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“What You Gon’ Do, Shoot Me?”:

Resistance in Racialized Police-Civilian Encounters

A Thesis submitted in partial satisfaction of the
requirements for the degree Master of Arts
in Sociology

by

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September 2018

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“What You Gon’ Do, Shoot Me?”: Resistance in Racialized Police-Civilian Encounters

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ABSTRACT

“What You Gon’ Do, Shoot Me?”: Resistance in Racialized Police-Civilian Encounters

By

Jasmine Kelekay

Since the 2014 killing of unarmed Black teenager Michael Brown by police officer Darren Wilson in Ferguson, Missouri, racialized police violence has taken center stage in discourses about race, racism, and criminal justice. Deadly police brutality, however, is only the tip of the iceberg of the racialized policing practices that civilians of color encounter daily. While the fact that race influences police officers’ decisions about who is suspicious, whom to stop, who is considered dangerous, and whom it is justifiable or necessary to use violence against is well documented (e.g. Epp, Maynard-Moody, and Haider-Markel 2014), criminological research still tends to approach the question of the relevance of race as a matter of *whether* race is relevant, rather than asking *how* it is relevant.

This paper attempts to fill this gap by examining the ways in which racial logics are relevant in police-civilian encounters, and how that, in turn, is procedurally consequential (Schegloff 1992). Combining a critical race theory framework with a conversation analytic approach, I analyze twenty video-recorded police-civilian encounters, focusing on how Black civilians who become the subjects of police control navigate the encounters. I argue that even when civilians do not explicitly invoke race or defy police authority outright, a conversation analytic approach helps reveal the range of creative strategies that civilians deploy to contend with the conditions of unjust racially inflected encounters. This creative resistance, I argue, is indicative of what I describe as a racialized legal consciousness that is both strategically

responsive to civilians' orientations to the dangers of resisting police authority, as well as indicative of their strivings for dignity under a racialized carceral regime built upon the discipline of Black bodies.

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I. Introduction

“Black Lives Matter is more than a hashtag, a slogan, or an organization. It is an emblem of a collective refusal of an unlivable destiny.”

George Lipsitz (2017:40)

On August 9th, 2014, eighteen-year-old Michael Brown was shot dead when Ferguson police officer Darren Wilson fired twelve bullets at the unarmed Black teenager despite the fact that witnesses report his hands were raised above his head when he was shot. Brown’s body was left uncovered on the street for four and a half hours in the scorching summer heat. The treatment of Brown’s body, amplified by Wilson’s racist depictions of him, sparked a rebellion that made Ferguson – and racialized police killings in the United States – front page news across the globe (Rios 2016). As George Lipsitz highlights, “...the moment of the Black Lives Matter movement emerges from and speaks to much more than deadly incidents of police misconduct. To the activists mobilized by #BlackLivesMatter, the police killings had meaning not because they were exceptional but rather because they were part of a pattern that has become ordinary.” (2017:40).

These deaths – and the responding Black Lives Matter movement – have brought increased media, political, and scholarly attention to police violence and the role that race plays in police-civilian encounters in the United States. State-sanctioned violence against Black and other people of color is, however, hardly new – it is in fact deeply embedded in the fabric of U.S. society. Historian Khalil Gibran Muhammad’s foundational work, *The Condemnation of Blackness* (2011), emphasizes the long history of discursively entwining Blackness and criminality in order to justify violent social control of Black bodies. Racial criminalization linked to crime statistics also helped usher in Jim Crow segregation, playing a

key role in the structuring of modern urban life in the United States. As Michelle Alexander's *The New Jim Crow* (2012) illuminates highlights, this well-crafted link between Blackness and criminality in the mainstream U.S. imaginary was further mobilized in the wake of the Civil Rights and Black power movements to justify the suppression of civil rights gains, the passing of increasingly punitive crime policies, the militarization of police, and, ultimately, the mass incarceration of Black and Latino men and women. The discourse on racialized police-civilian encounters ought to, therefore, be situated within the historical and structural processes through which racialization and criminalization have become entangled across socio-economic, legal-political, and cultural realms (Bobo 2015).

As Jordan Camp and Christina Heatherton (2016) emphasize in their collection of essays exploring the rise of the Black Lives Matter movement, police brutality is only the tip of the iceberg of racialized policing practices. Camp and Heatherton specifically highlight the importance of the fact that the killing of Staten Island father of six, Eric Garner, occurred within the context of the everydayness of so-called broken windows policing which justifies the punitive policing of petty crimes and 'quality of life' offenses as a pre-emptive crime reduction strategy (Beckett and Herbert 2008; Garland 2001). Moreover, it demonstrates the importance of examining not only the ways in which outcomes of police-civilian encounters are racialized but also how the unfolding of the encounter itself is racialized.

While the fact that race influences police officers' decisions of whom to stop and, subsequently, the outcomes of police-civilian encounters has been documented in the sociological literature (e.g. Epp, Maynard-Moody, and Haider-Markel 2017, 2014; Weitzer and Brunson 2015), previous research has not been able to address *how* it is that race pervades police-civilian encounters. This is in part because of the tendency among policing

scholars to approach racism as an individualized psychological phenomenon, thereby framing the role of race in police-civilian encounters as a question of *whether* race is relevant – that is, whether the individual officer holds racially prejudicial attitudes and beliefs, and whether the officer – as a consequence – intentionally discriminates against civilians of color. Even the progress made by social psychological examinations of implicit bias shifts analyses of racism to the realm of the interior rather than social. However, if we instead deploy a critical race theory framework which understands racism as structural and cultural – as part of the everyday functioning of society rather than something aberrational – then the question necessarily shifts from whether race is relevant in police-civilian encounters to *how* it is relevant.

Grounded in a critical race theory framework with an ethnomethodological approach to the analysis of talk-in-interaction, this paper examines how racial dynamics become reproduced in police-civilian encounters and explores in what ways race becomes relevant for the organization of events within the interaction. To do so, I analyze twenty video-recorded police-civilian encounters, focusing on how Black civilians who become the subjects of police control navigate these racialized encounters. Although the encounters occur under different circumstances and with different police officers, I show the patterned ways in which subjects' orientations to the salience of race – and their resistance to racism – become relevant for how the encounters unfold. The findings suggest that civilians deploy a variety of resistance strategies ranging from explicit defiance of police authority to more tacit ways of contending with the conditions of police encounters. In doing so, civilians' appeals suggest a sensitivity to different aspects of social justice. Civilians strategically move from situational appeals to the officer toward appeals to external accountability, illustrating the

deployment of the cultural value of fairness as an attempt to deal with the ongoing injustices of the encounter, and the subsequent launching of external appeals as way to manage the institutional realities in the aftermath of injustice.

These strategic appeals to legal logics, I argue, illustrate how civilians display a kind of situated legal consciousness (Nielsen 2000) that is dually bound both by social relations and the situational context of the encounter. It is situated not only in the sense that it occurs within the immediate context of the police-civilian encounter, but also in that the civilians' legal consciousness is responsive to the sequence of events within the encounter. It is also bound by social relations in that civilians' racialized, gendered, and classed experiences in the world shape their understanding of law, in general, as well as their previous experiences of it. As such, I argue that this situated legal consciousness is also a racialized consciousness, emphasizing the ways in which participants orient themselves to the relevance of race, including at times when race is not explicitly invoked within the encounter itself. Whether explicitly accusing officers of racism or implicitly alluding to race as relevant, I demonstrate that the deployment of racial logics is a way in which civilians contend with the conditions of unjust encounters while managing the risks of bodily harm and arrest.

Macro-level racial dynamics are not only mirrored but mutually reproduced within interactions, reflecting some ways in which racial formation takes place at the micro-level (Omi and Winant 2014). Omi and Winant conceptualize this linkage between structure and representation as "racial projects", which they define as "efforts to shape the ways in which human identities and social structures are racially signified, and the reciprocal ways that racial meaning becomes embedded in social structures." (2014:13). Racial formation, thus, is built upon "a vast summation of signifying actions and social structures, past and present,

that have combined and clashed in the creation of the enormous complex of relationships and identities that is labeled race." (Omi and Winant 2014:13). The racialized tensions I explore between police officers and civilians, then, makes the police-civilian encounter a generative site for exploring the production, maintenance, and contestation of the racial formations that constitute the contemporary carceral racial regime (Robinson 2007). Furthermore, I show that the ways in which civilians orient themselves to the relevance of race is also gendered, highlighting the need for intersectional examinations of the dynamics of police-civilian encounters.

This study makes contributions to the growing body of conversation analytic studies of police by highlighting the myriad ways in which civilians resist police authority during the course of police-civilian encounters. It also contributes to Kevin Whitehead's emerging body of work (2009, 2012, 2011, 2018; Whitehead and Lerner 2009; Whitehead and Stokoe 2015) on conversation analytic approaches to the study of race and racism by extending it to explore the ways in which civilians are oriented to race as relevant during police encounters and how they resist *isms* during interactions. The application of conversation analysis to the police-civilian encounter also makes contributions to the qualitative studies of policing, as does the focus on resistance to racism in police encounters. I contribute to the literature on legal consciousness by applying the concept to a sociological analysis of the ways in which it gets mobilized within the context of policing and situated specifically within interactions with police. In doing so, I extend the conversation around legal consciousness from what people think to what they do by identifying and documenting the range of practices that subjects using legal consciousness have developed to contend with the injustices they encounter.

II. Policing (and) Race in the United States

Traditional criminological inquiries of policing have typically aligned with the needs of law enforcement agencies, focusing on the perspectives of law enforcement officers. It is only over the last few decades, with the development of critical and feminist approaches to criminology, that criminologists have begun to emphasize civilians' experiences with police officers and explored the role that race plays in police practices and encounters. Recent qualitative studies of policing and race in the United States have centered people's experiences of contact with police, focusing on race (Brunson 2015; Brunson and Miller 2006a, 2006b; Muñiz 2015; Rios 2011, 2017; Solis, Portillos, and Brunson 2009; Weitzer and Brunson 2015), girls and women (Brunson and Miller 2006a; Díaz-Cotto 2006; Gabbidon, Higgins, and Potter 2011; Jones 2009; Morris 2016; Ritchie 2017), class (Lipsitz 2016; Stuart 2016), immigration status (Armenta 2017; Golash-Boza 2015; McDowell and Wonders 2009; Rios 2017), and their various intersections.

Another important thread in recent scholarship has examined the ways in which racialized and classed policing practices are organized around logics of space and place (Beckett and Herbert 2008; Boyles 2015; Brunson and Weitzer 2009; Campos-Manzo et al. 2018; Herbert 1997; Lipsitz 2016; McDowell and Wonders 2009; Stuart 2014). Scholars have also focused increasingly on the impact of the policing and social control of youth, especially in and around schools, as one way in which police contact has become a part of everyday life for young people of color (Kupchik 2010; Kupchik and Ward 2014; Morris 2016; Rios 2017; Rios and Galicia 2014; Shedd 2015). Victor Rios' *Punished: Policing the Lives of Black and Latino Boys* (2011), for example, sheds light on the ways in which the hyper-criminalization of Black and Latino male youth impacted his participants' daily lives

through hyper-policing in multiple spheres of daily life. This policing not only takes place in public spaces by law enforcement officers, but also by probation officers, in schools by teachers and security guards, by store owners and other authority figures in the community, by staff at community centers, and even at home by their parents, together forming what Rios calls a youth control complex (2011, 2007). This shift towards studying up – that is, studying criminal-legal and other punitive institutions rather than (or in addition to) crime – is part of a broader paradigm shift among researchers of race, crime, and justice who employ a kind of sociological double-consciousness in their work (Rios, Carney, and Kelekay 2017). This study contributes to this body of research by centering resistance in police-civilian encounters as the subject of analysis.

In order to contextualize the contemporary political climate in which police-civilian encounters take place, I will briefly discuss research on racialized policing after what scholars have termed the ‘punitive turn’ in U.S. criminal justice policy, highlighting the development of increasingly punitive and proactive policing practices, critiques of racial profiling, and their implications for questions of procedural justice in police-civilian encounters. I will then turn to discuss research on resistance to aggressive police conduct and other forms of state violence and oppression, including the rise of the Black Lives Matter movement and the resurgence of mainstream discourses about racial profiling, police violence, and the criminalization of Blackness in the United States. Finally, I will briefly outline my theoretical approach, engaging with critical theories of race, law, and social control. I extend previous work on the situatedness of legal consciousness in developing and applying an analysis of what I am calling racialized legal consciousness.

A. Racialized Policing in the Punitive Era

Since the establishment of slave patrols to enforce the legal status of enslaved Black people as property, the history of U.S. policing has been intertwined with racism (Alexander 2012; Camp and Heatherton 2016; Haley 2016; Muhammad 2011; Wacquant 2002; Wagner 2010). The crisis of legitimacy caused by the changing racial demographics of U.S. cities, economic crisis, and mass mobilizations against Jim Crow capitalism and U.S. imperialism in the 1960s and '70s led to a “punitive turn” in U.S. politics and criminal justice policy. The shift in the politics of crime control that led to several changes in sentencing policies, including the introduction of mandatory minimum sentencing, harsher punishments for drug offenses, and the infamous three-strikes law in California. Along with the policy changes that ultimately culminated in the current state of ‘mass incarceration’, policing practices underwent a similar punitive shift.

The urban uprisings associated with the Civil Rights and Black Power movements were used to justify the militarization of U.S. police forces, such as the establishment of Special Weapons and Tactics (SWAT) units to repress insurgencies (Chambliss 1994; Gama 2016; Kiker 2015; Kraska 2007). The declaration of the War on Drugs and later the War on Crime also led to a significant shift in policing to a focus on arrests for low-level offenses and the development of proactive policing practices, including the introduction and mainstreaming of ‘broken windows’ policing, place-based predictive policing practices such as ‘hot-spot’ policing, increased policing of both national and state borders, the aggressive policing of space through gang injunctions, and variations of the ‘stop, question, and frisk’ policy (Cooper 2015; Dunn and Kraska 2001; Ferguson 2012; Murch 2015; Rios 2010). Given that police encounters are the first point of contact with the criminal-legal system, the rise of proactive policing and other aggressive policing practices in the past several decades

have also led to an increased concern with racial profiling, the quality of police-civilian interactions, and the use of physical force by police officers.

