynamics of stop and frisk to keep the relation in place (INCITE!, 2006; Mogul et al., 2010).

To address these gaps, I constructed my data set using purposive sampling (Barbour, 2001; Mays & Pope, 1995; Patton, 1990), a method used by critical researchers to gather specific kinds of data needed to study a social problem under addressed in traditional research — to include the stories of cisgender women and LGBTQ civilians of color. I then analyzed data for racialized gender- and sexuality-based forms of surveillance threat and civilian response and their effects across raced genders and sexualities. My findings provide an accounting of stories reflecting these intersections from many perspectives, contributing a needed approach to analyzing gender and sexuality policing data.

In what follows I discuss major contributions of my dissertation falling in two categories: psychological, material, and collective dimensions of the struggle over surveillance threat and stop and frisk as an enactment of urban civil life. I then think through some of the limitations of my work and suggest how my ideas might be extended in theory and future research.

### **Contributions**

**Surveillance threat.** The fundamental contribution of my research is my definition and exploration of surveillance threat, a concept I develop to study the police-civilian interaction as an instance of potential harm targeted civilians must negotiate psychologically and materially. My approach reflects psychology of oppression theory in which subjugation takes place through the threat and use of force, creating fundamental psychological conflicts for those living under oppressive conditions, pitting their survival against their identities, their communities, and their futures. I developed an empirically-based definition of surveillance threat that incorporates a) the potential for physical, legal, verbal, sexual, psychological, neglectful, and spatial harm; b) the threatening attitude of law enforcement officers, and c) the civilian's perception of immanent harm. This constitutes a significant contribution to the police-civilian encounter literature.

Because I wanted to suspend assumptions about the damage ST causes, my content and narrative analysis of police behavior led me to propose that ST creates a set of psychological dilemmas civilians must negotiate. These include dilemmas over contradictory discourses and practices of the law; the exercise of racialized authoritarian rule under the guise of democratic forms; the preservation of sexual and gender integrity

in the face of harassment; the invisibility of forms and victims of police sexual assault; unjust stoppings and forced movements; interrupted access to space; and disrupted meanings of public, private, and home.

**The Mobile, temporary architecture of surveillance threat.** From the psychology of oppression perspective, a major surveillance threat of stop and frisk is its role in constricting and controlling public space, public institutions, and public mobility in and among communities of color and low income communities. This reading suggests the importance of understanding how civilians think and embody space when managing multidimensional spatial threat and how spatial threat relates to other forms of ST. I use the metaphor of architecture —of design and construction — to theorize how forms of surveillance threat I identify (legal, physical, sexual/gendered, spatial) work together. I envision ST as a temporary, mobile structure erected in the moment, a physical dynamic that stops, restricts, and directs the movement of bodies, subverting the law in the name of the law to do so, taking advantage of diminished rights to enforce hierarchical cultural power in order to dehumanize and humiliate civilians (i.e., through race, gender, sexuality, etc.) in the process of gaining control of urban space. In negotiating the many iterations of this structure, civilians demonstrate responsiveness to threat in asserting their own brands of control over the spaces of their daily lives.

**Social psychology of responsiveness to threat.** My analysis of civilian action reveals a social psychology of responsiveness to threat, contributing a needed analysis of response to criminalization to liberation psychology as well as complementing theories of resistance to prejudice and stigma management. I am especially concerned with the relationship between psychological and material manifestations of civilian agency,

particularly relations with the body and the environment as well as the ways individual civilian interactions with police fundamentally reflect a sense of the collective.

My approach to police-community relations differs from much social psychology and criminology research. By prioritizing the civilian perspective and building on theories of critical consciousness and embodiment, I connect stop and frisk to work that refuses to naturalize either a criminal subpopulation or assume either a passive - or unwisely aggressive - victim of police violence. I argue that civilians, in the face of surveillance threat, do things to sustain their safety, minimize harm, affect the outcome, and attempt to control the balance of power in the dynamic (Cross, 1995; Ewick & Silbey, 2003). Further, I assume “where there is resistance there is power” (Abu Lughod, 1990) and suggest that by their actions, civilians attempt to create an urban civil life characterized by a sense of community, a practice of law that protects the people, and a space in and of the city safe enough to live free of suspicion and rich with culture.

My narrative analytic method makes a novel contribution to liberation psychology by bringing together phenomenological psychology (Wertz, 2011) with a constructionist grounded theory (Charmaz, 2011) strengthened by feminist, queer, and critical race theory. In doing so I create the notion of mediated phenomenology, one that works to acknowledge and set aside dominant meanings in order to make room for a socially-located, critical reading of the forces that shape phenomena.

Using a set of heuristics as guides, I examine stop and frisk stories for the nexus where the psychological meets the material, finding a) connections and contradictions between the mind and body, including the leveraging of race, gender, and sexuality; b) non conscious as well as conscious responses to policing; and c) relations between mind,

space, and place in which civilians construct physical safety, community, and territory. Together, my findings reveal a psychology of responsiveness to threat characterized by embodiment, automatic as well as conscious and critically conscious reflection, and a psychological and material capacity to construct space. I explore these contributions in more depth below.

**Mind/ Body: Embodied responses to psychological dilemmas.** The field of surveillance studies emphasizes the enormous and growing role of information circuits, digital recording, databases, automaticization, etc. in processes of global securitization. In the first issue of *Surveillance & Society*, Lyon (2002) states, “Surveillance may involve physical watching, but today it is more likely to be automated” (p. 1). I think this common perspective is deeply flawed. Border enforcement and criminal justice continue to be interpersonal phenomena — from stop and frisk to checkpoints to random bus and train checks by officials miles from the U.S. border to airport security — even as new technologies shift and supplement some of these relations. I argue that studying surveillance threat requires an analysis of the body. Psychologies of oppression and feminist scholarship have instigated important studies of the body. Coupled with recent trends, critical psychological researchers are exploring how to “bring the body back in” to discussions that have become dominated by discourse theory (Ussher, 2008). In measuring embodied harm and response, my work contributes to these theories by decentering procedural justice claims, which focus on fairness, and recentering distributive justice claims, which focus on impact. I find that civilian respond with complex, sometimes paradoxical embodied strategies designed to deflect the networked threats that come their way and preserve their ability to move in the city.

