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Author

Ceja Cardenas, Julissa

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Julissa Ceja Cardenas

Dr. Butters

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Introduction

Lemonade stands, backyard birthday parties, and barbeques at the park are where we gather to meet with friends, family, and engage with our community. We expect to be able to create cherished memories with our loved ones, yet there's a stark difference in who is granted the freedom to enjoy these moments without worry. With the rise of social media in the 2010s, we have evidence of Black individuals being unjustly reported to authorities for occupying public spaces. Public spaces have been weaponized against people of color for centuries through vagrancy laws, segregation, and hyper-policing. We continue to see modern iterations of this with nuisance laws (Henderson, 2020). These laws, which aim to regulate disturbances in public areas, can disproportionately impact communities of color. They perpetuate a cycle of injustice that has persisted for centuries. This study aims to delve deeper into the issue of racism within neighborhoods and examine how it potentially manifests through public nuisances and disturbance reports.

By focusing on public opinion regarding public and private nuisance laws, particularly as they pertain to communities of color, this research seeks to analyze the level of support for the enforcement of these policies. I aim to determine if there are discernible differences in the support for enforcement based on the racial or ethnic identity of the individuals committing the disturbances. Through rigorous examination and analysis of the data, my study aims to shed light

on the underlying biases that contribute to the disparate treatment of marginalized communities in public spaces. Ultimately, it strives to contribute to the broader dialogue on social justice and pave the way for meaningful change in our neighborhoods and society as a whole.

Significance

This research project offers valuable insights into the biases that may be harbored against racial and ethnic minorities. By examining the experiences of marginalized communities targeted by nuisance laws, disturbance reports, and by extension – hyper-policing, we can inform policymakers and advocate for necessary adjustments to ensure equitable treatment. Moreover, this research sheds light on the ways public and private land use has been weaponized to exclude people of color, particularly Black and Latine individuals, from gathering. In California specifically, if this study finds that Black, Indigenous, and people of color (BIPOC) are targets of nuisance policies and disturbance reports, it can help legislators enact policy changes to protect these communities from disparate rates of policing. For example, AB 1079 is part of a bill package that aims to “create a more inclusive and equitable society for all Californians” according to author Assemblymember Corey A. Jackson from California’s 60th district. Dr. Jackson’s bill, AB 1079, would require the State Department of Public Health to establish a Hate Crimes Intervention Unit to implement research-based community interventions for confirmed hate crimes (Jackson, 2023). The success of a study that examines racial biases and public opinion will inform us whether or not these biases and prejudices are prevalent in our communities and provide a foundation to begin implementing meaningful changes and protecting communities that need it most.

communities. As the police system further evolved and women entered the force, policewomen were tasked with patrolling public places to prevent juvenile involvement in criminal behavior. They focused on proactive policing and targeting *patrol problems*, or potentially harmful situations for women or children, in “public places like movie theaters, amusement parks, beaches, pool halls, and other locations or events.” (Proactive Policing, 2018). The focus on places meant to attract young people in an attempt to look for individuals “who appeared to be engaging in or about to engage” in unlawful behavior is vastly based on formulating assumptions and operating on suspicion (Proactive Policing, 2018).

Proactive policing practices are similar to present-day stop-and-frisk laws that allow officers to stop and pat down an individual they reasonably suspect may have committed a crime, or has probable cause to. Based on a published U.S. Department of Justice (DOJ) examination on the legality of stop-and-frisks by Judge Charles Moylan, he determined that to act upon a stop-and-frisk law, the assumption “must be based on (1) reasonable suspicion, (2) good cause to believe, and (3) articulable suspicion” (Richert). However, as seen by stop-and-frisk policies in New York, there is “overwhelming evidence [that] suggests that the policy is used as a method of racially profiling and harassing Black and Latino citizens” (NYPD’s, 2013). Arrests for offenses like drunkenness, rose as elites used police to stigmatize and control immigrants and lower classes (Proactive Policing, 2018). The National Academies of Sciences, Engineering, and Medicine’s report highlighted the police's contribution to racial tension and disorder in non-white communities, emphasizing that proactive strategies introduced collaborations among police and citizens, civil ordinances, and innovative technologies for crime prevention, that *encouraged* racial profiling and emphasized stereotypes and fear among civilians (Proactive Policing, 2018).