1. Proactive Policing

Proactive policing strategies are characterized by their emphasis on attempting to preempt serious crime rather than responding to crimes after they have occurred (Gross and Livingston 2002; Satzewich and Shaffir 2009). Racial profiling has received increased attention from mainstream media and scholars alike, with debates about the legitimacy of racial profiling (Gross and Livingston 2002; Satzewich and Shaffir 2009) and how to conceptualize and measure racial profiling (Batton and Kadleck 2004; Buerger and Farrell 2002; Engel, Calnon, and Bernard 2002; Glover, Penalosa, and Schlarmann 2010). Others have highlighted the perceptions and experiences of civilians of color (Gabbidon et al. 2009; Glover 2009; Weitzer and Tuch 2002) and police discourses on racial profiling (Chan 2011; Dunham et al. 2005; Glover 2007).

Proactive policing tactics are today most closely associated with so-called broken windows policing which pre-emptively targets minor offenses in a supposed effort to prevent more serious ones. James Wilson and George Kelling first formulated broken windows theory in 1982. Now widespread, broken windows theory posits that signs of social disorder in a community – such as broken windows – will lead to more criminality if allowed to go unsanctioned (Wilson and Kelling 1982). According to Wilson and Kelling, such signs of ‘urban decay’ reduce informal social control in the community, making residents feel less attached to their communities and thereby increasing the chances that they will gravitate toward crime and thereby further contributing to this ‘social decay’. Thus, they argued, minor

offenses like vandalism, loitering, or other quality-of-life offense should deserve the same police attention as more serious offenses as a pre-emptive strategy to reduce crime. Famously first implemented in New York City by then-commissioner William Bratton, broken windows or order-maintenance policing has since been adopted by cities across the United States and exported around the globe (Camp and Heatherton 2016). Not only has broken windows policing failed to produce significantly lowered crime rates, but the discretion involved in the enforcement of misdemeanor and quality-of-life offenses heightens concerns about racial profiling and procedural injustice. Order-maintenance policing has, for example, been found to reduce police legitimacy and trust, especially among young men in urban communities of color (Gau and Brunson 2010).

2. Procedural Justice

Sociologists, criminologists, and social psychologists have also increasingly examined people's perceptions of procedural justice and questions of police legitimacy (Cobbina, Owusu-Bempah, and Bender 2016; Engel 2005; Gau and Brunson 2010; Weitzer and Brunson 2013), how people negotiate police encounters (Brunson and Weitzer 2011; Weitzer and Brunson 2009), and the role of race and class in police-community relations (Brunson 2015; Hawdon and Ryan 2003; Vaughn Lee 2010). A framework borrowed from studies on the psychology of justice, procedural justice is concerned with subjects' perceptions regarding the fairness of the process by which police officers exercise their discretion and how they treat civilians during encounters, often contrasted with distributive justice, which is concerned with the fairness of outcomes (Engel 2005). Mastrofski et al. (2016) have framed exercising procedural justice as a discretionary choice on behalf of police officers, finding that officers' judgments of the 'moral worthiness' of civilians,

situational factors, and conventional scripts for conducting traffic stops all influence officers' decisions to adhere to a procedural justice model of conduct.

Civilians' perceptions of justice in police encounters have been found to be influenced by their judgments of procedural justice rather than distributive justice, meaning that civilians are generally more concerned about whether they are treated fairly during police encounters than whether the outcome of the encounter is favorable to them (Engel 2005). Policing scholar Tom R. Tyler has spent decades investigating the dynamics of procedural justice, finding that assessments of procedural justice impact civilian cooperation with legal authorities and perceptions of legitimacy (2003), as well as compliance during police encounters and a general trust in police (Dai, Frank, and Sun 2011; Tyler 2005). Other policing scholars have critiqued the emphasis on procedural justice for primarily being focused on what happens within any one given encounter rather than the patterns of policing which give rise to such encounters in the first place. Epp et al.'s work on racial profiling in traffic stops, for example, revealed that an officer being nice or respectful does not help to generate perceptions of procedural justice among motorists of color when their perceptions are based on the frequency with which they are stopped in the first place (Epp et al. 2014).

3. Police Violence

Considerations of procedural justice become particularly salient in conversations about police use of force. Bittner (1970) has argued that the defining aspect of the police role is having the authority to use force. William Terrill defines force as "acts that threaten or inflict physical harm on citizens, conceptualizing police use of force as occurring on a spectrum ranging from verbal coercion (such as commands and threats) to physical coercion

(the use of physical force) (2001:2). This spectrum includes a range of routine uses of coercion (such as restraint) to more extreme examples of physical violence (such as hitting or the use of a weapon) (Terrill 2001). Although physical force is relatively rarely used, when the force continuum is applied, some form of coercion is used in the majority of police encounters. Police coercion is associated with adherence to traditional police culture norms (Terrill, Paoline, and Manning 2003), neighborhood context (Terrill and Reisig 2003), and situational factors such as civilians' resistance, with encounters that begin with the use of force more likely to result in a civilian's resistance, often leading to a further escalation of the use of force on the part of the officer (Terrill 2003).

Although racial disparities in police use of violence has been part of public discourse and scholarship since the brutal beating of Rodney King in 1991, it has received renewed attention with increased media attention given to the police killings of Black men (Chaney and Robertson 2013; Cooper 2015; Fridell and Lim 2016; Mears et al. 2017). The majority of studies, however, have been quantitative examinations of racial disparities in the incidence and extent of police use-of-force, finding that both Black and Latino civilians are much more likely to experience police violence than white civilians, in part as the result of the increased likelihood with which civilians of color are stopped by police officers in the first place (Morrow, White, and Fradella 2017). The majority of studies have also focused exclusively on men, with the notable exception of Andrea Ritchie's *Invisible No More: Police Violence Against Black Women and Women of Color* (2017), which centers the experiences of women of color at the intersections of race, gender, (dis)ability, age, sexuality, and motherhood.

Other studies have examined the impact of new technologies on police use-of-force, such as racial disparities in the use of tasers (Gau, Mosher, and Pratt 2010) and the impact of

body-worn cameras (Ariel, Farrar, and Sutherland 2015). Indeed, the surge in attention to police brutality is partly attributable to civilians' increased ability to 'police the police' with the ubiquitous availability of phone cameras (Ariel et al. 2015; Brown 2016; Sandhu and Haggerty 2017). Among the demands for increased police accountability in the use of physical force has been a push for police departments to mandate that their officers use dashboard and body-worn cameras to record police-civilian encounters. Although some studies have claimed that use of body-worn cameras reduces instances of police use-of-force (e.g. Ariel et al. 2015; Brown 2016), one of the most rigorous studies of police-worn body cams, based on a randomized control trial of over 2,000 police officers, found no statistically significant effect of body cams on instances of force (Yokum, Ravishankar, and Coppock 2017).

B. Resistance

Research on race and policing has understandably tended to focus on the behaviors and abuses of police officers but has paid less attention to the ways in which racialized people navigate and resist their oppression. Given the focus of this study, I will briefly introduce relevant frameworks for the study of resistance, contextualizing it in light of current discourses of resistance to police brutality, and highlighting previous research on resistance in police encounters as well as the ways in which marginalized people resist oppression in their everyday experiences.

The increased media attention given to police killings of unarmed Black and brown civilians in recent years has also highlighted the birth and mainstreaming of the Black Lives Matter movement. Inspired by the acquittal of self-proclaimed neighborhood watchman George Zimmerman for the murder of unarmed Black teenager Trayvon Martin in 2013,

Black Lives Matter has since become an international movement for Black life and freedom (Garza 2014). It was not, however, until the uprisings in Ferguson, Missouri following the acquittal of police officer Darren Wilson for the killing of (also unarmed) Black eighteen-year-old Michael Brown that Black Lives Matter took center stage in the discourse about racialized police violence (Rios 2016). As George Lipsitz reminds us, however, “the rage and frustration that led people to pour into the streets in protest in Ferguson in 2014 stemmed from much more than one single incident of police brutality. The disrespect by city and county officials for Michael Brown’s life, for his dead body, for his friends, and for his family encapsulated in microcosm the degrading, demeaning, and debilitating forms of institutionalized racism that black people face every day. The sudden violence that took Michael Brown’s life took place in the context of the slow violence perpetrated by unemployment, educational inequality, environmental racism, housing and food insecurity, and aggressive and oppressive police harassment and brutality.” (2015:123–24). Indeed, although scholars have framed Black Lives Matter as the ‘new’ Civil Rights Movement (Harris 2015; Shor 2015), the Black Lives Matter movement must be understood as part of a broader historical legacy of organized resistance against racialized state violence, including police brutality (Camp and Heatherton 2016; Lipsitz 2017).

At the same time, the scope and reach of the Black Lives Matter movement has been uniquely facilitated by modern technologies, most notably social media, which has allowed for increased public debate, the sharing of video footage of police-civilian encounters, as well as for real-time reporting on protests and other civil actions (Araiza et al. 2016; Bonilla and Rosa 2015; Carney 2016; Gill 2016; Jackson and Foucault Welles 2016). Because of the global reach of the Black Lives Matter movement, whether through corporate news media

coverage or social media hashtags, racialized police violence is inevitably part of not only the collective consciousness of communities of color, but the entire nation. While the undeniable rise of the Black Lives Matter movement has led to a renewed interest among scholars in organized resistance practices of aggrieved communities in the aftermath of grave injustices, less research has focused on the ways in which people resist the injustices they encounter in their everyday lives. This study seeks to contribute to this conversation by foregrounding everyday resistance at the level of the police-civilian encounter.

1. Resistance in Police-Civilian Encounters

Little research has explored how civilians experience and navigate police encounters. One exception is the work of criminologist Ronald Weitzer, who has examined the ways in which young people of color in highly policed communities strategically navigate police-civilian encounters (Weitzer and Brunson 2009), and how such strategies are transmitted inter-generationally (Brunson and Weitzer 2011). On the one hand, outright resistance during a police encounter is a risky endeavor as it often met with the use of force (Lersch et al. 2008). On the other hand, police use of force has been shown to result in lowered compliance and displays of disrespect from civilians (Reisig et al. 2004). Civilians are also more likely to show disrespect or outright resistance to police officers when under the influence of alcohol (Reisig et al. 2004). According to one study, Black civilians are more likely to resist police authority than white and Latino civilians, and residents are more likely to resist police during encounters in their own communities (Belvedere, Worrall, and Tibbetts 2005). Ronald Weitzer and Rod K. Brunson have found that young men in highly policed neighborhoods strategically evade police contact with consideration for their own interests in avoiding contact with the criminal-legal system, as well as how their contact would be perceived by

and impact others in their communities (Jones 2018; 2009). One major limitation of studies of resistance in police encounters, however, is their tendency to frame resistance simply as a matter of compliance or defiance of police authority. This study aims to correct this shortcoming by exploring the range of resistance strategies civilians deploy during police encounters, including covert forms of ‘infrapolitical’ resistance.

2. Infrapolitics and Everyday Resistance

In *Weapons of the Weak: Everyday Forms of Peasant Resistance*, James C. Scott explores the ways in which seemingly powerless people engage in what he calls the ‘infrapolitics’ of resistance (1985). Infrapolitics, according to Scott, is characterized by the strategic use of subterfuge rather than overt confrontation to resist oppression. Material and symbolic forms of resistance, thus, are “part of the same set of mutually sustaining practices” (Scott 2007:184). He writes “That it should be invisible, as we have seen, is in large part by design - a tactical choice born of a prudent awareness of the balance of power.” (Scott 2007:183). While some forms of resistance take place out in the open, Scott argues, other but often parallel forms of resistance take place in the shadows as a means of protection from being squashed by significantly more powerful opponent. Rather than representing an internalization of systems of domination, then, infrapolitical resistance is a creative way to engage within the practical constraints of the system. Scott insists that “under the appropriate conditions, the accumulation of petty acts can, rather like snowflakes on a steep mountainside, set off an avalanche.” (2007:192).

Some of the ‘weapons of the weak’ Scott highlighted in his study of peasant resistance included the use of non-cooperation in the system of taxation as a way to assert

agency in the face of domination, and the practice of poaching to undermine the constructions of land property (1985). Ethnographers have also highlighted marginalized people's everyday resistance to aggressive policing practices (Lipsitz 2017; Rios 2011, 2012; Ritchie 2017; Stuart 2011). Forrest Stuart, for example, has studied how Skid Row members of the Los Angeles Community Action Network (LACAN) have developed interactional strategies for filming police encounters in an effort to undermine officers' ability to provide alternative explanations of events, thereby mitigating their dominance vis-à-vis court-recognized authority (2011). Victor Rios has emphasized how hyper-criminalized young men of color engage in crimes of resistance as a means to assert their agency and dignity (Rios 2012, 2011). For example, Rios analyzes a teenage boy's decision to steal a 25-cent bag of potato chips as a response to the ever-persistent suspicion he encountered by not only police officers, but teachers and store owners. Even though the payoff for the crime was not worth the relative risk of being caught, stealing the bag of potato chips serves as a way for the youth to undermine the system of criminalization to which he would continue to be subjected regardless of his guilt or innocence (2012). Building on these works, I apply the framework of infrapolitical resistance to the police-civilian encounter.

C. Theoretical Framework: Race, Law, and Social Control

Criminologist Geoff Ward (2012) has argued that mainstream criminology's inability to commit to critical studies of race in a time when crime is highly politicized has not only compromised the field, but also made it complicit in the racial violence and oppression that is justified through the criminalization of race. In distancing itself from in-depth analyses of race, and instead approaching racialized policing as a matter of perception on the part of civilians or of individual racial prejudices on the part of officers, mainstream criminology has

also neglected the systemic and structural racial realities of policing practices in the United States (Glover 2009). As Epp, Maynard-Moody, and Haider-Markel's work on racial profiling in traffic stops highlights, racialized police-civilian encounters are not merely a matter of racist or bigoted individual police officers, but rather the problem lies in the racialized logics that the police use to make decisions about who is suspicious, whom to stop, who is considered dangerous, and whom it is justifiable or necessary to use violence against (Epp et al. 2014, 2017; Glover 2009). In order to most fruitfully make use of the idea of racial logics, I will briefly outline some of the contributions of critical theorists of race and racism.

1. Critical Race Theory and Sociology of Race

Although sociological theorists of race have long engaged with race as a social construct, the field has focused on questions of racial identity, "race relations", prejudice, and discrimination. More critical scholars of race also consider the social processes by which race is constructed or formed, as well as the myriad of ways in which it becomes inscribed into social structures, institutions, and the fabric of everyday life. Most strongly articulated by critical race theorists, the assumption that follows is that racism is normal rather than aberrational. Critical race scholars have long emphasized the fundamental entangling of the law with race, revealing the racialization of law and policy not only at the level of application but at its core (Crenshaw 1991).