**Mind/Mind: Consciousness and automatic self-regulation.** To understand how this is so, I bring together interrelated components of perception, cognition, and bodily response: the ways mindful attentiveness and perspective-taking can reflect critical consciousness and inform embodied, non-conscious, automatic behavior (Bargh & Chartrand, 1999; Bhabha, 2004; Fanon, 2004; Frable et al., 1990; Gearty, 2012; Guishard, 2008; Holmes & Smith, 2012; Roberts, 2005). Work on critical consciousness is vital for understanding the kinds of knowledges communities build and draw on in facing oppression. Though such knowledge may inform how civilians decide to act with police, there are additional ways to think about non-conscious responses as an agentic readiness to respond. I relied on Fanon's (2004) emphasis on the psycho-affective dimensions of colonized bodies, Bhabha's (2004) notion of "visceral intelligence," and Roberts (2005) idea of embodied knowledge of racial oppression to think about how the body responds to threat, and the blurry, productive relations between thought and bodily response, to assume a range of possibilities for bodily reactions. Automatic self-regulation theory (Bargh & Chartrand, 1999) further helped capture civilian behavior as consciousness-made-habit that may not reflect conscious thought per se, but may reflect preestablished goals and assessments of the context. I describe these less-than-conscious, proactive steps as "quickfootedness," an embodied responsiveness to policing that serves a range of personally and communally meaningful goals which do not have to reflect conscious decision-making or be reduced to survival instinct. This idea contributes a material dimension to theories of everyday response to prejudice and discrimination.

In order to think about quickfootedness in the places where stop and frisk happens, I conducted an analysis of spatial surveillance threat, contributing ideas of the body and space to social psychology which I describe next.

**Mind/Space: Constructing paradoxical space.** In my research I analyze how the places civilians live, work, go to school and play, and the necessary movement-in-space it takes to get there and back, become sites of potential harm from law enforcement and the ways such policing constructs the ideas and practices of these spaces and movements. Civilians are stopped in motion, sometimes violently, their motives for standing or walking questioned, their right to be in place denied, and their bodies sometimes removed. In the process, their cities become places of immobilization, neighborhoods sites of lockdown, and their bodies invaded and invadable territories. McKittrick (2006) uses Rose's (1993) term "paradoxical space" to describe the historical construction of black geographies under condition of dominant, "transparent," that is, immediately obvious and ahistorical, space (Lefebvre, 1984/1991). McKittrick's (2006) thought underlies my empirical effort to find the ways those who are policed – most often black and brown peoples – continue to shape space on their terms despite a concurrent dominant disregard of space as theirs to shape. Applying my additional interest in the notion of temporary, passing spatial constructions, I find civilians physically, verbally, and nonverbally assert their rights to be where they are, to move and to use public and private transportation, constructing paradoxical spaces of mobility and presence amidst the repetitious and temporary surveillance architectures that stop, remove, and confine.

Together, civilian practices reveal psychologies of the body, consciousness, nonconsciousness, and space that are proactive and responsive to, in, and despite the

threatening context of surveillance. Threat responsiveness contributes needed methodological and theoretical tools to liberation and critical psychology.

**Collective imaginary made real.** In consistent contrast to the individualizing forces of stop and frisk that push suspicion and disorder into single, risky bodies, civilians talk about, consult with, pair up with, protect, defend, and watch and get watched by members of their communities who do not remain disinterested. While the diffusion of responsibility literature assesses the extent to which helping behavior is thwarted when others on the scene might be looked upon to step in, my data suggest that community members often chime in, investigate what is happening, offer to help both parties, challenge officers, and otherwise make the stop and frisk a community issue. While other data shows high levels of isolation among targeted civilians (in particular among low income LGBTGNC community members, Welfare Warriors Research Collaborative, 2010) and should be considered in future research, the role of a protective, proactive, supportive community presence should continue to trouble individualistic analyses of the police/civilian interaction.

**The Police/Civilian encounter enacts urban civil life.** Another major contribution to psychologies of oppression and liberation is my sociological social psychological approach (Kahn, 2008) to surveillance threat, directing attention away from the individual or interpersonal psychologies of civilians or officers and onto the lived, material and social context at stake in their daily encounters. I have done so in order to study the conditions of public life from inside the police-civilian interaction, seeing stop and frisk as a dynamic of struggle over the meanings and practices of urban civil life. I find that both the struggle and its outcomes are produced through the tension

between oppressive and liberationist psychological dynamics, that is, the ways in which civilians must manage being done to and the ways in which they assert their bodies and beliefs in contexts of asymmetrical, yet dispersed power (Foucault, 1990).

Using this lens, I gain access to a rich set of possibilities about the kinds of public life civilians imagine and create as they walk around the city and push for when confronted by its extraction in police stops. As I describe in Chapter 6, I take Abu Lughod's (1990) method for analyzing relations of power a step further to identify not only dominant but also multiplicitous relations of power. My extension of her work approaches dynamics of power as more than oppositional (Deleuze & Guattari, 1987; hooks, 1990). Not only do I look at civilian response to better understand the police repression they face, but I apply hook's (1990) notion of a generative, expansive radical black subjectivity that creates as well as opposes. (See the epigraph to this dissertation for her extended description.) I examine civilian response as evidence not only of a struggle to survive and resist, but also of civilian desire and creative advocacy for particular forms of urban civil life.

**Living in (at least) two cities: Spatial double consciousness.** What I found was a kind of spatial double consciousness civilians use to make sense of discriminatory treatment (Du Bois, 1994/1903). Targeted civilians must manage living in multiple worlds – or cities – simultaneously: a lived city in which they move freely, benignly, with a general sense of rights and norms which can be suddenly interrupted, finding themselves in a city of arbitrary rule, one with fewer protections and greater risk of harm.