Bias-based policing goes hand-in-hand with the implementation and impact of stop-and-frisk laws. These laws have caused controversy since studies by the American Civil Liberties Union (ACLU)¹, the New York Civil Liberties Union², and the Center for Constitutional Rights (CCR) have shown they promote the disproportionate targeting of minority communities and the potential for racial profiling. In 2011, the CCR reported that 350,743 of those stopped by officers were Black, 223,740 were Latino, and 61,805 were white. Force was used with 76,483 Black individuals, 53,107 Latinos, and 9,765 white people. Of these instances, contraband was only found in about 2% of these stops, suggesting that there is an inherent bias to target people of color due to racial stereotypes (2011 NYPD, 2011). This disparity has contributed to a deep sense of distrust and alienation within marginalized communities, but also on the outside, by *othering* and outcasting Black and Latino men.

Although bias-based policing primarily involves the actions and behaviors of law enforcement officers, it is important to recognize that residents and civilians can inadvertently contribute to its exacerbation. A study by the American University Law Review looked at the rise in the attention of attacks on people of color by white people for gathering in public settings. In recent years, the rise of viral videos and social media posts have shed light on a concerning trend: the over-reporting of people of color engaging in everyday activities, often labeled as #LivingWhileBlack incidents. These encounters frequently involve individuals, commonly

¹Metropolitan Police Department (MPD) officers “made 11,045 stops that did not end in a warning, ticket, or arrest... Of the people who experienced these stops, 86% were of Black” and 91% of those searched were Black. Black youth also accounted for “89% of the people under 18 who were stopped and were stopped at 10 times the rate of their white peers” (ACLU Analysis, 2020).

² Almost “90 percent of stops did not lead to a summons or arrest... [yet] the rate at which the NYPD are frisking or searching civilians has also risen sharply... [with] 3 in 4 people stopped by the NYPD... frisked or searched” in 2022. Of 5,102 recorded stops in 2022, 65% were were not arrested or given a summons, but 59% were black, 30% were Latinx, and 7% were white (Stop-and-Frisk, 2023).

referred to as "Karens," who unjustifiably call the police or authorities to report innocent actions of their Black or minority counterparts. From barbecuing in public parks to waiting for friends at a coffee shop, these incidents highlight the systemic biases and racial profiling that persist in our society (Henderson, 2020). By amplifying these stories, raising awareness, and encouraging dialogue, we can challenge and address the harmful consequences of racial discrimination, fostering a more inclusive and equitable future for all. The published essay “#LivingWhileBlack” explores how racial biases have been perpetuated through the use of property law concepts like nuisances and trespassing to exclude Black people from occupying public spaces in predominantly white-populated areas (Henderson, 2020). Many of those filing these reports were taking on a *proactive* policing approach where they reported individuals for “suspicious activity” or a “reasonable assumption” of criminal activity. Overall, this article urges the reader to carefully consider the intersections between property law, criminal law, and racial integration in order to effectively address these incidents.

The abuses of power that stem from nuisance and disturbance reports can have detrimental effects on those reported. Nuisance ordinances permit nuisance enforcement from police and amplify the “harms of the criminal justice system[,] exacerbat[ing] socioeconomic and racial inequalities by making housing instability a consequence of law enforcement” (More Than A Nuisance). This study found that nuisance reports were significantly higher in properties where tenants were predominantly people of color, and in some cases led to evictions. The most enforcement was found among communities with a majority non-white population³ and a median income of \$18,438 (More Than A Nuisance, 2020). These findings highlight the implications nuisance and disturbance reports have on marginalized communities. The disproportionate

³ Population Breakdown: White 4.5% Black 49.2% Hispanic 42.8% Other 3.5% (More Than A Nuisance).

targeting of people of color and low-income individuals amplifies existing socioeconomic and racial inequalities and how the enforcement of these policies can lead to housing instability, contact with the criminal justice system, and perpetuate a cycle of disadvantage and discrimination. In addition, research by the University of Michigan has found that Black people make up 52% of exonerations for non-violent crimes, suggesting that false reports are prevalent against this community (Gross, 2022). This, tied with the disproportionate rate of public disturbance reports against people of color leads me to consider that there may be a link between the prejudices held against non-white people, especially Black and Latine Americans, and the rates they are reported as violating disturbance and nuisance laws.