Critical race scholars start from the assumption that racism is routine rather than aberrational (Delgado and Stefancic 2007). The logics of race and racism, furthermore, are fundamentally intertwined with the construction and politics of gender, highlighting the need

for intersectional analyses of the experiences of people of color, generally, as well as in studies of law, crime, and justice (Potter 2013, 2015). A critical race criminology approach, thus, does not assume the practices and politics of crime control to be neutral and racialized only when tainted by a racist actor, but rather examines the ways in which such practices become racialized by nature (Glover 2009). As Jody Armour has argued, given the racialized discourses of crime control and the abundance of cultural images of what Katheryn Russell-Brown calls the *criminalblackman*, we live in a culture where racism and “negrophobia” is actually deemed to be reasonable rather than irrational (Armour 1994, 1997; Russell-Brown 2009). The historically constructed entangling of Blackness and (violent) criminality, thus, not only haunts the present as the legacy of racial slavery but has renewed vigor in the post-civil rights era. Indeed, policing is not racialized because of individual police officers harboring racial animus, but rather because broader social relations – and the politics of crime control, in particular – are.

While sociologists have been slow to incorporate the lessons of critical race theorists and Black feminist scholars in their work, sociological theories of racial formation have also conceptualized racialization to operate at the macro-, meso-, and micro-levels (Omi and Winant 2014). First published in 1984, Michael Omi and Howard Winant’s *Racial Formation in the United States* examines the historical, material, and cultural conditions that have produced the racialization of different populations in the United States. They argue that the racialization process is not fixed, but rather is contested by different stakeholders through the deployment of what Omi and Winant call ‘racial projects’. While most sociological work has remained limited to exploring race at the macro- and meso-levels, and psychological approaches to the study of race at the micro-level tend to reduce questions of race and racism

to the realm of the individual. Kevin Whitehead, however, has applied productively the idea of racial projects to the study of interactions,

2. Policing as Racialized Social Control

While traditional criminological inquiries into policing have typically aligned with the needs of law enforcement agencies, focusing on questions about the efficiency of policing practices, the experiences of law enforcement officers, and the public's perceptions of police, critical criminologists have long interrogated the relationship between policing practices and the ideological and political underpinnings of police as an institution. From a critical criminology standpoint, policing is seen as an institution of social control designed to manage disfavored populations. As the law reflects the interests of the dominating classes of a society, so do the logics and practices of law enforcement. For example, understanding colonialism as an ongoing process rather than a fixed and finite past event, scholars have theorized contemporary U.S. policing practices as part of an ongoing colonial project (Steinmetz, Schaefer, and Henderson 2017). Drawing on literature framing the construction of racialized communities in the United States as 'internal colonies', they argue that police are deployed to Black and brown communities in order to enforce the colonial order.

Indeed, since the development of organized slave patrols to enforce the legal status of enslaved Black people as property, police in the United States have violently controlled Black bodies with impunity (Bass 2001). At the same time, police departments have historically under-policed White supremacist violence and crime targeting Black and other communities of color (Ward 2018). Criminologist Geoff Ward argues that punitive racialized social control establishes a relation in which racialized populations become subjects of social

control, as a result of which social control, in turn, becomes a race-making system (2014). From this perspective, then, punitive social control is not only racialized but in fact *racializes*. As such, we can see the entwining of race and law and hence of racial hierarchy and policing as a mutually constitutive process.

3. Legal Consciousness

Sociologists of law have emphasized the ways in which law is a symbolic human product created by active social processes (Sutton 2001). As sociologist John Sutton highlights, the law is a normative system as well as a social, behavioral, and institutional one. As such, “from a sociological perspective, law is inextricably a part of the social order. It coexists, interacts, and competes for resources with other kinds of institutions. Law has fuzzy boundaries, so it is not at all clear where legal behavior ends and other kinds of behavior begin. Law can be found not only in the courtroom but also in the street, the household, and the workplace.” (Sutton 2001:7–8). Whether people actively think about the role of law in their lives, then, they inevitably encounter it in their everyday lives. How people understand and view the law has been referred to as legal consciousness. Like critical theories of race, legal consciousness was introduced to sociology by legal scholars.

The most foundational empirical work on legal consciousness is Ewick and Silbey's (1998) *The Common Place of Law: Stories from Everyday Life*, where they examined legal consciousness as it organically appeared in the narratives of everyday people, rather than as conceptualized by theorists. Based on this work, Ewick and Silbey developed a typology of legal consciousness, arguing that people's attitudes toward the law correspond to an image of the law as a force that works either before, with, or against them. People who viewed

themselves as *before the law* were described as seeing the law as almighty and powerful, with individual agency having little to no control over its application. People who viewed themselves as *with the law* see the law as a force that they have the power to strategically manipulate in their favor. Finally, people who viewed themselves as *against the law* tend to see the law as an oppressive force that works against them. While instructive, this typology does not (and is not meant to) apply wholesale to people's experiences, but rather it is meant to describe the terrain of culturally available schemas of the law. As Leslie Nielsen puts it, "even as "law" is invoked, not invoked, ignored, and resisted, it is assigned a role in people's everyday lives. These processes of creating "legality" mean that legal consciousness is contingent and changing." (2000:1060).

One limitation of Ewick and Silbey's typology is that although it suggests legal consciousness might correlate to social positions within a society, such that those who are disenfranchised will be more likely to inhabit an against the law legal consciousness, they do not systematically investigate it (Nielsen 2000). Extending the contributions of Ewick and Silbey, Nielsen attempts to construct a framework for understanding how legal consciousness differs by race, class, and gender, and in what ways the culturally available schemas are situated doctrinally (the First Amendment), socially (offensive public speech), and with reference to location (in the public sphere) (2000, 2009). She highlights that while social location is a key factor in explaining differences in legal consciousness, it is important to dig deeper to consider the role that differential experiences and therefore differential reasonings people of different social locations may have for their orientations toward law. As such, Nielsen cautions, the influence of social location and previous experience enhances the need for understanding legal consciousness as situated.

Although collective consciousness and its relationship to law have been studied by critical race theorists and legal scholars, few sociologists have explicitly engaged with the idea of racialized consciousness in studies of policing and social control. One exception is Karen Glover's (2009) book, *Racial Profiling: Research, Racism, and Resistance*, which examined civilians' critical consciousness of racial profiling. Based on in-depth interviews with Black and Latino respondents, Glover found that in addition to basing their attitudes toward police based on personal experiences, her respondents had also developed a consciousness about racialized surveillance and policing through vicarious experiences and oral histories shared in their communities. The effect of this kind of hyper-surveillance, Glover argues, generates a kind of double-consciousness for people of color who are viscerally aware of their status as criminalized, second-class citizens in U.S. society and must navigate the world accordingly (Terrill 2003). W.E.B. Du Bois introduced the concept of double consciousness in his 1903 book, *The Souls of Black Folk*, writing that

"It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder."

Double-consciousness, thus, refers to the dual awareness that Black people must carry with them at all times; they must always be aware of how society sees them, while simultaneously attempting to hold onto who they are. In the case of policing, as Glover discusses, Black civilians must always be simultaneously aware of the fact that they are perpetually seen as criminal, and therefore always subject to policing and surveillance, while also resisting their criminalization and dehumanization.

This study aims to build upon Nielsen's work on legal consciousness in two ways. First, I apply the study of situated legal consciousness to the context of policing. Second, I attempt to extend Nielsen's conception of law as situated to the study of law in action through the agency of the police officer. I hope, thus, to be able to speak to legal consciousness in the context of policing more generally through a conversation-analytic examination of orientations toward law within police-civilian encounters.

III. Methodology

Resistance to police authority manifests in several ways. Most criminological research has focused on the question of compliance in police encounters, consequently representing resistance as a binary category with civilians as either compliant with or defiant to police authority. The attitudinal focus of much research on community-police relations and the emphasis on perceptions of procedural justice also assume that the bases for civilian non-compliance are simple when, in fact, resistance – like most social phenomena - is much more complicated in its everyday manifestations. Furthermore, approaching resistance as a question of compliance also implicitly frames resistance as a matter of civilians' predispositions or attitudes about police. Although the literature on police-community relations highlights the importance of police legitimacy and procedural justice for the quality of interactions police officers have with community members, the focus on perceptions treats community members' negative experiences with police as mere perceptions of injustice, thereby disassociating them from the actions and contexts that produce them. Ethnographic and interview studies identifying and analyzing the experiences of civilians have provided an important empirical counter-narrative to traditional research limited to police perspectives of encounters, but they too are unable to fully capture the subtle and situated features of police-

civilian encounters. What a conversation-analytic approach to examining police-civilian interactions can contribute, then, is a deeper understanding of the situatedness of resistance within such encounters.

Specifically, I explore the range of ways in which civilians contend with the conditions of police encounters, focusing on how civilians can be read as oriented toward the encounter as unjust or unfair and in what ways this is informed by race. Although there is a tendency to think of the relevance of race as a question of either the presence or absence of racial bias, I follow the logic of critical race theorists and presume that since we live in a racist society in which law has been one of the central lynchpins of white supremacy, race is likely to always be a factor in police-civilian encounters. The question, rather, is *how* it becomes relevant and what its significance is for the course of events. I also follow the work of sociologist and conversation analyst Kevin Whitehead (2009) in assessing the myriad of inexplicit ways people orient themselves to the relevance of race without necessarily using the language of race. In doing so, I emphasize a range of discursive moves that civilians make that indicate their orientation to race as relevant for the actions of police officers within encounters. To better explain my approach, I will briefly introduce the conversation analytic approach to analyzing talk-in-interaction, examining interactions within institutional settings, the use of video data, and exploring the relevance of social categories for interactions.

A. The Conversation-Analytic Approach

Conversation analysis (hereafter CA), as a social scientific approach, is generally concerned with the study of talk-in-interaction, focusing on a range of practices from the organization of face-to-face interactions to the construction of language and culture

(Schegloff 1992). From a conversation analytic approach, talk is important not only because humans communicate through speech, but because talk is seen as a form of social action; a means for establishing and achieving a project – to convey meaning, sentiment, experience, and so forth (Schegloff 1992). The analysis of talk-in-interaction, thus, while primarily focused on the situatedness of social action within the organization of interactions, also provides us with a tool for investigating the local production of broader social dynamics through what participants of interactions invoke as relevant to them in a given situation (Kitzinger 2000; Peräkylä 2007).

A conversation analytic approach to policing, then, is positioned within a broader tradition of examining interactions within institutional contexts where particular rules and roles are delineated, and the participants of encounters are socialized to understand their part in it (Raymond 2006). Kate Haworth (2006) applied CA to the study of police interviews, examining the discursive management of power and control. Although police officers maintain positions of institutional authority, Haworth argues, civilians are able to mitigate police control through the deployment of discursive resistance tactics. Albert J. Meehan (2006), on the other hand, used CA to study the policing of gangs by analyzing how the category of ‘gang’ was used by both civilians and police to categorize a variety of concerns involving young people, whether or not they were actually gang-involved. Meehan found that the local political climate, which included the mobilization of a rhetoric of fear around ‘youth gangs’ became invoked in everyday interactions, subsequently producing the very ‘gang’ statistics that politicians had invoked. Meehan’s study, thus, provides a good example of how the conversation analytic approach can help illuminate the ways in which the interactional and the structural function as mutually constitutive.

Social scientists have also used CA to examine the relevance of social categories, group membership, and identities in talk and interaction (Kitzinger and Mandelbaum 2013; Lerner and Kitzinger 2007; Raymond and Heritage 2006; Schegloff 2007; Tracy and Robles 2013), including the application of CA to the study of gender (Frith and Kitzinger 1998; Kitzinger 2000, 2006; Stokoe and Smithson 2001; West and Zimmerman 1987), sexuality (Kitzinger 2005a, 2005b; Kitzinger and Frith 1999; Land and Kitzinger 2005), and race (Cresswell, Whitehead, and Durrheim 2014; Durrheim, Greener, and Whitehead 2015; Whitehead 2009, 2012, 2011; Whitehead and Lerner 2009). Kevin Whitehead, in particular, has developed an ethnomethodological and conversation analytic approach to the study of race and racism, with a focus on how racial categories and what he calls racial “common sense” get invoked and managed in everyday talk-in-interaction.

In the context of police-civilian encounters, then, studying talk-in-interaction allows examination not only on what is said, but how what is said is procedurally consequential, that is how it becomes relevant for how the encounter unfolds. This approach illuminates the myriad ways in which race is made relevant for an interaction, including when race is not explicitly invoked. Counter to the positivist logic of treating race as a variable to be manipulated across contexts, then, examining race in interactions is not concerned with being able to claim the statistical relevance of race across encounters, but rather it is about whether there is evidence for race being relevant *within* the ordering of the interaction. In other words, what a conversation analytic approach allows us to explore the connections between the structural and the interpersonal by illustrating what social structures participants are oriented toward as relevant for their experiences. This baseline then allows for an examination of *how* participants’ orientations to social structures as relevant is consequential

for the organization of the interaction – in this case, how an orientation to race as relevant is consequential for the police-civilian encounter.

B. Data

The data used for this study was compiled from the data collection of a broader multi-year project on police-civilian encounters, co-headed by Nikki Jones (UC Berkeley) and Geoffrey Raymond (UC Santa Barbara)¹. The broader collection includes multiple sets of video recordings of police-civilian encounters including dashcam videos released by the Seattle Police Department, videos recorded during ethnographic observation and audio recorded interviews conducted by Nikki Jones with the San Francisco Police Department, and video recordings of SFPD officers' encounters with civilians made by community member and self-designated community documentarian, Ray Washington. While tackling many research questions, the overarching goal of the project is to use conversation analysis as a tool for gaining new insights into problems of police conduct, police-community relations, and the ways in which routine police contact exacerbates inequality.

The video recordings in my collection come primarily from dashcam footage released by the Seattle Police Department as part of a department-wide reform effort mandated by the Department of Justice. In addition to the Seattle Police Department data, I also collected relevant cases from other police departments around the nation that have been made publicly available through news media and on YouTube. Most cases I discuss come from the Seattle Police Department, with the exception of two cases from the Texas Highway Patrol and the

¹ The broader research project is funded by the William T. Grant foundation. Some of the work on this sub-project was also funded through my position as a graduate research assistant on the broader project.

Hagerstown (Maryland) Police Department. All encounters occurred between 2010 and 2016. The collection includes video recordings of traffic stops, encounters initiated during foot patrols, and cases where officers arrive on the scene in response to a 911 call. All encounters in the collection occurred with Black civilians, and most encounters occurred with white officers.