One critique of my reading might suggest that those who are stopped do not think of themselves as living in two or more cities at the same time. Both history and the

present day show that regular stops by police may be as expected and ordinary as going to the store. However, my data does not show an acquiescence to this other city.

Civilians may be familiar with such treatment, they may not respond in ways that look like active resistance, but their persistent efforts at self-protection and dissent reveal a motivation for something more, a kind of living, as I describe in my findings in Chapter 6, characterized by a cultural and territory-based community of mutual support and protection, centered on youth development, that respects the sexual and identity integrity of its members, a community free from unwarranted government suspicion able to hold police accountable.

In my ideas for future research below, I describe lines of inquiry into multiple and conflicting constructions of urban civil life. I argue that the expressions of power analyzed in this dissertation can be theorized through a Deleuzian (1987) notion of multiplicity in which many cities are encountered and many cities emerge from a stop and frisk interaction.

### **Limitations in My Research**

While my method is fruitful for answering some questions, it leaves others unaddressed. For one, I have mentioned but not developed the theoretical implications mixed opinions about policing and stop and frisk in targeted communities. Not only do low income communities and communities of color want greater protection from police and hope to get it from large scale efforts like stop and frisk, many young people strive for jobs in criminal justice. How does the experience of surveillance threat normalize and even valorize its importance? How does it justify increasing suspicions among neighbors, breaking down trust, creating a setting for more police involvement? And,

how does the expanding emphasis on security create new job sectors for low and middle income communities of color, further drawing them in as both the watchers and the watched?

Another limitation of my research is my lack of attention to the experiences of people with disabilities, immigrants, and those targeted as immigrants. Surveillance is tied directly to notions of able-bodied citizenship (J. Puar, 2007; Jasbir Puar, 2009). Not only does that mean these groups' experiences are ignored by my study, missing out on a political intersectional analysis (Cole, 2008) but the possibility of examining the particular forms and outcomes of their responses to policing is lost. Neither do I explore the connections and disjunctures between criminal justice and border enforcement. This has especially important policy implications given varying state and local responses to federal encouragements to link immigration monitoring with police practice. To what extent does the normalization of surveillance provide a warrant for NYPD spying on Muslim communities outside of New York State (Press., 2012)? Conversely, what is contributing to local push back on the federal Secure Communities anti-immigrant program (Semple, 2013)? The intersections between security and policing are made even more crucial as policing knowledge and practice continue to spread. William Bratton, the architect of Order Maintenance policing in New York City and now a consultant, is training urban governments in hotspots worldwide in the policing methods he piloted such as London during the 2011 riots and Oakland, CA in 2013 (Shahani, 2012). And while NYC is seen as a global vanguard of policing, it may be that brutal racial profiling in Brixton and other parts of London in the 1980s modeled aggressive street searches soon adopted by the NYPD in the late 90s. The reach of surveillance threat, especially if

OM policing continues to spread as an ideal, will continue to expand.

A third limitation is the long and only partially developed route I take to a systemic, intersubjective analysis of the police-civilian dynamic. Breaking the analysis into bad cop behavior and good civilian behavior as I have done creates a too-simplified framework that can prevent complex analyses. Critiques of the history of positivism further show that breaking a system into two “sides” can impede systemic theory from the beginning – is it possible to develop a systemic theory by starting with studying its parts? At the same time, my approach is more exploratory than demonizing; I work to lay the groundwork for an intersubjective analysis by taking the civilians’ perspective on their own and officers’ behavior. I do this to round out the ‘civilian’ side of the police-civilian interaction and make visible the kinds of tactics officers use that are not gathered in mainstream reports. In this way, I provide unique data that can be used to develop an intersubjective, nonreducible theory. Needed next is an empirically-based theory of officer action as well as a psychology for making sense of the interaction as an interaction. Derek Hook (2012) and Oliver (2004) offer psychoanalytic theories of colonization that takes up this challenge, and future research could investigate applying a liberation psychology approach.

### **Future Research**

My study opens many routes for future research including social change efforts; law enforcement /civilian interaction theory; surveillance studies; urban policing and neoliberalism; race, risk, and the production of security and value; and social theory, especially affect and assemblage theory.

**Fertilizing the grassroots: Researching how communities might find this data useful.** A primary motivation for my study is to provide data communities can use to reflect on their strategies and goals when stopped by police officers. Undergirded by a politics of creative power and desire that proliferates valuable alternatives rather than consolidates correct responses, my theory of social change believes in grassroots praxis of thought and action, an open, practical, goal-driven conversation about how civilians want to respond when face-to-face with an officer.

While some current social movements look to end police brutality, the prison industrial complex, and stop and frisk by pursuing legal reform, others focus on building community member strengths, leadership, and collective power.

Historically, social movements have played a defining role in ensuring respect for legal rights. The civil rights and black power movements, in tandem with feminist, poor peoples, and gay rights movements, created a societal-wide pressure in the 1960s and 70s that successfully pushed courts to increase their protection of civilians' 4<sup>th</sup> and 14<sup>th</sup> amendment rights. On the ground, fear of civil suits meant officers and captains chose to police less vehemently (Vitale, 2008, p. 120). My research can support the diffusion of tactics that increase social pressure on these systems.

Contemporary movements are supporting community members to challenge police by offering self-defense classes, Know Your Rights workshops, and cop watch trainings. Organizations are also developing community safety processes without relying on the police (such as using friends and neighbors for traveling at night and creating within-community conflict resolution strategies). Civilians are also being recruited to

participate in institutional change through collective protests, class action lawsuits, and electoral politics and policy advocacy.

The research and praxis I am suggesting always takes place within a context of possibilities for community organizing but does not require organizers craft campaigns. I see community discussions of tactics both as a method of community organizing and as a method of dialogue anyone can use – therapists, professors, activist journalists, bloggers, bystanders with cell phone cameras. I follow the approach of Communities United against Police Reform, of “creating a culture of cop watching” in which the tools of resistance are shared but not dictated, opportunities for collective protest available but not mandated, in which community members might simply start bearing witness when cops stop someone on the street or press record during their own stop and later post it on the internet.