Theory and Argument

I theorize that racism in neighborhoods presents itself through public nuisance and disturbance reports by residents. I believe that previously held biases and the disproportionate targeting of BIPOC by police have played a large role in attitudes of residents leading to increased rates of public/ private nuisance and disturbance complaints made against non-white residents and community members. My conceptual hypothesis suggests a potential relationship between opinions on public/private nuisance laws and community attitudes, where respondents may vary in their support for punitive nuisance policies based on the race of the offender. My operational hypothesis assumes that attitudes towards punitive nuisance policies may differ depending on the names presented in each vignette.

The rise in reported attacks on people of color in public settings presented through social media and data reports by organizations like the NYCLU highlight how biases are perpetuated through the reporting of suspicious activity and the assumptions of criminal behavior. Property law concepts like nuisances and trespassing are weaponized to exclude Black individuals from

occupying public spaces in predominantly white areas. This proactive policing mentality among residents perpetuates biases and discriminatory practices.

The abuses of power resulting from nuisance and disturbance reports can have severe consequences, where at times they can even lead to evictions of those reported for disturbances, further intensifying socioeconomic and racial inequalities (More Than A Nuisance, 2020). This over-enforcement in communities with a majority non-white population (see Figure 1) further emphasizes the potential link between racial prejudices and the rates at which individuals from these communities are reported for violating disturbance and nuisance laws.

Biased policing practices are multifaceted; although law enforcement plays a significant role, residents and civilians inadvertently contribute to the exacerbation of the issues. The historical evolution of policing practices and the implementation of stop-and-frisk laws perpetuate biases and racial profiling, enabling residents to target each other. The reporting of suspicious activity and the utilization of nuisance and property law concepts by residents further perpetuates discriminatory practices. Understanding and addressing these dynamics is essential in combating systemic discrimination, promoting equitable treatment, and cultivating safer and more inclusive communities for all residents.

Research Design

Through this study, I hoped to answer the following questions to provide a foundation for the analysis of my experiment questions' results. These results can also be filtered by self-reported race to determine if a racial group feels strongly about certain elements of a question. By gathering responses to these questions, the study can gain a comprehensive understanding of public perceptions, experiences, and attitudes toward nuisance laws and their enforcement. This

information can inform discussions on potential biases, community safety, and the need for reforms or improvements in policies related to public nuisances and disturbances.

- 1) In your opinion, what types of behaviors or events should be considered public nuisances?

This question seeks to understand participants' perspectives on what constitutes a public nuisance. By exploring their views on specific behaviors or events that should be categorized as nuisances, the study can identify commonalities or variations in perceptions within communities.

- 2) Have you ever reported a public disturbance or nuisance in your neighborhood to the police?

This question gauges participants' personal experiences with reporting public disturbances or nuisances to analyze the prevalence of reporting behavior. Further studies could be done to expand and shed light on their motivations, concerns, or perceptions related to reporting such incidents.

- 3) How important is it to you that nuisance laws are enforced in your community?

By exploring respondents' attitudes towards enforcement, I have access to data to cross reference and assess the perceived significance of maintaining order and addressing public nuisances within the community and determine if there is a tendency with these respondents to then report nuisances in the experimental section.

- 4) In your opinion, do nuisance laws make your community more or less safe?

Responses to the level of safety nuisance laws and disturbance reports contribute to can reveal whether respondents support or oppose stricter enforcement and whether they themselves would consider reporting offenses in their communities.

- 5) Have you ever felt that your own behavior or actions were unfairly labeled as a public disturbance or nuisance?

This question seeks to capture participants' personal experiences with their actions being labeled public disturbances or nuisances unfairly. These responses can provide valuable insights as to whether there is a tendency to report BIPOC disproportionately and can highlight potential biases or discrepancies in the application of nuisance labels.

This study aims to answer the question: “Does public opinion on the enforcement of nuisance laws suggest that there is a bias to report non-white residents?” My objective was to expose possible biases between racial groups and investigate the weaponization of public and private spaces against people of color, specifically Black and Latine individuals. I hypothesized that survey respondents are more likely to support reporting disturbances to law enforcement when the offender has a traditionally non-white name.