C. Analysis

I combine an ethnomethodological, conversation analytic approach to line-by-line analysis of talk-in-interaction with a more broadly video ethnographic approach, allowing me to situate civilians' resistance strategies both within the local context of the encounter, as well as discuss their significance for the broader discursive context. As is typical for conversation analytic approaches, I built the collection based on cases that share a feature of interest. Thus, while my overarching research question is *how are police-civilian encounters racialized?* the more targeted question became how participants of the encounter were oriented toward race (or racism) as relevant for their interaction. Using a grounded approach, I noted a feature of interest when found in two or more interactions, consequently providing the foundation for the collection of a set of cases containing the features of interest. Relevant excerpts of the interactions were then transcribed to facilitate more careful analysis. Drawing on conversation-analytic approaches to talk-in-interaction, each interaction was then coded line by line. As key features were identified, comparison across cases revealed a set of themes, which in turn allowed for an analysis of the sequential ordering of key features, and, as such, an examination of their consequentiality for the sequence of events.

While there are several patterns that would be fruitful for analysis, the findings I will discuss in this paper focus on instances where civilians are oriented to the encounters as unjust or unfair, and, specifically, instances where civilians are also oriented to race as relevant for the encounter. I investigate the ways in which civilians of color contend with the conditions of police-civilian encounters in order to illuminate civilians' agency in a context where police authority is often repressive, violent, and seemingly total, in that it is, in part, defined by the discretion to kill. As part of the attempt to 'rehumanize' Black victims of police violence, I will (when accessible) refer to the civilians by their first names as a gesture against our collective desensitization to violence against Black bodies².

IV. Findings: The Infrapolitics of Resistance

Civilians resist unjust police encounters in a variety of ways. While explicit non-compliance is the most easily recognizable form of resistance, it also presents the greatest risk for an escalated response from police officers. Indeed, how and when civilians explicitly resist police power within an encounter significantly impacts the subsequent course of events. As such, the manner and timing of resistance suggests an orientation to opportunities to influence the course of events as emerging and fading, revealing a pattern in how civilians manage striving for dignity and police accountability in relation to the risks of bodily harm and arrest. This highlights the importance of understanding resistance in police encounters as situated phenomena.

Indeed, when civilians do resist police authority, they may do so in response to both the immediate conduct of the encounter they are in, as well as to extra-situational factors,

² Note: any names I use have been made publicly available through news media outlets by the civilians or their families.

such as their own or community members' experiences with police. Explicit resistance is, however, almost always met with escalation on the part of the police officer, making non-compliance a high-risk form of resistance. As such, in most cases, civilians enter police encounters compliantly, even when they may take issue with the initiation of the encounter. I argue that even when formally complying with police directives, however, civilians deploy a range of creative strategies for resisting the conditions of unjust police encounters. It is these inexplicit forms of resistance – the infrapolitics of resistance, that I will focus on here.

One way that civilians contend with the conditions of police encounters without explicitly resisting the authority of police officers is through invoking normative justice frameworks for police conduct. This, my findings suggest, appears in two distinguishable but related ways: 1) by invoking procedural justice, and 2) by invoking race as relevant. Civilians make relevant a procedural justice framework by *refusing the initiation of an encounter*, *questioning the conditions of the encounter*, *invoking external accountability*, *calling out over-the-top behavior* on the part of police officers, and by *naming the possibility of lethal violence*. Explicitly naming the possibility of the use of lethal violence also invokes race as relevant to the question of procedural injustice. At the most explicit end of the spectrum, civilians invoke race as relevant for the encounter by *accusing officers of racial bias either directly or indirectly*. Civilians also orient toward race as a relevant factor in their treatment without explicitly naming race by *appealing to respectable social categories*, and by *affirming their humanity*. Civilians' appeals to justice are also sequentially positioned, generally beginning with situational appeals to officers' authority and then strategically shifting to appeals to external accountability when situational appeals fail to influence the course of the encounter. Appeals to officers, thus, are attempts to intervene into injustices

they are occurring in the ongoing encounter, while appeals to external accountability are ways of dealing with its aftermath.

A. Resisting Procedural Injustice

Civilians resist procedural injustice in a range of ways. The most explicit and easily identifiable form of resistance is defiance of police authority through non-compliance with the directive of an officer. A less common but more explicit manifestation of mistrust in police is the refusal to engage a police officer initiating an encounter.

1. Refusing the Initiation of an Encounter

Refusing the initiation of an encounter represents the most explicit rejection of police authority. It is a dangerous endeavor, and therefore a rare occurrence. In order to illustrate the range of resistance tactics civilians deploy as expressions of racialized legal consciousness, I will nonetheless give a couple of the most explicit examples. In a case I am calling *Man on Bicycle*, in the early hours of one fall morning, a Seattle PD officer in a patrol car sees a Black man riding his bicycle down the sidewalk, turns his car around to follow him, and orders the man to stop. The man, however, refuses.

[Excerpt 1a]

1 MPO1: Sir, stop your bike!
2 CM1: What you gon' do, shoot me?!
3 MPO1: No! Stop your bike
4 CM1: I'm not stopping
5 MPO1: Stop your bike!
6 (Pause)
7 MPO1: Alright, we're gonna do it the hard way then, huh

“Sir, stop your bike!” the officer directs him through the loudspeaker. “*What you gon’ do, shoot me?!*”, the man yells back, mumbling something to himself. “No!” the officer replies and repeats the order to stop. “I’m not stopping!” the man retorts and keeps on riding down the street. When the civilian refuses to stop his bike, the officer briefly stops the car and honks at the man. He exits the vehicle and repeats the order one more time before warning, “Alright, we’re gonna do it the hard way then, huh.” He gets back in the car and calls for backup. He follows the civilian down the street, continuously ordering him to stop.

[Excerpt 1b]

8 MPO1: Sir, you might as well stop your bike, please. I
9 have a couple more units in route, I just want you
10 to stop your bike so that I can talk to you about
11 your helmet violation and your lights, so just stop
12 your bike, and stop-
13 CM1: (())
14 MPO1: That’s not - no. No. You need to stop your bike *now*
15 CM1: Get away from me!
16 MPO1: I’m giving you a lawful order to stop your bike, do
17 it NOW
18 CM1: You guys are just killing people
19 MPO1: You’re being audio and video recorded

After tracking him for a few blocks, the officer follows the man to the well-lit parking lot of a gas station, where the man finally gets off the bike. The officer swiftly grabs the bicycle and leans it up against the patrol car. Now accompanied by the backup he had called for, the officer directs the man to come over to “just talk”, but the man refuses. After some heated back and forth, throughout which the man adamantly refuses to heed to the authority of the officers, they let him go.

In this case, the civilian explicitly defies the officer’s command to stop his bicycle, indicating a refusal to comply with the officer’s attempt to initiate an encounter. The man’s

continued defiance is not surprising given the officer's immediate inclination to escalate the situation. By stating that "we're gonna do it the hard way", the officer has shifted the encounter from one with an uncertain premise and thus uncertain expectations, to one with a higher likelihood of an unfavorable outcome for the civilian. This shift towards the implicit threat of force is reflective of one of the ways in which authority works through the reserve of force (Starr 2008). Indeed, since police officers' authority is defined by the discretion to use force, when a police officer gives an order, people comply because they believe that if they do not, you can be compelled to do so by force (Black 1980). When this threat of force is made explicit, then, the reserve of force is made explicit. In *Man on Bicycle* we see that when the authority that the officer has otherwise been wielding is not responded to by the civilian, the officer makes explicit the reserve of force upon which the officer bases his authority. While the encounter eventually ends with the civilian and the police officers walking their separate ways, the initiating officer can be heard telling the others that he stopped the civilian because he had matched the description of a robbery suspect. In retrospect, this information reveals the officer's attempt to mislead the civilian about why he was stopping him, ironically providing some validation for the civilian's mistrust.

For the sake of contrast, let us consider another instance where the civilian refuses to engage with a police officer. In this case, which I am calling *Girl Gets Pepper Sprayed*, then-15-year-old Brianna had been involved in an accident in Hagerstown, MD, where she was hit by a car while riding her bicycle. When the police officer arrives on scene, he first talks to the driver while firefighters talk with the girl, who seems to be physically uninjured. As the officer eventually approaches her, she gets up and starts walking away from him. She gets on

her bicycle and rides around in circles as he talks to her, refusing to engage with him. Adult male bystanders attempt to intervene, advising her to cooperate.

[Excerpt 2a]

1 MPO1: C'mere
2 CF1: Bruh don't touch me. Don't fuckin touch me yo.
3 Don't fuckin touch me.
4 MPO1: Listen, hey listen
5 MB1: Yo listen, listen, you're gonna make things worse
6 CF1: Okay fuckin call them, damn!
7 MPO1: Yeah, we are calling your parents.
8 MPO1: You're being detained now for-
9 CF1: For what?!
10 MPO1: For non-cooperation of investigation
11 CF1: Get off of me!
12 MPO2: What are you doing?
13 MPO1: You don't want to do this.
14 CF1: Get off of me! I'll tell you what my name is and
15 shit!
16 MB2: Let her hand go! Let her hand go!
17 MPO1: You're gonna get hurt, stop!
18 CF1: Stop! Get the fuck off of me!

As the officer escalates the situation, the girl indicates her willingness to comply but continues to resist the officer's physical attempt to control her. The officers pull the girl off her bicycle and proceed to handcuff her on the ground. The girl continues to physically resist while telling them she will cooperate and give them her information. After a long back-and-forth, the encounter ends with the girl being dragged to the patrol car, and pushed into the backseat, kicking and screaming, asking to call her mother and threatening to tell her father. When she refuses to pull her feet in so that they can close the door, one of the police officers proceeds to pepper spray her while she is restrained in the back of the car. The officer closes the car door as she pulls her feet back, coughing and screaming "I can't breathe".

These cases are clearly illustrative of explicit resistance to police authority – not only do the civilians not comply with the officer’s directives, but they refuse the very initiation of an encounter. At the same time, although outright resistance in the case of *Man on Bicycle* proved to be protective as it preemptively invoked police violence (“what you gon’ do, shoot me?”), hesitation to accept the initiation of a police encounter is typically treated as resistance, which often leads to escalation in the form of use of force or arrest. Indeed, while refusing the initiation of the encounter until surrounded by witnesses in a well-lit area served to be protective for the man on the bicycle, the teenage girl’s refusal to engage with the officer is treated as resistance warranting the use of physical force. In both cases, the civilians’ resistance to the mere initiation of an encounter with a police officer also suggests a mistrust on the part of the civilian to enter an encounter in which the civilian must surrender control to a law enforcement officer who has the power to not only determine the conditions of the encounter but is also empowered to do so through the exercise of violence. This is telling of the contemporary climate in which U.S. police officers’ disproportionate use of lethal violence against Black civilians is part of the public consciousness. These cases also demonstrate the immense risks of explicit resistance. The context of the police-civilian encounter, thus, introduces a specific kind of power dynamic which civilians must navigate. When and how they resist police authority, then, is not only procedurally consequential, but imbued with extremely high stakes.

So, then, what does resistance beyond non-compliance look like? In what ways do civilians resist what Rios (2011) refers to as the systematic stripping of dignity that is a routine feature of racialized police-civilian encounters? In what ways can civilians resist their unjust treatment in a context where police authority is fundamentally defined by discretion

and police officers are imbued with the power to use lethal force? Policing is, of course, not only racialized because of the current moment in popular discourse, but the contemporary moment does shed light on the urgency of police use of lethal violence and the tensions it creates in police contact with Black communities. Given the risks of explicit resistance, I posit that civilians resist in subtle ways as a matter of perceived personal protection. Furthermore, in most police-civilian encounters – like most encounters in general – race is never explicitly referred to. These evasions, however, are features of a climate where civilians are hyper-aware of the possibility that seemingly benign encounters with police officers can end in the loss of either freedom or life.

2. Contending with the Initiation of the Encounter

Epp, Maynard-Moody, and Haider-Markel (2014) have argued that how police officers initiate civilian encounters sets a trajectory for subsequent outcomes of the encounter. That civilians dispute the initiation of encounters, thus, is reflective both of an understanding of the significance of how encounters are initiated, and the exercise of agency in an attempt to influence the trajectory of police encounters. One way in which civilians implicitly resist the conditions of the encounter while still technically heeding to the authority of police officers is by questioning or complaining about how the encounter started, referring to the premise of the encounter or the way in which the encounter was initiated.

In the below excerpt from an encounter I'll refer to as *7-Eleven Mix Up*, officers are called to the store following a dispute in which a white person called a Black person the n-word. Although the description of the persons of interest given indicate two white people to be the persons of interest, when the officers enter the convenience store, they immediately

focus on a Black man who was a bystander to the incident. As they approach him and grab him to take him outside, he attempts to explain his involvement in the encounter:

[Excerpt 3a]

1 CM2: Hey honestly sir. i have no issues.
2 MPO1: ((Let's go outside)) (()) are cool. (()).
3 CM2: This guy i honestly honestly I'm the I'm the one
4 that's keeping the peace sir.
5 CF1: He's cool. he's,
6 MPO2: ((those dudes)) out there,
7 CF1: He's he's the one (()).
8 CM3: I'm fine. ((of)) course of fine.
9 MPO1: You're coming outside too okay?
10 CM2: Okay. no issues. fine sir but listen listen sir I'm
11 not okay I'm coming outside ((I'm coming outside
12 sir. I'm)) I didn't even do this would y'all tell
13 him? I didn't do any fucking thing man. I didn't
14 I'm trying to calm everything down sir((honestly)).

In this case, the civilian is oriented to his role in the encounter as uncalled for because of his role as a bystander. His first line “Hey honestly sir. I have no issues” nonetheless signals his orientation to being under suspicion, which prompts him to attempt to explain his (lack of) involvement of the encounter. The civilian attempts to disassociate himself from participating in the encounter that the police officers are initiating, suggesting an orientation to having to establish his innocence. This is reflective of what Elijah Anderson refers to as “provisional status.” (2012:12). As the officer is engaged in a different project than he is, his appeals go unheard and he grows increasingly frustrated as he is taken outside to the police car.

An instance where the civilian contends with the premise of the encounter is exemplified by the now-infamous arrest of Sandra Bland on July 10th, 2015, which preceded her death in custody a few days later. In this case, Bland was driving down a small road in Prairie View, Texas when Brian Encinia, a state trooper, pulled her over.