**ST across sites of law enforcement.** Future research into surveillance threat can investigate how this line of thinking stretches across internal as well as external border security practices (cite) toward theorizing surveillance threat as a phenomenon across sites of law enforcement. Materially and discursively, security practices do things to bodies (finger printing, body scans, disruptive and dangerous waits to cross borders (e.g. Palestine/Israel), etc. etc.) while generating stories about what is done and for what purpose. The external threat — the foreign, brown terrorist — must be shown to be kept out or thrown out while the internal threatening others – the black and brown threats and white race-traitors who could be anywhere —v must be ferreted out, their movements and lived spaces monitored, and their bodies potentially locked up.

**ST across racialized dynamics of authority.** In addition to exploring ST across government-backed contexts, studies could examine its reach through private security forces, security guard training systems, school safety personnel, as well as other historically racialized dynamics of authority in realms such as teaching, employment, commerce, etc. How ideologies of surveillance threat and its warrant for suspiciousness, targeting, provocation, are spreading is important for understanding the kinds of psychological dilemmas targeted civilians are facing across their lives and the kinds of responses they are making.

**Stop and frisk asserts neoliberal claim to space.** The interruption of bodily movement and the policing of space accomplishes a few things. Not only does it define territories of police control and monitor populations in and out of public and private space, it also constricts public space and with it the right to space for living. Mitchell (2003) develops this argument to explain late 20<sup>th</sup> century efforts to eliminate homeless people from public parks and sidewalks in NYC. Future studies could explore question of whether the recent deluge of stop and frisk in NYC public housing projects, (while recently receiving a red light from the Bronx District Attorney's office which, in the face of innumerable unsubstantiated tickets, will no longer prosecute trespassing tickets without an officer interview, Gearty, 2012), represents yet another neoliberal chopping away at public resources to claim space and infrastructure on behalf of elites and middle class beneficiaries, without regard for the space needs for daily living of low income people. As I discuss in Chapter 1, the long history of racialized economic battles over neighborhoods in NYC continues under neoliberal principles. Specific claims over low income infrastructure have also already taken place through the demolition and

conversion of Single Room Occupancy (SRO) hotels that served thousands of low income NYC residents into gentrified businesses, residences, and tourist spots.

In a twist, some of these efforts are cast as responses to the stated needs of community of color (Alcorn, 2011). That is, while public housing residents want police to intervene in the actual, poverty-related crime that pervades their courtyards and hallways, police do not take swift, consistent action, or any action at all, sometimes refusing to take claims or file crime reports (Parascandola, 2010). Yet stop and frisk, which criminalizes communities rather than reducing their crime, is used as evidence of police effectiveness. What is left is a community wrestling with actual crime whose residents are cast as criminals proven affectively with statistics on trespassing.<sup>48</sup> This image of crime and criminality is then used to renew arguments for making room for elite agendas. The attack on public housing is an area for future research, including existing and emerging plans for transforming public housing in service to neoliberal agendas.

**ST as producer of security and value.** Intensified policing in specific neighborhoods (New York Civil Liberties Union, 2012a) indicates that something of value must be at stake for the scale and severity of ST to occur, something brown bodies block (such as “progress” or space) and something brown bodies make possible (such as racial hierarchies or, conversely, an “urban” brand which is desirable and profitable). By thinking through an economic model of security, stop and frisk can be seen as a means to leverage race in the production of both security and value.

For one, the racialization of bodies in neighborhoods through race-based criminalization creates a whiteness at risk that can be used to restrict access to (what's) value(able) – residences, businesses, sites of leisure. For two, through surveillance threat,

blackness and brownness are put to work on behalf of both officer productivity levels and measures of risk. That is, especially when the civilian has been stopped without cause, two outcomes relevant for the production of value are productivity and stop statistics. I will focus on the value of blackness, to indicate new directions in my research.

**Blackness, Stop and Frisk, Labor, and Value.**

Blackness...the black thing that cuts the regulative, governant force of (the) understanding..which, according to Kant, must clip the wings of the imagination in its lawless freedom. (Moten & Harney, 2009)

My writing partner, Colin Ashley, a sociology student at the Graduate Center, and I have been developing an affective theory of race based on Clough's (2007) "affective capacity," that is, the capacity of bodies (including nonorganic bodies) to affect and be affected. In our work, blackness has an affective power leverageable in innumerable profit and governing projects. This power is manufactured yet has presence, simultaneously criminal and creative; blackness, always ever fugitive, disrupts understandings and norms, norms that domesticate the imagination, an imagination otherwise lawless in its freedom. Black criminality, while devastating, generates profit, even desire and black generativity, while life-giving, is readily exploited, confined, co-opted, controlled. In future research, I plan to explore the relationships between blackness, affect, labor, value, and criminality using affect theory. I will say a bit more about how I might do that here.

From Terranova's (2009) perspective, the repetitious detaining in stop and frisk performs kinds of work — in the sense of labor that produces. That is, the stop operates as an "assemblage of protocols and rules that allow a milieu to be stabilized and productive" by affecting the flow of circulation. Terranova (2009) links circulation to

practices of governmentality (Foucault, Burchell, & Gordon, 1991) which for her functions in part by regulating the economic circulation of elements, events, and units that accumulate, processes that have become naturalized as given. To do so, stop and frisk leverages indeterminacy in the time and space created by the stop, turning the known (walk home) into the unknown (possibility of threat). “New techniques of power fabricate and stabilize...by means of localized, flexible, and yet coordinated regulation” (Terranova, 2009). More than simply a show of force, regulatory practices leverage pace and affect to enact a sense of threat in order to extract labor and information.