To test my hypothesis, I ran an online Amazon Mturk survey experiment that presented a vignette to 166 respondents describing possible disturbances in neighborhoods and asked respondents how likely they were to report it. In my experimental group, I included typically ethnically associated names (Alejandro and Desean). My control group received offender names not typically associated with a racial or ethnic group (Luke and Todd). I would like to know if these racial markers prove any biases in respondents when compared to the control group. The independent variable in this study is the name of the neighbors causing the disturbance, while the dependent variable is the support or opposition to enforcing nuisance laws, measured through one of five responses.

One of my experiment questions asks respondents to select their level of agreement in regards to filing nuisance and disturbance reports against their neighbors/ community members

ranging from strongly oppose to strongly support, with a neutral option available at the halfway point. My first experiment question stated:

Brian is a resident in a quiet suburban neighborhood. One evening, he notices his neighbor, Alejandro, hosting a small gathering in his backyard. The noise level is within acceptable limits, and it seems like they are having a good time, but Brian notices that they have exceeded the local ordinance for the maximum number of guests allowed. How much do you support or oppose the authorities enforcing the nuisance law in this situation?

Utilizing the name of the offender as my independent variable, I hope to trigger racial associations by respondents and discover if it will lead them to select a form of “agreement” in their response instead of remaining neutral or disagreeing to make the report. By manipulating the racial group/ nature of the event in each scenario and analyzing the results of public opinion I can observe whether there is a relationship between the independent and dependent variables, allowing me to make assumptions about the role that race plays when it comes to nuisance laws in California.

One of my control questions asks a question with names that are not commonly associated with a certain ethnic or racial group.

John is a resident in a quiet suburban neighborhood. One evening, he notices his neighbor, Todd, hosting a small gathering in his backyard. The noise level is within acceptable limits, and it seems like they are having a good time, but John notices that they have exceeded the local ordinance for the maximum number of guests allowed. How much do you support or oppose the authorities enforcing the nuisance law in this situation?

Using this as a control question allowed me to compare the mean of the responses and draw conclusions on the results. I chose to use names instead of describing the offender's physical appearance or the nature of the event (genre of music being played, clothing worn, etc.) or even providing a picture of a possible offender because I felt that it would make respondents aware of the kind of results I was looking for. By using names instead, I hoped to trigger cultural associations and stereotypical thinking in respondents. First and last names are often a reflection of a person's heritage and can expose their family's history and convey information about their background and identity without having to consider other factors.

Analysis/ Results

My survey was administered by Amazon's MTurk crowdsourcing website to 166 total respondents. The survey respondent pool consisted of 73.7% white⁴, 20.5% Asian, 2.3% Black, and 1.2% some other race. The pool was not generalizable to California's population, but it served as a starting point to analyze general public opinion on nuisance laws.

Upon measuring the averages of responses and comparing the control and treatments, I found that the treatment group's averages were higher than the control group's average. As illustrated in Figure 2, the respondent means for my control groups were 2.89 and 3.34 out of 5 in terms of likelihood of reporting, while the treatment group averages were 3.15 and 3.56. The p-values for both question groups were 0.17 and 0.28 meaning that my results were not statistically significant. However, the higher means are suggestive of a pattern that residents can be more inclined to file reports against ethnic/ racial minorities than they are against white offenders.

⁴ Latinos were accounted for under "White," 32.4% respondents notes Latino/ Chicano identity in the previous demographic question.

By utilizing the names Alejandro and DeSean, I hoped they would serve as racial markers and contribute to a difference in my results for the control and test groups. Even though my results were not statistically significant, they were higher in the experimental group. This gave me some insight into what to do moving forward to uncover whether there is a statistically significant relationship between residents' likelihood to file nuisance reports and the racial identity of the offender. I also would like to analyze whether there is an increased likelihood for white residents to report non-white offenders. As previously discussed, proactive policing policies tend to encourage stereotypes and biases, but I would like to analyze if there is a relationship between different racial groups. To do so, I would need a much larger survey pool and I would need to control for socio-economic status and level of education as these factors could impact the results I could receive.

Although my hypothesis is not supported and results are not statistically significant, the difference in means suggests a correlation between ethnic/racially associated names and reporting of nuisances/disturbances. A larger sample size and a wider participant pool may yield statistically significant results that could be generalized to California residents.