[Excerpt 4a]

1 MPO: Hello ma'am. We're the Texas Highway Patrol
2 and the reason for your stop is because you failed
3 to signal the lane change. Do you have your
4 driver's license and registration with you? What's
5 wrong? How long have you been in Texas?
6 SB: Got here just today.
7 MPO: Okay. Do you have a driver's license?
8 (.)
9 MPO: Okay, where you headed to now? Give me a few
10 minutes.
11 (...)
12 MPO: Okay, ma'am.
13 (.)
14 MPO: You okay?
15 SB: I'm waiting on you. This is your job. I'm waiting
16 on you. When're you going to let me go?
17 MPO: I don't know, you seem very really irritated.
18 SB: I am. I really am. I feel like it's crap what I'm
19 getting a ticket for. I was getting out of your
20 way. You were speeding up, tailing me, so I move
21 over and you stop me. So yeah, I am a little
22 irritated, but that doesn't stop you from giving me
23 a ticket, so ((inaudible)) ticket.
24 MPO: Are you done?
22 SB: You asked me what was wrong, now I told you.
23 MPO: Okay.
24 SB: So now I'm done, yeah.

Officer Encinia informs her she is being pulled over for the failure to signal a lane change, asks for her documentation, and inquiries about her presence in Texas. After retrieving her information, the officer returns to his vehicle for several minutes, leaving Bland waiting for about 10 minutes. Upon his return, things quickly start to unravel when officer Encinia comments on her emotional state. In line 12, officer Encinia projects a presumption of the business of the encounter as he comes back to give her a ticket. Between lines 12 and 14, however, he suspends the progress in giving her the ticket to explore her emotional state, explicitly asking her if she is okay. While presenting her attitude as a problem, then, he in fact preempts it, indicating his own oversensitivity. Indeed, it is worth

noting here that when he asks her what is wrong upon returning to the car, she has not yet had a turn to speak. Moreover, the fact that he sandwiches the question “what’s wrong” in between other more directive questions suggests he is also not actually looking for an answer to the question. Indeed, rather than a genuine inquiry into her well-being, the question invites her to pass on the opportunity to raise complaints or concerns that she might have about the conduct of the encounter. Bland, appearing to interpret the question as an inquiry into her well-being, makes the mistake of declining to pass on this opportunity and alludes to her frustration about having been left to wait for so long, which officer Encinia then treats as an affront.

This exchange is revealing for a couple of reasons. Officer Encinia’s comment that she seems “very really irritated” shows his constituting of her as uppity, invoking Jim Crow era politics of respectability as a mechanism of social control. Bland picks up on this and declines to play along, which he punishes her for. Bland asking when he is going to let her go indicates her understanding that she is being detained insofar as she is not free to leave. By answering her with “I don’t know”, officer Encinia both affirms her reading of the situation and reasserts his discretionary power over her freedom – in the most immediate sense, to decide whether and when she is free to go. Importantly, however, he adds a second clause to the answer, stating that she seems “very really irritated”, indicating a policing of her emotions as well as her driving. Furthermore, the attachment of his reading of her emotions to his assertion of discretionary power effectively renders her freedom conditional upon his judgment of her emotional state. Treating the comment as a prompt for explanation, she proceeds to explain that her irritation stems from her misunderstanding the officer tailing her

as a sign that he was trying to pass her and deciding to move out of his way but then being pulled over and ticketed for that very thing.

That she is being detained for a failure to signal a lane change (according to officer Encinia), then, is part of her complaint over why she was pulled over. His dismissal of her answer (“are you done?”) suggests that instead of a genuine question inviting her to share, the statement was intended to serve as a warning for her failure to comport herself appropriately. That she interprets his questions as genuine and answers with a complaint, then, is treated as noncompliant and officer Encinia escalates the encounter.

[Excerpt 4b]

25 **MPO:** You mind putting out your cigarette, please? If you
26 don't mind?
27 **SB:** I'm in my car, why do I have to put out my
28 cigarette?
29 **MPO:** Well you can step on out now.
30 **SB:** I don't have to step out of my car.
31 **MPO:** Step out of the car.
32 **SB:** Why am I ...
33 **MPO:** Step out of the car!
34 **SB:** No, you don't have the right. No, you don't have
35 the right.
36 **MPO:** Step out of the car.
37 **SB:** You do not have the right. You do not have the
38 right to do this.
39 **MPO:** I do have the right, now step out or I will remove
40 you.

Asking Bland to put out her cigarette marks the beginning of officer Encinia's preparation for arrest. This becomes explicit in his response to her asking why she has to put out her cigarette. Although Bland has been compliant from the beginning of the encounter, the escalation to arrest is also what prompts her to revoke her compliance, invoking her rights as she sees them. Her repetition of “no, you don't have the right” also shows her focus on the

(il)legitimacy of his actions in a very explicit way. Officer Encinia responds to this resistance by further escalating the encounter, first by threatening use of force and then by dragging her out of the car and slamming her onto the ground.

In both the arrest of Sandra Bland and the following example, which I will refer to as *Trouble at Subway*, seemingly minor infractions quickly escalate to produce the use of force. In this next case, officers of the Seattle Police Department have arrived on the scene of a Subway sandwich restaurant after an employee called to report a theft – of a cup of soda. According to the employee who called, a group of young Black men were dining at the restaurant, when one of the Black men refilled a soda cup without paying for it. At the beginning of our recording, a police officer is arriving on the scene, where other officers have already rounded up the young men outside the store. Although the footage does not reveal what unfolded when the first responding officer arrived, an examination of the events that follow suggests that the questionable premise for the encounter sets the tone for the encounter as problematic. Indeed, the young men wind up contesting both the initiation of the encounter as well as their treatment after the encounter quickly escalates to the use of force.

[Excerpt 5a]

14 CM2: First of all when you walk in you ask for our point
15 of view. You don't just (()),
16 CM1: You just don't say get up thief. Did you look at my
17 hands? (()). So I'm not refusing. Whoa there I go.
18 then she hits me.
19 CM2: You're not we're not gonna
20 (0.3)
21 MPO1: Yeah. mhm.
22 FPO: They just (())?
23 MPO2: Guess they don't i guess they don't understand that
24 uh they can get kicked out of here for no reason.
25 CM2: hey the S.W.A.T. team's coming too?

In this excerpt from the middle of the encounter, we see the civilian first taking issue with the way the police officers handled the accusation against them (lines 14-15), suggesting the officer should have asked them for their point of view rather than immediately assuming they were guilty. This complaint is indicative of the differing expectations civilians and police officers have of how disputes will be resolved. Donald Black's work on the manners and customs of police has shown that in the case of disputes police officers are likely to believe anyone with a structural advantage in the situation, such that they will for example take the word of a property owner over that of a visitor and, in this case, that of a manager over that of a customer (Black 1980). The civilians then add another layer to the complaint, suggesting it is not only the officers' assumption of their guilt that they take issue with, but the way they were spoken to ("you don't just say get up thief"). They also fold in an additional complaint about the escalation to the use of force (lines 16-17). As I will discuss later, it escalates when an officer orders the man to sit on the ground. The man verbally indicates his intention to sit but comments that the officer holding one of his arms while he holds a beverage in the other one is a hindrance. The man's failure to immediately comply physically is treated as resistance and the man is beaten down to the ground with a baton. The officer dismisses both the complaint against the escalation to violence ("Yeah, mhm"), and the complaint against how the encounter was initiated ("I guess they don't understand that they can uh get kicked out of here for no reason").

The dismissal of the men's complaints with the assertion that they can get kicked out of an establishment for "no reason" illustrates not only the officer's disregard for procedural justice, but also communicates that they should not to move through the world expecting anything different. Lipsitz (2016) talks about policing place and taxing time as instruments of

class rule and technologies of white supremacy. In this case, the police officer's statement to them serves to figuratively put them in their place while also establishing boundaries on their right to space.

3. Calling Out Disproportionality

Another way in which civilians resist their treatment by police and illustrate their orientation to the encounter as unjust is by calling out the police officers' behavior as over-the-top and exaggerated. This tends to take place in response to an officer's escalation to violence, thereby calling out the escalation as uncalled for and thus illegitimate. The previous two cases discussed make for a good illustration of this. The following excerpt from the arrest of Sandra Bland directly picks up where we left off. Sandra questions and refuses the officer's directives to get out of the car and invokes her rights as she sees them.

[Excerpt 4c]

41 **SB:** I refuse to talk to you other than to identify
42 myself. I am getting removed from a failure to
43 signal?
44 **MPO:** Step out or I will remove you. I'm giving you a
45 Lawful order. Get out of the car now or I'm going
46 to remove you.
47 **SB:** And I'm calling my lawyer.
48 **MPO:** I'm going to yank you out of here.
49 **SB:** OK, you're going to yank me out of my car? OK,
50 alright.
51 **MPOL** (to radio): 2547.
52 **MPO:** Let's do this. Yeah, we're going to.
53 **SB:** Don't touch me!
54 **MPO:** Get out of the car!
55 **SB:** Don't touch me. Don't touch me! I'm not under
56 arrest – you don't have the right to take me out of
57 the car.
58 **MPO:** You are under arrest!
59 **SB:** I'm under arrest? For what? For what? For what?
60 **MPO** (to dispatch): 2547 county fm 1098 (inaudible) send
61 me another unit.
62 **MPO:** Get out of the car! Get out of the car now!
63 **SB:** Why am I being apprehended? You're trying to give

64 me a ticket for failure-

65 **MPO:** I said get out of the car!

66 **SB:** Why am I being apprehended? You just opened my –

67 **MPO:** I'm giving you a lawful order. I'm going to drag

68 you out of here.

69 **SB:** So you're threatening to drag me out of my own car?

70 **MPO:** Get out of the car!

71 **SB:** And then you're going to [crosstalk] me?

72 **MPO:** I will light you up! Get out! Now!

73 **SB:** Wow. Wow.

74 **MPO:** Get out. Now. Get out of the car!

75 **SB:** For a failure to signal? You're doing all of this

76 for a failure to signal?

77 **MPO:** Get over there.

78 **SB:** Right. yeah, let's take this to court, let's do

79 this.

As officer Encinia becomes increasingly violent in his threats (moving from “get out of the car!” in line 70 to “I will light you up!” in line 72), Bland revokes her compliance and directly questions the officer’s directives. In the last few lines, as officer Encinia proceeds to drag her out of her car, Bland incredulously asks “for a failure to signal? You’re doing all of this for a failure to signal?”. More than a general statement of disbelief over the officer’s behavior, however, what Bland is pointing out is the logical, procedural, and even moral incompatibility between her alleged offense (failure to signal a lane change) and the exceedingly violent escalation to arrest.

In ‘Trouble at Subway’, we see the civilians calling out the exaggerated behavior of the police officers in a few ways. The tension between the officers’ quick escalation of the encounter and the frivolousness of the alleged offense becomes apparent from the beginning of the exchange caught by the dashcam. Important here are three sections.

[Excerpt 5b]

1 **MPO1:** You You You and You. Leave. (.) Now.

2 **CM1:** ((where []))

3 **MPO2:** I don't care. MOVE. NOW:.

42 [lawyer]AHHHHHH
43 **MPO?:** [() report
44 **LAR:** AHHHHH AHHHH my () AHHHHHH
45 AHHH[HHH
46 **MPO2:** [Now. Who else is next?
47 **CM1:** Not me. Oh damn!
48 **MPO2:** Start moving,
49 **CM1:** Okay
50 **MPO2:** Start moving,
51 **MPO2:** [
52 **CM1:** [() subway.
53 **MPO2:** Move!
54 **CM1:** Over a cup of ☐pop?
55 () Are you serious?
56 **MPO1:** Leave the premises [please.
57 **CM1:** [☐Over a cup of pop?
58 ☐how do you feel? ☐jesus Christ
59 ☐are you serious?
60 **MPO1:** [()
61 **CM1:** [☐Over a cup of pop? [()
62 **MPO1:** [Leave the premises.
63 **CM1:** ☐What? ☐Are you serious?
64 **MPO1:** Keep movin'
65 **CM1:** Are you serious?
66 over a cup of pop? yeah (()).
67 what? are you serious?
68 (0.55)
69 **MPO1:** leave the premises.
70 (0.4)
71 **MPO1:** ((that's it)) leave the premises.
72 **CM3:** (()) i'm trying to move. ((let's)) go dog.
73 **MPO2:** keep moving.
74 **CM2:** are you serious?
75 **CM3:** I swear (()) enough and you're a cop.

The men’s repetition of the rhetorical question “are you serious?” shows the men lamenting what has just transpired before them, in apparent disbelief. The repetition of “over a cup of pop?” indicates an evaluation of the officer’s actions as extreme given the offense they arrived to investigate. CM1 adds on “How do you feel? Jesus Christ”, thereby also personalizing the criticism to the individual officer and framing the officer’s behavior as outside the realm of procedural justice. When the officers do not react to the men’s appeals, CM3 says “I swear... and you’re a cop”, appealing to the officer’s status, further suggesting

that he has somehow failed to behave according to police procedure. Finally, a third instance arises at the end of the exchange I discussed earlier (excerpt 3a), when the young men complain about how the encounter was initiated and the swift escalation to violence. At the end of the excerpt, the young men respond to the officer's dismissal of their complaints by calling out the unnecessary and exaggerated response of the police officers:

20 **MPO2:** Guess they don't I guess they don't understand that
21 uh they can get kicked out of here for no reason.
22 **CM2:** hey the s._w._a._t. team's coming too?

The reference to the SWAT (Special Weapons and Tactics) team here accomplishes a couple of things. First, given that the alleged offense of soda the police arrived to investigate was theft of a cup of soda, asking if the SWAT team is coming, too, not only critiques the over-the-top behavior of the officers but also mocks the officers as a form of infrapolitical resistance (Matthews 2015). As much as the comment is intended as a joke, however, it also ironically makes relevant the reality of over-policing, including police militarization in the United States and the superfluous deployment of militarized police technologies and weapons against people of color (Gama 2016). Indeed, although originally established under the guise of being used in limited scenarios involving hostage, sniper, or terrorist situations, SWAT teams actually get deployed an estimated 45,000 times per year, more than 80 percent of which are for proactive drug raids and routine patrol work, and the vast majority of which target communities of color (DeMichele and Kraska 2001; Kraska 2007; Kraska and Kappeler 1997). As such, while the statement may be nothing more than flippant remark about injustice of the current encounter, it also provokes an indictment of the militarized tactics of police departments that treat people of color and Black people in particular as enemy combatants rather than citizens under the purview of their protection (Gama 2016).

4. Invoking external accountability

Questioning the initiation of an encounter, making complaints about the conduct of a police officer, or appealing to abstract norms such as rights represent ways in which civilians attempt to contend with the conditions of the encounter internally. By this I mean that they are appeals to the officers themselves, thus suggesting an optimism on the part of civilians that their complaints may influence the officer(s) and impact the course of the encounter. When appeals internal to the encounter fail, civilians turn to appeals to external or abstract resources for accountability. Another way civilians communicate claims of procedural injustice, then, is by threatening external accountability measures, such as referring to a witness or a recording, asking for a badge number, explicitly threatening to file a complaint, or expressing the intention to obtain an attorney.