One way to apply her theory is to consider a stop and frisk as a site for the extraction of labor.<sup>49</sup> If the primary outcome of a police stop is a measure of officer productivity, the unlawfully stopped civilian is being made to work on behalf of the police for no pay. In essence this idea recognizes the ability to make a black body work, extracting its labor through the threat of immanent harm, that is, in this instantiation, by ST. (To play out what this might look like, I calculated the pay owed per stop if the interpersonal interaction itself takes 10 minutes. In 2011, according to New York Civil Liberties Union (2012a), there were 605,328 stops with no ticket or arrest. At 10 minutes per stop, this amounts to 100,888 hours of civilian labor as a "stoppee". Counted as 8 hour work days, this totals 12,611 days, or 48.5 work years (there were 260 work days in 2011). At an average officer salary of \$51,000, the total pay owed to those unlawfully stopped is \$2,473,696, or \$4.09 per stop at a rate of \$24.54 per hour.) This then is value (productivity) generated by the affective power of blackness (the capacity to make officer bodies move toward black bodies and do things they might not otherwise). Stop and frisk in this model becomes a matter, among everything else, of reparations.

Another source of value is the civilian's personal data gathered in the stop. This extraction of information becomes part of databases used for a variety of purposes. Elsewhere I have explored how criminal justice statistics can be leveraged on behalf of neoliberal ideals to improve outcomes for young men of color, supporting American exceptionalism narratives but do nothing to change police practice or improve education systems (Billies, 2011). An affective reading of the productivity of stop and frisk that includes both the extraction of labor and information will make an important contribution to social theory and social psychology.

**Surveillance threat assemblage.** Relatedly, in future research I also plan to explore surveillance threat as a surveillant assemblage (Haggerty & Ericson, 2000). An assemblage “consists of a ‘multiplicity of heterogeneous objects, whose unity comes solely from the fact that these items function together, that they “work” together as a functional entity’” (Haggerty & Ericson, 2000 cite Patton, 1994, p. 158). Haggerty & Ericson (2000) continue,

The surveillant assemblage standardizes the capture of flesh/information flows of the human body. It is not so much immediately concerned with the direct physical relocation of the human body, although this may be an ultimate consequence, but with transforming the body into pure information (data) (p. 613).

In part, this helps theorize how ST works to convert the use-value of space into exchange-value. Stop and frisk is a form, a “machine” (Deleuze & Guattari, 1987; Grosz, 1995) through which police philosophy is expressed, assembling with ideologies and desires, the urgencies of security, the problems of neoliberalism for urban capital, the changing same of race, and, importantly, the lucrative use of data. Constricting the use of public space by controlling suspicious bodies and behaviors works to convert the value of

space by creating so-called secure space, a commodity whose value increases in direct relation not only to the increasing value of security as an ideal (as a social representation) but also to the marketability of statistics supporting securitization and innumerable other profit-making projects. In societies of control (Deleuze, 1992) the power of statistics becomes their ability to manipulate populations to behave in ways beneficial to capital and governance. Surveillance threat as an assemblage performs work, not only creating threatened, harmed, and disciplined civilian subjects but also influencing urban populations indirectly (that is, affectively). Police statistics direct the movement and activity of populations, supporting the notion of security by the numbers stopped, justifying the preemptive rightness of disregard for civil rights, and offering proof of officers doing their jobs.

However, in surveillant assemblage theory, people are cast at very far remove from the center of activity. They are done-to: made afraid, watched, recorded, and their information searched for signs that justify targeting. (They are also made to engage in surveillance —as employees, patriots, etc.) My research challenges the implication that surveillance practices enact a total power over that turns people into data that will be used to manipulate them while they watch helplessly from the sidelines (or from prison or from the countries to which they have been deported). Instead, I argue that civilians participate in assemblages of struggle that develop in rhizomatic fashion alongside (as well as entwined with, perpendicular to, etc.) surveillant assemblages, claiming and fighting for the bodies, meanings, and spaces of everyday living that surveillance takes without asking. Even though surveillance continues to proliferate, struggle also proliferates.

## **Conclusion**

The threat responsiveness of civilians ensures that surveillance threat will not determine alone the individual, community, and urban outcomes of police encounters. This notion of course is grossly insufficient. The celebration of civilian capacity cannot compare to the daily racialized and violent criminalization that undermines communities. At the same time, I raise the level of civilian participation in stop and frisk to that of officers (and shift them both out of binary, oppositional roles) in order to amplify notions of possibility and identify far under-appreciated resources. The place to go now is back to communities, to see whether reflecting their behavior back to them through my eyes (and the glasses of so many theorists who help me see the way I do) contributes to their capacity to respond to policing in ways that proliferate and build forms of power.

## APPENDIX A: Focus Group Interview Protocol

**POLLING FOR JUSTICE****LGBTQ FOCUS GROUP**

Friday 3/26/10

## 5 min Welcome: Intro to Polling for Justice

We are a group of youth and adults who want to make things better for youth in New York City. We are doing a survey with 5,000 young people and conducting focus groups with about 100 young people to find out what youth experiences and demands are with schooling, health, and criminal justice. The goal of the study is to come up with information that will help organize for social change. We are a project of the Urban Youth Collaborative, CUNY Graduate Center, Hunter College, and the Annenberg Institute for School Reform.

Introduce co-researchers

## 15 min

Ice breaker - go around, share art materials  
materials: construction paper “feet” cut out  
markers  
art supplies  
decorate your feet w your name

Go round, name, Preferred Gender Pronoun, borough you’re from, something about your “foot”

## 10 min Introduce research discussion

This research discussion is also called a focus group which is a small group of people having a “focused” conversation around a particular topic or concern. Today we’re going to focus on understanding what is going on among LGBT and queer young people and police, how youth keep themselves safe, as well as other things. Focus groups are used when you really want to dig deeply into a topic, when you are looking for different opinions, weird or wild points of view.

This is a special kind of focus group for two reasons. First, you are helping us analyze data – so in a way you are becoming temporary researchers. We see you as experts on your lives. You have an especially important point of view because we are finding that even though way too many young people face a lot of the same challenges in society, LGBT young people sometimes have it worse and sometimes go through things differently. Second, we also will be doing an exercise that won’t be recorded, because we think these discussions touch on part of our lives that are about more than just research.