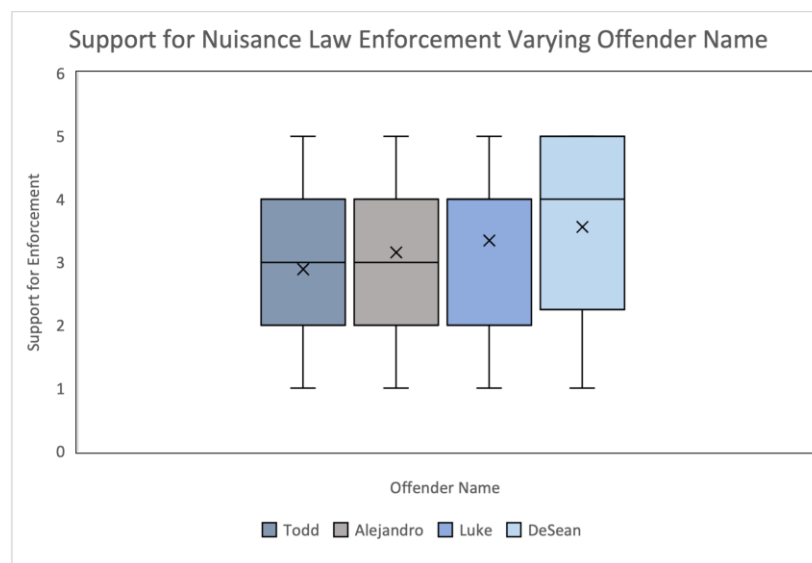
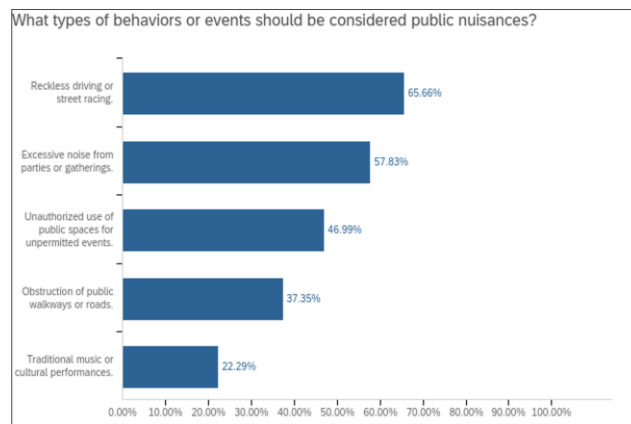


Figure 2. Data Source: Mturk Survey: Depicts the level of support for nuisance law enforcement in the experiment and control questions where 5 is “Strongly Support” and 1 is “Strongly Oppose”

My survey also looked at respondent’s agreement for the types of behaviors that should be considered nuisances. In this question, I provided the definition of a nuisance⁵ and asked respondents to select the activities or behaviors that should be considered such. Figure 3 provides a breakdown of the behaviors that respondents considered public nuisances, with 22.39% selecting traditional or cultural performances to be disturbances. I would like to delve into this further and examine if residents hold strong opinions on cultural gatherings and traditional events due to the nature of the event itself, or due to stereotypes. This could be tested and analyzed through a list experiment where surveyors provide similar option choices and include a control group that does not ask about traditional music or cultural performances. Doing so would allow researchers to test the statistical significance of the results and determine if there is a tendency for residents to report for cultural events more than other possibly disruptive events.



⁵ The survey question asked the following: A nuisance is an act with the potential to affect the welfare and/or comfort of the general public. In your opinion, what types of behaviors or events should be considered public nuisances?

Figure 3. Data Source: Mturk Survey: Illustrates Public opinion on actions/ events that constitute as public nuisances.