4.1 Referring to a Lawyer

In the two cases most recently discussed, we have already seen attorneys be invoked upon the escalation of the encounter. In the case of *Trouble at Subway*, one of the first things Lar manages to say after being struck by the baton (excerpt 3c) is “Imma have to get my lawyer.”

```
35 LAR: ((baton strike)) aah!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
36 O!!!!!!!!!!!!!!!! O!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! A!!!!!!!!!!!! my knee:::
76 A!!!!!!!!!!!! AHHH my knee::: AHHHH AHHHH My knee::: A!!!!!!!!!!!!
77 [!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
78 FPO: [quiet down.
79 LAR: A!!!!!!!!!!!!!!!! A!!!!!!!!!!!!!!!! A!!!!!!!!!!!!!!!!
80 LAR: Get this mu- get this. Imma have to get
81 my [lawyer A!!!!!!!!!!!!
```

It should be noted here that in the first instance of aggression, where the officer grabs Lar and orders him to sit, he verbally indicates his intention to comply but also suggests that the officer holding onto his arm is a hindrance to doing so. Rather than noting his verbal compliance as such, however, the officer treats his lack of immediate physical compliance as resistant, and repeatedly strikes him in the knee with the baton, forcing him to collapse onto the ground. Lar screams out in pain, but garners no sympathy from the officer, who tells him to “quiet down. “It is then that Lar reverts to invoking external accountability in the form of getting his lawyer. This is illustrative of the way in which civilians generally attempt to appeal to the authority of the officers themselves before resorting to appeals to external accountability. Appealing to the authority of the officer is an attempt to stop the injustice as it is occurring, whereas appealing to external accountability is an attempt to deal with the injustice after it has occurred.

In Sandra Bland’s case, she has similarly contended with the conditions of the encounter through appeals to the officer – that is, until he threatens to physically remove her from her vehicle. Upon receiving the first threat, she resorts to invoking her rights as she sees them by revoking her compliance beyond what she sees as the bare minimum required. When this fails, she declares she is calling her lawyer:

[Excerpt 4d]

80 **SB:** I refuse to talk to you other than to identify
81 myself.
82 I am getting removed from a failure to signal?
83 **MPO:** Step out or I will remove you. I’m giving you a
84 Lawful order. Get out of the car now or I’m going
85 to remove you.
86 **SB:** And I’m calling my lawyer.
87 **MPO:** I’m going to yank you out of here.

Rather than convincing the officer to show restraint, however, Sandra's invocation of her lawyer is met with an intensified threat. Moving from threatening her with physical force if she doesn't comply with his orders to doubling down on threats of imminent physical violence signals officer Encinia's understanding of Sandra's invocations as resistant to his authority. Officer Encinia's threat ("I will light you up!") is revealing of the tendency of police officers to use force as a form of discipline rather than as a last resort, deployed to put civilians 'in their place'.

4.2 Threatening Legal Action

Many civilians make references to filing complaints or taking officers to court as a way to invoke external accountability, showing officers that even though they have coercive power during the encounter, they are not above being held accountable. Threatening to file a complaint, moreover, takes a step further than invoking a lawyer does, as it makes explicit that the civilian feels a grave enough injustice has occurred to warrant pursuing a formal complaint. We see this in Sandra Bland's case:

[Excerpt 4e]

22 **MPO:** I will light you up! Get out! Now!
23 **SB:** Wow. Wow.
24 **MPO:** Get out. Now. Get out of the car!
25 **SB:** For a failure to signal? You're doing all of this
26 for a failure to signal?
27 **MPO:** Get over there.
28 **SB:** Right. Yeah, let's take this to court, let's do
29 this.

Unlike the previous invocation of her lawyer as an immediate resource, Bland's last statement signals a surrendering to the situation as one that she cannot internally influence, with filing a complaint after the fact the only remaining avenue of contestation. Although she realizes that the officer's escalation will lead to matters being taken up in court, she expresses

confidence that an outsider will see the matter as unjust in the way that she does. While she concedes, she appears to have a trust that she will be vindicated. Bland was dragged out, slammed onto the ground, assaulted, and arrested. However, she never made it to court. Sandra died in her cell three days after her arrest, on July 13th, 2015. A grand jury later indicted officer Encinia on charges of perjury for his false statements about the arrest.

In another case, which I'm going to refer to as *Suspended in the 3rd Degree*, a Black woman who has been pulled over and violently arrested for driving with a suspended license launches into a tirade from the back of the police car:

[Excerpt 6a]

1 **CF1:** I don't care. Well you need to tell them how you is
2 kicking me because I'm sure gonna go tomorrow and
3 make sure I file. Believe that. For kicking me? Oh
4 hello he's kicking me. Uh since I'm being recorded
5 do you know he just kicked me? A fucking Seattle
6 Police officer just kicked me? Are you serious?
7 Pulled me over for no reason. Kicked me. I still
8 got my purse. Well yeah. Believe that. I will make
9 sure I'll be at court. I'll make sure I'll call
10 somebody to make sure you get your badge for
11 kicking me. Kicking a woman. A woman. So if someone
12 kicked your wife how would you feel? or your
13 girlfriend? Yeah. Click on your computer. I want to
14 be known (()) bashing me up like I'm a kid (())
15 I'll be out anyway.

In this excerpt, she references filing a complaint (“I’m sure gonna go tomorrow and make sure I file”) against the officer for kicking her, adding on that she’s going to “call somebody to make sure you get your badge.” In this case, the civilian is not invoking external accountability in an attempt to influence or alter the outcome of the interaction – she has already been arrested and is cuffed in the back of a police car. What her threats accomplish, instead, is a way for her to stand up against the officer for his treatment of her in a move to illustrate her agency and empowerment by promising to hold him accountable for

his actions. As such, she resists the ways in which disrespectful and violent police-civilian encounters function as a kind of degradation incident (Garfinkel 1956) by rejecting his authority and attempting to maintain her dignity.

4.3 Asking for Badge Number

A less explicit but nonetheless salient way in which civilians register their discontent with their treatment by police officers is by asking for the officer's badge number. Unlike the majority of the cases discussed, the following example is from an encounter that does not escalate to the use of force. In this encounter, which I'm referring to as *Followed*, a Black man has been pulled over for passing a school bus. The driver initially asks why the officers were following him, which they ignore. They collect his documents and return to their vehicle. The civilian complies with the officer's directives throughout the encounter and waits until he receives his ticket and his documents back before launching his complaint.

[Excerpt 7]

22 PO1: Alright sir. Here's your driver's license back to
23 you.
24 And I've issued you a notice of infraction today
25 okay? For passing the school bus. It's a \$384
26 infraction. You have 15 days to reply to it okay?
27 Here's your options: You can admit the infraction
28 and pay the fine, you can mitigate it, or you can
29 contest it.
30 Okay?
31 CM1: Yeah. Can I have your badge number?
32 PO1: Yeah. You bet. Badge number 7726.
33 CM1: I just wanna know why you been following me for two
34 hours?
35 PO1: Following you for two hours?
36 CM1: Yeah
37 PO1: Well sir I haven't been but-
38 CM1: Yes you have. As soon as you see a black man
39 driving you made a u-turn and started following me
40 PO2: Started following you?

41 CM1: Yeah.
42 PO1: Okay.
43 CM1: You have been following me and I hope you have()
44 PO1: Alright, number 7726.
45 CM1: Come again?
46 PO1: Number 7726.
47 CM1: ()
48 PO1: That's the number that's on my badge. My serial
49 number is 7726. Here.
50 CM1: Thank you. You guys are doing a great job of
51 keeping us safe.
52 PO1: Okay, hey can you hold us just one second while I
53 talk to my partner?
54 CM1: Yeah. Sure.
55 ((officers move to the back of the vehicle))
56 PO1: Do I need to call the sergeant for a bias police
57 complaint?
58 PO2: What'd he say?
59 PO1: That as soon as you saw a black man driving you
60 decided to turn around, pull a u turn and start
61 following me.
62 PO2: Okay. Yeah.
63 PO2: Better safe than sorry.

Unlike the previous set of cases where filing a complaint was directly referenced, here the civilian simply asks for the badge number. While a less contentious move, it still signals the intent to hold the officer accountable, thereby suggesting that something warranting external accountability has occurred. The officer also hears this as a complaint, as evidenced by his question in line 56 about needing to call the sergeant for a bias complaint. In this case, the civilian follows the request for the badge number up by again asking why they have been following him. When the officer dismisses the question, he follows up with an explicit accusation that they followed him because he is Black. It is worth noting that the civilian waited until the end of the encounter to make this accusation, as the officer giving him his ticket and documentation back marks the end of the 'policeable matter', thus making his resistance compatible with his compliance. As we see, the officer immediately provides him with his serial number and after race is explicitly invoked, he consults with his partner

and decides to follow the procedure of calling a sergeant. By contrast, let's consider the case of the *7-Eleven Mix Up*:

[Excerpt 3b]

1 CM2: I didn't do nothing man. That's why I'm so mad.
2 (0.06)
3 CM1: He tried to break it up.
4 CM2: I tried to break it up and stop the fight and it's
5 just. I'm getting yelled at. my arm is swollen. I
6 get my arm twisted. I just paid a bunch of money to
7 get my arm fixed. Who's gonna pay for my arm?
8 FPO1: I know.
9 (7.27)
10 MPO4: What's your name?
11 (0.38)
12 MPO4: ((it is)). What's your name?
13 CM2: It doesn't matter. what's your name?
14 CM1 He don't know.
15 (0.83)
16 MPO4: Officer name.
17 (0.05)
18 CM2: Okay. I need your name and your badge number and
19 your badge number because you twisted my arm and I
20 just paid all that money for my arm to get fixed.
21 MPO2: Right.
22 MPO4: What?
23 (0.29)
24 CM1: Yeah he was just trying to break it up. On my momma
25 he was.
26 MPO4: (()) we're done talking to this guy.

In this encounter, which has already escalated to the use of physical force, and where the civilian has been framed as non-cooperative from the beginning, the officers ignore his requests for their names and badge numbers. Another form of accountability the civilian invokes here is monetary – the civilian claims that the officers twisting his arm and slamming him onto the hood of the police car has exacerbated an old injury that he just had underwent an expensive medical procedure for. As such, his claim of procedural injustice here is not only limited to the fact that he is a bystander who was not involved in the altercation they

arrived to investigate, nor the mere fact that they used physical force, but rather his grievance is about the consequences he might suffer as a result of the encounter, including both physical and financial injuries.

4.4 Invoking a Witness

Another recurring form of invoking external accountability is asking for third-party corroboration of the encounter, either by asking another person to act as a witness or by asking someone to record the incident. In the example below, a police officer has stopped to investigate a car parked in the middle of the street. The man who becomes the subject of the encounter, however, is not the driver but a bystander who intervenes in defense of the driver.

[Excerpt 8a]

1 CM2: Why you pushing me down?
2 MPO1: Because I told you to leave so now I'm making you
3 leave.
4 CM2: You know what. Take pictures of this please. Take
5 pictures of this. [This is wrong.
6 MPO1: [let's go.
7 MPO1: Let's [go. Turn- Turn around and let's go.=
8 CM2: [I'm being cooperative.
9 CM2: =No. (.) You know what? [m y f r i e n d.[No no
10 MPO1: [right now
11 you're[obstructing
12 [My- my traffic stop.
13 CM2: [my friend my friend,
14 MPO1: Let's [go. [turn [TURN
15 CM2: [no [my friend [is a witness. I'm a
16 [witness.

As the officer gets physical with the civilian, he asks the driver to document what is happening, and later also invokes him as a witness (line 15). Invoking a witness, then, can be seen as an attempt to influence the course of the encounter by putting the officer on notice. Note, however, that the civilian both invokes the driver as a witness to his treatment by the officer as well as himself as a witness to the encounter between the officer and the driver.

Indeed, in this case, the bystander who becomes the subject of police attention and is later arrested initially inserts himself into the encounter as a witness and ally to the driver, a dynamic which then gets reversed as he becomes the subject of increasingly aggressive police attention. Although he refers to the driver here as his friend, the two men do not appear to know each other prior to the encounter. As such, the civilian's very insertion of himself into the encounter is already illustrative of an orientation toward the need for external accountability in police encounters, which he then invokes both in the form of a witness and in asking for photographic evidence to be taken.

Let's briefly consider a second example. In the following case, which I am going to refer to as *Now Relax*, a young light-skinned Black man is questioned in the parking lot of a Marshall's because of a parking violation. The man becomes contentious when the officers shift their attention to questioning why he has so many keys and whether he has any prior arrests. After a verbal dispute, the encounter escalates to the use of violence, with multiple officers on top of the civilian.

[Excerpt 9a]

1 MPO?: Pull your right arm out!
2 CM1: I can't! I can't fucking pull my arm out!
3 My(())
4 MPO?: Now relax! Relax!
5 MPO?: Now give me
6 CM1: Ow my head bro! Please stop!
7 MPO1: Stop resisting!
8 CM1: You guys are(())man.
9 MPO?: What the hell is wrong with you?
10 CM1: Can I please get the fuck off the ground?
11 CM1: (speaking to a pedestrian) You see this shit bro?
12 Ay please don't leave my man.
13 MPO1: Oh he's not leaving.
14 CM1: You need to be a witness bro. I need you to be a
15 witness bro. You see this shit dawg?
16 MPO1: You bit me on my bare hand.
17 CM1: Aye, don't leave! Please bro!

18 MPO1: It's all on video you retard.
19 (.)
20 MPO1: Knock it off.
21 CM1: I'm not doing anything!
22 MPO1: Now relax!
23 (.)
24 MPO1: What is wrong with you?

In this case, we see the civilian shifting to invoking external accountability once the encounter has escalated to the use of force. He asks a passerby not to leave, telling him he needs him to be a witness (lines 12-17). His plea evokes witnessing as an act of solidarity, an active rather than passive witnessing that involves not merely beholding what is happening but a willingness to uphold the civilian's perspective and validate his experience. The officer's derogatory response dismisses both the plea and the notion that such a plea might be necessary while also further degrading the civilian. The tension between police recordings of events and witness testimonies here is indicative of a broader tension between different structures of power and accountability. Indeed, research shows that courts tend to judge video recordings in a way that favors the narratives of police officers, in part because police officers get to speak from positions of institutional authority, and in part because the availability of recordings provides the illusion of accountability and cooperation on the part of officers (Goodwin 1994; Stuart 2011).