Guidelines for Discussion: ON SCREEN (each person read one)

- No right or wrong answers
- All participation is voluntary

- Everyone's voice is welcome – we want to hear from everyone
- There will be a range of ideas and opinions, all are valued
- Be respectful of others' ideas & words
- One mic

Hand out and have young people sign consent forms

TURN ON RECORDER

15 min Consulting with PFJ data

Math moment ON NEWSPRINT

Present stats as people e.g. 87 out of a100 LGBTQ young people said...  
Enact some data ourselves as people in the study

40 min

Group discussion:

Go through data together and reflect on it, keeping the following learning objectives in mind...

1<sup>st</sup> Hand out bar chart of all kinds of police interactions - whole sample.  
(DISCUSS)

2<sup>nd</sup> Hand out maps of negative verbal police interactions by sexuality/gender (DISCUSS)

3<sup>rd</sup> Hand out maps of negative sexual police interactions by sexuality/gender (DISCUSS)

ONLY IF NECESSARY:

*Pairs - look at data, report to group what they see.*

*“As you hear stories that you can relate to because it happened to you or someone you know, mark down that statistic on your foot”*

**Learning objectives:** In general, we want to know...

\_\_\_ What is going on for **LGBTQ** youth?

\_\_\_ Encourage youth to tell stories where what happened isn't the end of the story.

\_\_\_ How do they feel (emotionally)?

\_\_\_ What do they do about it? What do they want to do about it?

**Learning objective I:** How do LGBT youth create safety in their daily lives inside and outside of school?

*Things to ask about...*

- If someone describes an incident
  - What did you do? (focus on self-determination)
  - How did you feel?
  - How did your friends feel?

- What did you do when you were feeling that way?
- What would you have liked to have done?
- Who were you with?
- Did you talk about it with anybody? Did anyone help you?
- How do you and your friends deal with the police? Do you usually manage things on your own? Have you ever done something as a group with your friends? have you ever done anything in your neighborhood or at a program?
- What happens with all of these feelings? Where do you direct them?
- When you're in trouble who do you go to?
- Do you know when cops are profiling you because you are queer and when it is because of something else?
- If you were straight do you feel like you might be able to do things differently with the police?
- Police do what they do because...
  - What is going on in the precincts, the NYPD, the government, society that police are doing these things?
  - What encourages them?
  - Who is benefitting from this situation of policing?
- LGBTQ young people do what they do because...
  - What is going on among queer youth, in your families, in schools, where you hang out, in society that you are responding in these ways?
  - What encourages you to react this way?
  - Who benefits from you reacting this way?
- Do we need police?
  - Prompt if not said: has anyone tried to get help from the police?
- What do you want to tell the police about themselves and how they interact with you as LGBTQ youth (of color)?
- School is a space where...
- At school, adults are likely to \_\_\_\_\_ and youth are likely to \_\_\_\_\_.

**Learning objective II:** What do police and school safety agents represent to LGBT young people and how do they want police officers and safety agents to treat them?

- Do police treat you the same in & out of school? is it any different?
- Is it different to be harassed by the police than someone in your neighborhood or in your family?
- How do you want the police to treat you?

10 min Break

1 hr \*Walk your Day TURN OFF RECORDER—PLUG IN TO RECHARGE

Goal: to construct an opportunity for young people to describe their day and the kind of support they want at various points, & to develop a sense of community of support

Mapping or writing prompt

One by one, each person walks through their day, saying what is happening and the kind of support they would like, the group uses its creativity to give the person what they need (e.g. encouragement, etc. etc.). We will have them focus on highlights and lowlights of their day.

Debrief all at the end, what it was like for them to do it, to be group members, etc.

Close with emotion word & gesture toward shifting into a different mode of discussion

15 min Group go-round ON NEWSPRINT

Based on what we've talked about, what do you is the world that you want to live in?

Ask about different levels of change

Ask about changes with policing

What would it take to create the world you want to live in? Make 3 recommendations

5 min Demographics

5 min Closing

## **DISCUSSION AFTER RESEARCH DISCUSSION**

**Debrief focus group**

Someone take notes

## APPENDIX B: Civilian Response Data

acknowledging the power of the camera	critiquing de facto policing of public space	nonviolent resistance
age, ability critique	critiquing de facto policing of public space	not moving
asked to see/ began taking down badge numbers	critiquing response strategies	opted out of legal/admin action
asked/ what he did/ when free to go/ for chance to prove self assert control	declaring lack of justification for officer behavior	physically resisted, fought back
asserted identity w power: college, reporter, bro's badge	did not...	planned to take legal/admin action
assertion of right	direct, indirect anti-cop power assertion	race
assist someone stopped	emotions	racial critique
attempted to file complaint	explained something/ used reason to challenge interpretation	recorded video testimony
cajoled cop, tried to get officer to relate on human level	filed complaint	refused compliance
called to/ relied on others/informed other community members	following up on facts of incident	relied on/ someone else intervened (also stopped, bystander)
change behavior: dress, frequency & location of going out	gender critique	showed ID
collective action	go off on/ curse at/mean look at cops	spatial critique
comment on someone stopped	go off on/ curse at/mean look at cops	spoke out against cj injustice
community can't know what doesn't get reported and this shapes their opinions	got down on ground/ removed clothing/ moved bc threatened humor	spoke Spanish and said didn't speak English/ called self lawyer
complied	"I/ he/ they didn't do anything"	these are your people/ this is our territory not yours
complied with court	investigated what was going on	took legal action
considered legal options	knowledge of civil rights	using an analogy to convey nature of police-civilian relations
continued asserting rights, power after cop...	knowledge of officers, officer behaviors	verbally contests cop interpretation/ behavior
critique of officer motives	knowledge of stop and frisk	verbally contests with evidence
critique officer assertion of power over	knowledge of the law, officer practice	videotape officers w cell phone camera
critique/analysis	legal/admin action as threat moves on own accord	wrote op/ed
		yelling at cop/ asserted/ tell cop not to do something/ "no"
		yelling in fear/ for help

## Endnotes

<sup>1</sup> Here and in the rest of the dissertation, I label the narrative with the identification (ID) number I use in my database. All names have been changed to protect confidentiality unless otherwise noted.