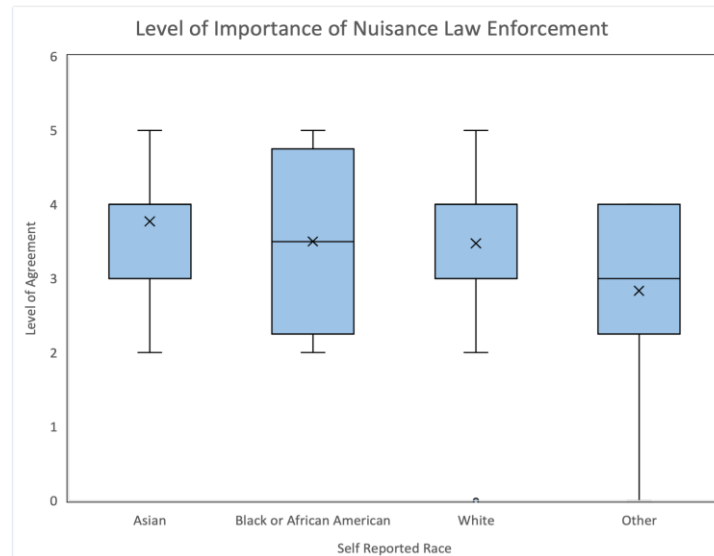


Figure 4. Data. Source: MTurk Survey: Depicts the level of importance of nuisance law enforcement by self-reported race

As seen in Figure 4, when asked about the importance of nuisance and disturbance report enforcement in their community, about 50% of respondents expressed that they felt it was “very important” to enforce these laws. I attempted to find a pattern among respondents’ opinions on the importance of the enforcement of these laws and their racial identity, but could not find a strong correlation. My sample was not wide or generalizable enough to draw conclusions on the implications of respondents’ racial and ethnic identities and their opinions on nuisance laws and how they relate to other racial and ethnic minorities.

Upon measuring my results, I understand the importance of generalizability and random sampling. This study did a good job at identifying a possible correlation between the race of an offender and the level of support for the enforcement of a nuisance law, but it did not provide valuable information regarding the relationship between the race of the respondent and their

level of support. My survey data was largely limited by the timeframe in which I conducted my experiment and the ability to send my survey out to a larger pool of respondents that more accurately mirrors California's population. A wider pool of survey respondents could provide generalizable results as well as prove whether or not my results are statistically significant.

Implications and Conclusion

This research project shed light on the biases and racial disparities present in neighborhoods, particularly regarding public nuisance and disturbance reports. Through the examination of public opinion and the analysis of survey results, I was able to explore the possible manifestations of racism within these reports and their enforcement. This study has provided valuable insights into the intersection of race, public spaces, and law enforcement which can inform policymakers of threats to individual freedoms and advocate for necessary adjustments to ensure equitable treatment among Californians.

Although not statistically significant, the suggestive findings of this study align with existing evidence of policies, like stop-and-frisk laws, that perpetuate racial bias. These practices erode trust, foster alienation, and contribute to the deep-seated racial tensions in marginalized communities. The misuse of nuisance ordinances and disturbance reports has significant consequences for individuals and communities of color. The over-enforcement of these policies amplifies the harms of the criminal justice system, exacerbating socioeconomic and racial inequalities and even leading to severe consequences like evictions (More Than A Nuisance, 2020). It is crucial to recognize that residents and civilians taking on the "social responsibility" to prevent crime directly contribute to the perpetuation of discriminatory practices through the reporting of suspicious activity and the weaponization of property law concepts like nuisances and trespassing.

Although my hypothesis was not supported, this study suggests that further research can be done in larger groups that more accurately mirror California's adult population and would allow for more accurate generalizations. If these studies produce statistically significant results, they would suggest that the freedoms of residents of color are largely limited by racism and biases among residents. This study also opens the door for a more in-depth examination of the kinds of behaviors and events that California residents consider to be nuisances, for example, traditional music and cultural performances. I would like to survey public opinion on the support for disturbance report enforcement for events like quinceañeras, traditional (non-American) weddings, gatherings playing Rap and R&B music, etc.

Findings that support my hypothesis that respondents and residents are more likely to report events and behaviors when they are associated with non-white offenders would provide a starting point for addressing potential biases or discriminatory practices in current policies. Addressing these systemic issues requires a multifaceted approach by policymakers. It is essential to take into account the existing policies and practices that perpetuate racial bias and promote the fear of BIPOC, like stop-and-frisk laws, and work towards their reform or elimination. Public awareness and education campaigns can help challenge stereotypes and biases held by residents, fostering more inclusive and tolerant communities. Additionally, community-based initiatives that promote dialogue, understanding, and collaboration between residents and law enforcement can contribute to building trust and reducing discriminatory practices.

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