5. Naming Lethal Violence

In a time when police killings of Black men in the United States make headlines across the globe, the possibility of experiencing violence at the hands of a police officer becomes an everyday concern for many Black civilians. The most explicit way civilians orient toward this broader context being relevant for their police encounters is by naming the possibility of

lethal violence. As seen in the first case discussed (excerpt I), the man on the bicycle does not only refuse to stop and engage with the officer, but names the possibility of being shot as part of his defiance, both in his initial statement “what you gon’ do, shoot me?” and the subsequent accusation “you guys are just killing people!”. Later in the encounter, when the police officer tries to convince the man to exit the gas station to come talk to him, the man invokes his previous experiences with police violence, explaining that he has been shot before.:

[Excerpt 1c]

1 CM1: Okay so you’ve got my bike.
2 (.)
3 CM1: Do I gotta call the police on you?
4 MPO1: The police are here () call it
5 MPO1: Please don’t reach in your pocket
6 CM1: Do I call the police on you?
7 MPO1: No you don’t
8 CM1: Do I gotta call the police on you?
9 MPO1: You’re being completely unreasonable
10 CM1: Do I call the police on you?
11 MPO1: No. Stop.
12 CM1: Do I gotta call the police on you?
13 MPO1: So what I’ll do () here. Because of how
14 agitated you are
15 CM1: No I got mental problems, man
16 MPO1: Okay
17 CM1: I got PTSD man. I been shot by the police man.
18 MPO1: Okay I’m sorry about that
19 CM1: The fuck you talking about man?
20 (5.0)
21 CM1: The fuck you talking about
22 MPO1: ((talking to radio))() come here
23 MPO1: So all I want is for you to relax
24 CM1: No I been shot before man. You guys got guns man
25 ((second patrol car arrives on the scene))
26 (1.0)
27 MPO1: Okay listen. [The reason
28 CM1: [For real man I been shot
29 (1.0)

30 MPO1: Okay I'm sorry about that. I [didn't do that
31 CM1: [Okay man you guys got
32 [Guns.
33 MPO1: [It wasn't me
34 CM1: You you're fuckin with me I got PTSD.
35 (.)
36 CM1: You guys are fuckin with me () on my bike
37 man. People ride their bike all the time in
38 Washington state man

At the beginning of the excerpt, the civilian's repeats the question "should I call the police on you?". Notice that even though he is resisting the authority of the police officer in front of him, he also validates the general authority of police by suggesting that the officer has engaged in conduct subject to police authority. This move raises a couple of interesting things. It makes the officer's actions out to have been personally motivated rather than as part of an institutionally legitimate course of action, thereby undermining his authority, all the while simultaneously legitimizing the authority of police in general by invoking them as the people you call when you have trouble. This seems indicative of an orientation toward the distinction between the kind of idealized version of police as first responders and problem solvers, on the hand, and the archetype of police as overly zealous patrollers harassing people (of color) in search of crime, on the other. The latter is supported by his accusation that they are "fuckin with him", as well as his last statement that "people ride their bike all the time in Washington state". This dual legal consciousness of police as helpers and police as harassers is also illuminated by race, as evidenced by the association the civilian makes between his resistance to the initiation of the encounter and racialized police violence:

[Excerpt 1d]

1 CM1: Man come on with all that dumb shit
2 MPO1: You failed to stop

3 CM1: Find something to do man
4 CM1: You guys are killing Black people man I'm scared to
5 death!

Another example where police use of lethal violence is explicitly named is the case I have referred to as *Parked in the Middle of the Street*. The officer questions the driver, who is suspected of being under the influence, when the bystander intervenes and subsequently becomes the subject of the encounter. The officer proceeds to question the bystander and eventually tells him to leave the scene but the man refuses, questioning if the officer will shoot him in the back as he walks away:

[Excerpt 8b]

17 MPO1: All right. All right. I have enough right now.
18 If you don't leave I'm gonna take you in for
19 obstruction.
20 CM2: No no. I got to make sure he gets his car. I'm not
21 obstructing anything.
22 MPO1: Okay. Walk because you can't drive [so you can't be
23 here no longer.
24 CM2: No but I'm gonna find somebody okay?
25 MPO1: Yeah [then go find,
26 CM2: [(what're you gonna) shoot me in the back?
27 MPO1: Go find somebody.
28 CM1: Hey hey hey hey [hey. (come on)
29 CM2: [shoot me in the back?
30 MPO1: [Go find somebody.
31 CM1: [Hey hey. Come on man.[Come on man.
32 CM2: [Shoot me in the back?
33 MPO1: Go find somebody [(This is my last).
34 CM2: [Well I am man.
35 CM1: Come on man come on man. Hey. Cool out man. Cool
36 out.
37 MPO1: Okay.
38 CM1: Cool out dude.
39 CM2: Nah. I ().
40 MPO1: Okay. Let's go. Turn around let's go.
41 CM2: Oh you want to arrest me now?
42 MPO1: Yes I [will.

The civilian's invocation of the possibility of being shot by the officer while walking away is indicative of a high level of mistrust. First, he names the possibility of lethal violence in a situation where lethal violence would not be justified because he does not pose a danger to the officer. The officer's rapid agreement with what seems to be a challenge appears to raise a suspicion of what else the officer might be doing. Consequently, the civilian's added comment suggesting that it could happen while he is walking away takes it a step further by alluding to the kind of malice and abuse of power it would take for an officer to shoot him in the back – an act which is, by definition, an unjustifiable use of lethal force. Hence, while the first represents a challenge to the officer, adding the reference to unjustifiably being shot in the back effectively makes the statement an accusation. It also entails a personal attack on officer, as it suggests that he is the kind of officer who would do something like that. In a situation where the civilian has very little real power and the officer has the discretion to use lethal force, the attempt to make the officer appear badly as a way potentially to protect himself by putting the officer on the spot resonates with James Scott's conceptualization of "weapons of the weak" (Scott 1985). CM2's intervention (line 28) is oriented toward the comment's reading as such, suggesting it to be entailing a dangerous escalation. The officer also treats this line of comment as an escalation and, in treating it as a form of resistance, begins a course of action (line 40) that ultimately leads to the man being placed under arrest. As such, the officer treats the civilian as having crossed a boundary that warrants arrest.

Although the invoking of lethal violence in a non-escalated situation is a reference to police misconduct, it also directly speaks to the racialized nature and discourse of police violence in the United States. In excerpt 1a, asking whether the officer was going to shoot him was the very first thing he said, indicating that the potential of lethal violence was

inextricably tied to his non-compliance with the officer's attempt to initiate an encounter. In excerpt 7b, the reference to lethal violence was also particularly targeted because the civilian asked if the officer was going to shoot him in the back. This not only references the disproportionate risk that the civilian may be at of being, but that it might occur unprovoked while walking away from an officer. The formulation of the question right after the officer tells him to walk away also indicates an added level of distrust on the part of the civilian, as it suggests the ability of the officer to manipulate the record of the encounter to fabricate a version of events that would allow him to get away with violence.

In this section, I have discussed some of the myriad ways in which Black civilians orient to procedural injustice in police encounters. This represents one of the ways in which civilians of color may orient toward racial injustice in police encounters. The reliance on appeals to procedural justice is indicative of the way in which legal consciousness gets mobilized as resistance against an institution that civilians have little to no means to contest. While appeals to procedural injustice are suggestive of an *against the law* legal consciousness (Ewick and Silbey 1998), the tendency of civilians to begin with appeals to the police officer and moving to external appeals to accountability once the internal appeals fail, however, also suggests the situatedness of legal consciousness in police-civilian encounters. In other words, how civilians mobilize their legal consciousness is responsive not only to how the broader structures of inequality inform how the subject understands the local context of the encounter, but also how the local context instantiates the material forms of an otherwise abstract understanding of broader social structures.

B. Resisting Racism

In addition to the previously discussed strategies for resisting procedural injustice occurring within a racialized context, civilians also engage in resistance strategies that specifically indicate an orientation toward their race as relevant for the encounter. Given the risks of invoking racism and being seen as ‘playing the race card’ (Whitehead 2009) and thereby as escalating the encounter, race is not always explicitly named. In addition to explicit accusations of racism, civilians also indirectly accuse officers of racism by asking if their treatment is based on race and by asking for Black police officers. In instances where race is not even named, civilians nonetheless reveal an orientation to race as relevant for the encounters by appealing to respectable social categories and by affirming their humanity.

1. Explicit accusations of racial bias

The most easily identifiable instance of an orientation to racism in police encounters is when civilians explicitly accuse police officers of racism or racial harassment. In this case, then-18-year-old Isaac was stopped for a parking violation in the parking lot of a west Seattle mall while driving his girlfriend’s car. The police officers begin to question him about whether the car is stolen. The man complies, asking them to call his girlfriend to verify his story. As the officers reject his pleas and taunt him, he grows increasingly frustrated. In the below excerpt, he briefly moves one of his hands from the hood of the car while making a gesture of speech, upon which police officers escalate to the use of force.

[Excerpt 9b]

25 MPO2: Stay on the car.
26 MPO3: Take your hands off the car again.
27 MPO2: Stay on the car.
28 CM1: My hands are on the car.
29 ((MPO3 places the CM1 in a chokehold while MPO1
30 rushes over and pins CM1’s arm behind his back))
31 CM1: My hands are on the fucking car.

32 MPO1: Relax
33 MPO1: I said relax! Relax!
34 MPO?: Alright, alright.
35 CM1: Ahhhhhhh!
36 MPO?: You are not real bright.
37 MPO1: You're being audio and video recorded and I'm
38 telling you to relax
39 CM1: Man that's just fucking ridiculous. What what am I
40 being handcuffed fo-
41 MPO1: You still got his arm?
42 MPO3: Yeah I got his arm
43 MPO1: Hey!
44 ((MPO1 punches CM1 in the face twice))
45 CM1: Ahhhhhhhh!
46 MPO1: Don't you bite me!
47 MPO2: You son of a bitch!
48 MPO?: Get his arms in cuffs
49 MPO?: On the ground
50 CM1: This is fucking racist. Harassment! I'm not
51 going on the ground.
52 (.)
53 CM1: Man you guys are fucked up. What are you punching
54 me for? Ahhhhh!

In this excerpt, we see both the officer and the civilian narrating their version of events in anticipation that someone will be scrutinizing their actions on video. The narrations, thus, are attempts to make their intentions legible to an outsider, rather than actually appealing to one another. While contentious prior to the escalation to force, it is when the officers get violent that Isaac revokes his compliance and accuses them of racism. The officer's comments ("Don't you bite me!" and "you son of a bitch!"), are produced as a retrospective justification for throwing the punch. Rather than actually being intended for the civilian, it serves as an announcement that seeks to provide a reason for why he did what he just did. The general formulation of Isaac's accusation ("this is fucking racist") is, similarly, designed for justifying the resistance he is displaying rather than appealing to the officer. This represents a strategic attempt to document the injustice he is experiencing for himself since there are no reliable bystanders present to support him.

In other cases, the accusation is made referring to the way police officers target Black people in general. The excerpt below is from the encounter I have called *Man on Bicycle*.

Upon arriving at the gas station, the civilian gets off his bicycle and enters the store, refusing to come out to talk to the officer.

[Excerpt 1e]

1 PO1: Come outside real quick
2 CM1: No, why you harassing me? You guys are fucking with
3 Black people, man!
4 (.)
5 CM1: I'm homeless man why you fuckin with me, man? No
6 I'm serious, man! I ain't broke the law, man!
7 PO1: Yes you have
8 CM1: No I have not!
9 CM1: I have not!
10 PO1: Yes you have
11 CM1: I have not broke the law!
12 PO1: Yes you have. You're being audio and video recorded
13 CM1: Okay so what, man? I ain't broke the law man
14 PO1: You're not wearing a helmet
15 CM1: So what man? I'm not gonna () with me
16 PO1: You relax

In this excerpt, the man solidifies the connection between his resistance to the police encounter and racism on the part of police. By framing this as racial harassment, the civilian not only refers to racial bias in the law enforcement process, but more poignantly references the frivolous policing of Black bodies for minor or non-offenses. This marginality is compounded by the civilian's status as houseless – another category of people intensely policed for 'quality of life' offenses. Blackness, then, is invoked as justification for his treatment, while his homelessness is invoked as a reason for why he should be left alone. This is affirmed by the civilian's insistence that he hasn't broken the law, thereby delegitimizing the offense the police officer claims to be stopping the man for – riding a bicycle without a helmet. One of the common mechanisms that renders Black and houseless

people disproportionately subject to general police scrutiny is the way in which public space is classed (Stuart 2016).

Given the dangers involved in making accusations of racism, civilians typically wait until the encounter has escalated or until the policeable matter is over to explicitly invoke race or accuse the officer of racism. This is evidence of fear of allegations of ‘reverse racism’ (Whitehead 2009) as well as escalations of the encounter, exemplifying the limited right to pursue what are otherwise legitimate complaints. Accusations of racism, thus, are sequentially ordered in response to civilians’ analyses of the potential risks and benefits involved in articulating their complaints. In the example below of the latter, the exchange occurs about twenty minutes into the encounter, as the police officer returns to a vehicle he has pulled over to hand the driver his ticket.

[Excerpt 7b]

64 PO1: Alright sir. Here’s your driver’s license back to
65 you. And I’ve issued you a notice of infraction
66 today okay? For passing the school bus. It’s a \$384
67 infraction. You have 15 days to reply to it okay?
68 Here’s your options: You can admit the infraction
69 and pay the fine, you can mitigate it, or you can
70 contest it. Okay?
71 CM1: Yeah. Can I have your badge number?
72 PO1: Yeah. You bet. Badge number 7726.
73 CM1: Why you been follow me for two hours?
74 PO1: Follow you for two hours? Well sir I haven’t been
75 but-
76 CM1: Yes you have. That’s whenever you see a black man
77 driving you made a (inaudible)start following
78 PO2: Started following you?
79 CM1: Yes.
80 PO1: Okay.
81 CM1: You have been following me and(inaudible)
82 PO1: Alright, number 7726.
83 CM1: Come again?
84 PO1: Number 7726.
85 CM1: (inaudible)

86 PO1: That's the number that's on my badge. My serial
87 number is 7726. Here.
88 CM1: You guys are doing a great job of keeping us safe.