<sup>2</sup> A note on language. The “police/civilian interaction” is a primary concept used for studying interpersonal dynamics of policing in psychology. I prefer the term “civilian” to “citizen” because not all those policed in the U.S. are citizens. I use the term “civilian” to reference a broad range of urban dwellers who are not employees of government law enforcement institutions (or are off-duty) including US citizens, legal residents, undocumented residents, T-Visa holders like students, tourists, parolees, formerly incarcerated felons, etc. I use it in part because “civilian” evokes a militarized subjectivity I think policing initiates and attempts to sustain. Also, the term points to the law as a force structuring the interaction and, as I show in the findings in the chapters that follow, many of those stopped invoke the law on their own behalf. At the same time, the term flattens and universalizes experiences, making racism, misogyny, homophobia etc. in policing invisible. The experience I discuss in this dissertation is that of those *targeted* by police. Yet here too, language is tricky because repeatedly using the term “targeted civilian” evokes a subjugated population, a move I am explicitly complicating in my research. Therefore, in this dissertation I use the terms “targeted civilian” and “civilian” interchangeably.

<sup>3</sup> At the same time, Fanon’s (1967, 2004) focus on colonizer and colonized psyches tended to leave this relation in their respective individual minds (even if Fanon also holds the broader system utterly accountable, See Hooks, 2008).

<sup>4</sup> A last-minute problem with my citation software means some citations are improperly formatted.

<sup>5</sup> PAR brings formally trained researchers together with community members to conduct research from community member perspectives on the issues most important to them.

<sup>6</sup> “The settlement agreement, which was approved by Judge Scheindlin on December 12, 2003, requires the NYPD to maintain a written anti-racial profiling policy that complies with the U.S. and New York State Constitutions and is binding on all NYPD officers. In addition, it requires that the NYPD audit officers who engage in stop-and-frisks, and their supervisors, to determine whether and to what extent the stop-and-frisks are based on reasonable suspicion and whether and to what extent the stop-and-frisks are being documented.” Little to no compliance with the settlement decree by the end of the settlement period then led the CCR to file another class-action lawsuit currently pending: *Floyd, et al. v. The City of New York, et al.* (Fagan, 2010).

<sup>7</sup> Public housing bans can apply to entire families if one member or a guest of the family has been convicted of a felony. Grants, loans, and workstudy are denied to those with misdemeanor drug offenses. States are able to opt out of the ban on welfare; 34 plus DC have opted out of at least part of the ban.

<sup>8</sup> The NYPD began making the data officers collect after stops available after a successful lawsuit by the Center for Constitutional Rights (Center for Constitutional Rights, 2008).

<sup>9</sup> This reflects an important dimension of police/community relations I do not address in this dissertation. That is, criminalized communities are often the same communities that want more responsive policing. There is a mismatch, however, between the kind of policing they want and the kind of policing they get.

<sup>10</sup> While I do not explore my implication that police sometimes use extra-legal force with an intent to kill here, neither do I want to ignore the great number of deaths at the hands of police.

<sup>11</sup> Co-researchers represented diverse genders (genderqueer/ gender nonconforming, transgender, trans intersex, and cisgender women and men); sexual identities (lesbian, bisexual, queer, gay, pansexual, and heterosexual); socioeconomic class (low and middle income including currently and formerly homeless folks); race, ethnicities, and immigration statuses (Nigerian, Kenyan, African American, Dominican & Cherokee, Chinese American, Filipino American, Puerto Rican, Black, white, and West Indian; and first generation immigrants); and ages (spanning from 20 to 50). WWRC co-researchers have participated in every aspect of the research - from defining the issues, to theorizing and designing the project, to constructing the methods and instruments, to gathering the

data, to analyzing it, to imagining our products, and presenting it publicly.

<sup>12</sup> In the sample, 88 percent of participants identify as members of communities of color; about 25 percent who identify as gay or lesbian, about 20 percent as straight, over 15 percent as bisexual and 10 percent queer; about half identified as women, a third as men, and a fifth as transgender or Two Spirit, with a tenth identifying with multiple gender identities; and thirds of the sample range in age from 18 to 24, 25 to 44, and 45 to 70 years old.

<sup>13</sup> In terms of our group process, other co-researchers contested a singular strengths-based view, arguing that living violence sometimes meant feeling like a revolutionary but sometimes meant feeling like a victim. Our methods ended up reflecting this tension; we continually sought to honor experiences of both resistance and traumatization.

<sup>14</sup> The WWRC constructed The Low Income LGBT and Gender Nonconforming Peoples' Survey to capture community strengths, challenges, and ideas for justice. In Spring 2009, nine WWRC co-researchers conducted 202 surveys in their neighborhoods, HIV/AIDS service organizations, LGBT people of color organizations, medical centers, homeless shelters, and on the internet. We also conducted 10 in-depth video recorded interviews with each other and analyzed them using a "collective praxis approach," a way of social theorizing through which we came to see individual experiences as "shared and social" (Cahill, 2007).

<sup>15</sup> Appendix A: Polling for Justice - Interview Protocol for Focus Groups with LGBTQ Young People

<sup>16</sup> A note on how and why I use the term archive. The notion of archive evokes "storage," a fixed place for unchanging documents, leaving change possible only in the interpretation of immobilized words. Cultural psychology however, critiques this view, thinking about memory as "open and fleeting" (Brockmeier, 2002), rendering the archive as something open and changeable. Stoler (2002) emphasizes thinking about the archive "not as a site of knowledge retrieval but of knowledge production" (88). In this sense I created an archive as a historical record, a collection of video and electronic text media (which also makes it a digital archive, an aspect worth further discussion for the ways digital stories affect understandings of the world), an intentionally-defined microcollection of what might be thought of as an enormous, growing, and changing internet archive of stop and frisk videos, testimonials, and news reports whose forms and content change as a function of history and power.

<sup>17</sup> Of the 36 incidents for which a date was identified, 21 occurred between 2010-2012, 11 between 2008-2009, and 4 in 2007 or earlier. The remaining 65 stories were recorded or reported in 2010 or 2012 yet had no identified incident date.

<sup>18</sup> Stories often involve groups of friends and community members. The number of additional civilians are often not listed, therefore, 135+ represents the fact that these groups were larger than can be reported here.

<sup>19</sup> For the purpose of this analysis, I used visual cues to categorize participants by gender and race. This method because the participant has not self-identified a gender, race or ethnicity. At the same time, this study looks at how civilians are profiled, in which case, it is the assumptions about gender and race, rather than the self-identifications, that drive stop and frisk. The civilian's self-identification is secondary to this analysis.

<sup>20</sup> The 101 narratives are in the form of video: N=65; in the form of news article, press release, or other media text: N=15, and in the form of focus group or participant observation data: N=21. The total number of interactions is greater than 101 because some videos and texts were narrated by multiple people.

<sup>21</sup> Gabrielle does not identify her race, ethnicity, gender or sexuality. I describe her for the purposes of analytic comparison based on my assumptions about her appearance, the context of her testimonial, and its circulation through a people of color LGBTQ anti-police violence organization.

<sup>22</sup> Steele (1997) may be working to explain African American and female educational disparities in a context of structural racism while I am working to disrupt victim narratives about policing.

<sup>23</sup> Source: The Stop and Frisk Archive developed for this dissertation research

<sup>24</sup> Because of their nature as archive material rather than the result of a research interviews, they likely underrepresent the frequency of each threat.

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<sup>25</sup> As I state in Chapter 3, these data do not account for the self-selection bias among narratives nor the non-random method of data collection I used to gather stories. Therefore, these numbers should be used cautiously in service to refining future research questions and methods.

<sup>26</sup> See Chapter 1 for more on Quality of Life policing.

<sup>27</sup> “Probable cause” is the 4th US constitutional amendment language used to guide searches, warrants, and arrests: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. “Reasonable suspicion” originated in the *Terry v. Ohio* 392 U.S.1 (1968) case in which officers could now stop and frisk (that is, seize) if there is reasonable suspicion that a crime was or is about to be committed or if the civilian is holding a gun.

<sup>28</sup> Transgender and gender nonconforming civilians regularly report that officers have “checked” their gender through legally unfounded and groping strip searches. A coalition of city officials, organizers and advocates in NYC recently gained a significant policy victory in which NYPD officers are no longer allowed to use this method to determine gender or harass them (The Council of the City of New York, 2012).

<sup>29</sup> Cisgender refers to those who identify with the gender they were identified with at birth and then raised in.

<sup>30</sup> Public housing residents, like residents of most low income neighborhoods where serious crime is an issue, may support stop and frisk and other measures perceived to reduce crime. At the same time, the link between crime reduction and stop and frisk is widely questioned (Alcorn, 2011).

<sup>31</sup> Part one introduced Chapter 5

<sup>32</sup> Here, the officer attempts to bring Gabrielle’s body into the criminal justice system and the two young women work to keep her body out of that system. I say more about this as a dynamic in the discussion at the end of this chapter.

<sup>33</sup> Unorganized resistance implies that people act in their own lives without being directly involved in or trained by a social change project or organization.

<sup>34</sup> That is, invisible to dominant power structures.

<sup>35</sup> Hayden seems to be facing retaliation for his public presence. On October 12, 2012, the New York Times reported that Manhattan prosecutors had dropped one and reduced another of felony weapons charges that were brought against Hayden in December 2011 when it was found that the weapons in his car included a commemorative baseball bat and a 99-cent store knife that does not open. The charges were brought following a stop and frisk that Hayden claims was unfounded (Gregory, 2012).

<sup>36</sup> We may also make conscious evaluations of what we perceive, but these may often or always follow our initial, nonconscious appraisal (Bargh & Chartrand, 1999).

<sup>37</sup> See Appendix B: 68 Codes of Civilian Responses to Surveillance Threat

<sup>38</sup> Source: The Stop and Frisk Archive developed for this dissertation research

<sup>39</sup> The silly, exciting, risky play with gender is the unspoken joy of this moment, a story LGBTQ youth might otherwise relish telling afterward, an age-appropriate expression of identity development that could otherwise be enjoyed and supported by a general public and police presence that made room for such sweetness.

<sup>40</sup> The participant told his story in the context of a focus group on LGBTQ youth issues with police. His strategy for negotiating the experience of being singled out reverberates with that of other LGBTQ young people who challenge officers when picked out of crowds based on race and gender presentation stereotypes.

<sup>41</sup> It is important to recognize each resident as protecting something in order to assess what is valuable to them and what strategies they feel best using. This then can lay the ground work for self-reflection and community knowledge building of options for handling officer behavior.

<sup>42</sup> The concept “threat responsiveness” is a working concept that may be modified to convey the connotation I am looking to evoke.

<sup>43</sup> See the Analytic Method in Chapter 5 for an extended discussion of how I define and analyze less-than-conscious behavior.

<sup>44</sup> Further, as I show in Chapter 7, a theory of assemblage helps recognize the multiple drawings together civilians participate in that interrupt the making of a singular oppressed subject.

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<sup>45</sup> Source: The Stop and Frisk Archive developed for this dissertation research

<sup>46</sup> These are the thematic strategies from Table 4: Five Forms of Civilian Action in Chapter 5.

<sup>47</sup> In my analysis I pay attention to the purpose of gender identification, which sometimes means expressing the mechanism of gendering in a way that seems laborious. However, I am distinguishing between a civilian's personal identity and perceptions of the civilian's gender, which operates at a different order of the social than personal identity. This makes surveillance threat a function of police perception rather than civilian identity. This is a crucial distinction in the attempt to unhinge police practice from civilian responsibility.

<sup>48</sup> See Chapter 6 for a discussion of actual versus affective facts.

<sup>49</sup> I am building on the idea of labor extraction through slavery as well as other forms of unpaid labor like women's work or social reproduction, affective labor like that of caregivers, and Gregory Donovan's work on the free labor internet users provide by seemingly innocuous interactions with internet companies.

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