Here we see a gradual escalation of the civilian's complaint into an accusation of bias. The first sign of trouble arises when the driver asks for the officer's badge number, since as I have discussed prior, asking for a badge number signals to the officer that the civilian feels an injustice has occurred. However, by strategically asking for the badge number before making the accusation explicit, the civilian also manages to do so without the officer necessarily treating it as an escalation of the encounter. Next, the civilian questions the officer's motivations for the stop, suggesting he was being followed. When the officer denies following him, the civilian yet again takes the complaint to the next level, explicitly invoking race as well as generalizing the accusation ("whenever you see a black man driving"). The driver adds one more element of complaint with his last statement ("you guys are doing a great job keeping us safe"), sarcastically suggesting that what the officer has done is not only outside the realm of legitimately policeable matters, but that he has failed to adhere to the mantra to 'protect and serve'. Given that the pretext for the stop (the traffic violation) has been resolved, there is little room for the civilian's complaint to be interpreted as non-compliant and therefore resistant. Instead of escalating the encounter, thus, the police officer retreats to the patrol car to consult with his partner and decides to call in the supervisor as protocol mandates in cases where accusations of bias have been brought.

2. Indirect Accusations

In addition to accusing officers explicitly of racism, civilians also make inexplicit accusations of racism by either questioning the motives of the officer or by asking for a Black cop.

2.1 Questioning Motives

One of the ways in which civilians make indirect accusations of racism is by using the interrogative form to question the motives of an officer. In the below excerpt from *Parked in the Middle of the Street*, the police officer is trying to get the civilian to leave the scene, but he refuses.

[Excerpt 8c]

1 MPO1: Are you going to leave or not
2 CM2: No. I want to make sure my friend gets home safe.
3 (0.X)
4 MPO1: Are you gonna [leave or not?
5 CM2: [You're trying to throw him in jail.
6 What is it a Black thing?
7 (0.2)
8 MPO1: No.
9 CM2: Yeah. well you seem like it because you got me
10 all [jacked [up here. [you got,
11 MPO1: [Just [Just [letting you know you're
12 being audio. (.) [and video recorded.
13 CM1: [() hey.
14 CM2: I don't care man.
15 MPO1: [All right.

By asking “what is it a Black thing?” the civilian masks the accusation in the form of a question, inviting the officer to acknowledge that race is a motivation for his actions. It is this invitation to an admission that makes it an accusation. Although it at first appears he is referencing the officer’s motivations with regard to the driver (line 5), lines 9-10 suggest the accusation applies to him, as well. By making the accusation in the form of a question, the

civilian avoids a counter-claim that he is ‘playing the race card’. At the same time, although it is posed as a puzzle to which race is one possible solution, his response to the officer’s denial suggests it was designed to find out whether the officer would admit that race was his motivation. The officer’s immediate “no” indicates his orientation to it as an accusation. If it was treated as a general question, it would be responded to with an explanation rather than mere denial.

The same dynamic is present in the following excerpt from a case I will refer to as *Security Guard*. In this case, officers arrive at the back door of a library late at night after receiving a call about a break-in. Upon arriving, they find a man sitting in a car by the door. They approach him and ask if he is the one who called. He says he is not the one who called, but explains he is a security guard there. The officers question his identity, pointing out that he isn’t wearing a uniform. The man offers to get out of the car to show them his uniform but they tell him to stay in the car. They ask for his name, but appear to have problems spelling it and give up on trying to confirm his identity. After some time, they tell him to step out of the car. The man complies, but shows the first sign of resistance when he chuckles and asks if they are serious. The officers proceed to conduct a body search. This is when the civilian asks if they are doing this because he is Black:

[Excerpt 10a]

1 IM1: We’re under control. We’re getting him out of the
2 car. There’s two of us here.
3 CM1: Are you doing this because I’m Black? Is that why
4 you’re-
5 IM2: No! I’m doing this because you say you’re a
6 security [guard
7 CM1: [Yeah!
8 IM2: And you have no uniform, no ID, and the other
9 security guard says there’s no other security guard
10 here

11 CM1: Can I show you my uniform?
12 IM2: Where is your uniform?
13 CM1: I have to () back can I show you my uniform
14 IM2: Where is it?
15 (.5)
16 CM1: Geez
17 (11.0) ((CM1 opens the trunk of the car))
18 CM1: [That's it
19 IM2: [That's your uniform. Excellent.

By posing the question, the civilian has presented their motivation as a puzzle to be solved, with race being the possible explanation he is invoking. The officer's response treats his question as genuine by answering "no" and then providing an alternative explanation for their actions. Rejecting the civilian's race as the reason for their suspicion, they instead present the seeming incongruence between his stated identity and his lack of proof thereof as the relevant puzzle. The civilian presents a solution by asking if he can show them his uniform. Although he has presented this solution to them before, this is the first time that they entertain it, allowing the civilian to proceed to the trunk of the car where he pulls out his uniform. With one explanation for the puzzle having been ruled out, race remains the explanation left on the table. Now indignant, the civilian explicitly accuses them of racism, after which the officers decide to call their supervisor.

In both of these cases, the civilians invoke race in their questioning of the officer's motives for the encounter, but the feature of asking 'why' is much more common. Even when race is not explicitly attached to this question, it is worth pointing out that having to wonder whether race might be relevant for your treatment is already a base feature of a racist society. White people rarely have to ask whether the things that happen to them are because of their race, while people of color routinely have to ask – and learn to decipher – when and how they might encounter racism.

2.2 Asking for a Black cop

Another inexplicit way in which civilians suggest race to be relevant for their treatment in police encounters is by asking for a Black cop. These cases, thus, are direct about race while indirect about complaining, illustrating both the tacit and explicit dimensions inherent in social action. In the encounter I have referred to as *Trouble at Subway*, one of the young men finally explicitly invokes race as relevant towards the end of the contentious encounter:

[Excerpt 5d]

9 CM2: Where's the black cop?
10 CM3: Yeah yeah () black cop.
11 CM2: Wher- where's our black cop?
12 FPO: Now [it's a black thing.
13 MPO2: [okay.
14 MPO2: Yeah.
15 CM3: [It is.
16 CM2: [()] always been a black thing.

In this case, the encounter had already escalated to the use of force, which prompted one of the young men to ask for a Black officer. While not explicitly accusing the white officers of racism, asking for a Black officer effectively categorizes the present cops as white and thereby attributes race as a motive of their conduct. The female officer's response (*now it's a Black thing*), suggests that she not only understood the request as commentary on her Whiteness, but also as questioning her motivation. Her suggestion that it is *now* a Black thing, furthermore, suggests an attempt to cast the accusation of racism as a strategic (and therefore baseless) move on the part of the young man. This can be understood as launching a counter-accusation that the civilian's complaint is 'playing the race card', thereby framing it as racially motivated and therefore dismissible (Antaki and Horowitz 2000; Whitehead

2009). His response affirming that it's *always* been a Black thing rejects her insinuation and solidifies his accusation of racism.

In the case of Brianna, the 15-year-old girl also invokes race after the encounter has escalated to the use of force. As I previously discussed, the girl expressed mistrust towards the officers from the beginning of the encounter, refusing to engage them. Treating this as resistance, the officers escalated the encounter by placing the girl under arrest, physically restraining, dragging, and pushing her into the back of their patrol car. As they wrestle to get her to pull her feet into the car, she cries for another officer named Zack, who is Black.

[Excerpt 2c]

19 PO?: Calm down.
20 CF1: I want Zack! I want Zack! Owe!
21 PO?: Stop resisting! Calm down! Keep your feet inside
22 the car!
23 CF1: I want Zack! He's an officer!
24 PO?: Keep your feet inside the car okay? You're going to
25 get sprayed! Keep your feet inside.
26 CF1: Call Zack please! Call Zack he's an officer.
27 PO?: Zack who?
28 CF1: He's Black! He's an officer!
29 PO3: Okay, he's not working.
30 PO?: How do you know Zack?
31 CF1: He was ()
32 PO?: Okay, well put your feet inside for me.
33 CF1: Call Zack!
34 PO?: Ma'am, look at me. I need you to calm down.
35 CF1: Take this off!
36 PO?: I understand, but look how you're acting.
37 CF1: I have ADHD (inaudible)
38 PO?: So where's your mom? You're doing all this
39 () I just need to know where your mom is at.
40 You help me, I help you okay? So where's your mom
41 at?
42 CF1: ((Crying)) I'm telling my dad!

In this case, Brianna doesn't ask for a Black cop in general, but asks for a specific Black officer that she is familiar enough with to know by first name. In fact, she does not raise the fact that he is Black until the officers ask for more information to help identify who the Zack she is referring to is. Nonetheless, she raises the fact that he is Black rather than for example providing his last name, suggesting that even though she is familiar with him, it is in a limited context. Her asking for officer Zack also makes relevant in a couple of ways. First, by invoking Zack's Blackness, she inexplicitly makes the Whiteness of the officers before her relevant. Furthermore, by asking for him in a context where she is refusing to cooperate with the officers in front of her also makes their race relevant as it illustrates that it is not merely their status as police officers that makes her not want to engage them, but rather their status as white police officers. This is supported by Brianna's invoking of officer Zack at this point of the encounter where the current officers become established as the aggressors against whom she seeks protection from another police officer.

3. Appealing to Respectable Social Categories

In addition to all the different ways in which civilians may invoke race in resistance to their treatment during police encounters, they also use resistance strategies that illustrate their orientation to race as relevant without ever explicitly using the language of race. One of these tactics is to appeal to respectable social categories – that is, categories other than race. These are designed to get the officer to categorize the person differently and thereby change the trajectory of the encounter as a result. Let's consider one example:

[Excerpt 8d]

- 1 CM2: Don't Rodney King me man.
- 2 MPO1: Okay [I'm not.
- 3 CM2: You got a badge and a gun man. <dude you know what?

4 MPO1: What?
5 CM2: I went and served fucking (.) eighteen months in
6 fucking Iraq man.
7 (0.3)
8 MPO1: O:[:h big deal.
9 CM2: [I don't deserve this shit.

In just the brief exchange above there are numerous ways in which we can see the civilian's orientation to race. By invoking the brutal beating of Rodney King in 1991, a highly publicized and contentious instance of police brutality against an unarmed Black man, the civilian simultaneously signals to the possibility of excessive violence as well as making relevant both the civilian's and the officer's race. He follows this up with a declaration that he went and served eighteen months in Iraq. Invoking his status as a veteran here in a context where his race has already been made implicitly relevant appears to serve as an attempt to gain respect. This is solidified in the civilian's response to the officer's dismissal of his military service ("oh big deal") with the statement that he doesn't "deserve this shit". The last statement also points out the way in which the appeal to respectable identity is designed to invite a different treatment of the civilian than has been received so far, by suggesting that his treatment is based on a misjudgment.

In the next excerpt from the case I have referred to as *Now Relax*, the civilian invokes a respectable social identity while being questioned about why he has so many keys:

[Excerpt 9c]

1 CM1: () I have () like, why am I
2 answering these questions anyway?
3 MPO1: I'm asking you questions.
4 CM1: I have a family, I have people who care about me.
5 They like give me keys to their homes, like you
6 know? I have mom's and dad's (inaudible) I got a
7 brother with a house. I got a sister with a house
8 with babies I take care of.

9 (.)
10 CM1: () like you know? Like this is really
11 unnecessary.

Prior to this excerpt, police officers have taunted the civilian, both by calling him names and by communicating their assumption that he is driving a stolen car. The civilian categorically denies it, requesting to call his girlfriend to verify his permission to drive the car. Upon being questioned about his keys, he invokes his membership in a family as a respectable identity, explicitly stating that he has people who care about him. The addition that he has a brother and a sister with a house also invokes the respectable classed category of 'homeowner'. By referring to his family members' class status and his own status as someone who is trusted with keys to the homes of others and even with the care of others' children, he presents himself as respectable by association in an attempt to mitigate the suspicion against him. Furthermore, his use of social categories to mitigate the suspicion suggests he is oriented to the officers' suspicion of him to be at least partly based on social categorization, as well.

In the following case, which I refer to as *7-Eleven Mix Up*, the civilian invokes a respectable social category alongside his invoking of race. In this encounter, police arrive at the scene of a 7-Eleven after a call reporting a disturbance. It appears a fight has occurred inside the store after one customer called another the n-word. When the officers arrive on the scene, they approach one of the Black men inside and grab him, telling him to step outside. The man explains that he was not involved in the incident and merely there to try to calm things down. Ignoring him, the officers pull him out of the store anyway and drag him over to a police car, directing him to keep his hands on the hood of the vehicle. The man gets increasingly frustrated, maintaining that he was not involved, but the officers ignore his

pleas. In the excerpt below, the civilian strategically invokes a respectable social category in contrast to the explicit mentioning of his race.

[Excerpt 3b]

1 MPO2: You want an ambulance?
2 CM2: Yes I do and I'm not paying for it because I
3 didn't do anything. uh I just tried to stop the
4 fight. that's all I tried to do.
5 MPO2: Okay. ((pretty sure)).
6 CF1: Hey (()).
7 FPO1: ((three lincoln one)).
8 (0.82)
9 Radio: Three lincoln one.
10 (1.32)
11 CM2: That's all I tried to do and since I'm a big Black
12 man I get fucking thrown in there.
13 I'm in school for business law right now. So I
14 don't I know (()),

After contending with the conditions of the encounter for some time, the man finally invokes his race, alleging that he was undeservedly targeted because he is a “big Black man”. He contrasts this by invoking his status as a law student, thus signaling an attempt to mitigate his disadvantaged status as a Black man through his respectable status as a law student. Invoking his racialization along with his legal knowledge also indicates the way in which his understanding of procedural injustice in the encounter is informed by his racial consciousness, and the way his understanding of the relevance of his race is informed by his understanding of law.

4. Affirming Humanity

The final resistance strategy I want to highlight is the way in which civilians resist their dehumanization by affirming their humanity. The affirmation of humanity takes many

forms, but I will specifically engage the way civilians appear respond to infantilizing, disablist, and dehumanizing treatment on the part of police officers. In the first excerpt from the case *Trouble at Subway*, we return to the exchange where the civilian asks if the SWAT team is coming too.

[Excerpt 5e]

17 MPO2: Guess they don't I guess they don't understand that
18 uh they can get kicked out of here for no reason.
19 CM2: hey the s._w._a._t. team's coming too?
20 CM1: chill ((bro)). just shut up man.
21 no no (()) nothing. man that that (()).
22 MPO1: bunch of idiots.
23 MPO2: yeah.
(3.7)
24 CM1: oh. I'm not two years old.

Here I want to draw your attention to the civilian's statement "I'm not two years old." If you recall the excerpts discussed earlier, the officers have consistently dismissed the civilians' complaints about what they deemed the unnecessary escalation to the use of physical force over a cup of soda, as well as their complaint about how the officers treated them at the initiation of the encounter. In the first turn in the above excerpt, the officer dismissed their complaint by asserting that they can get kicked out for no reason. By retorting to the officer's insult that he is not two years old, the civilian affirms his intelligence and rejects the insult. If we dig deeper, however, the use of the expression "I'm not two years old" also levels a complaint against the officer for being infantilized. Given the commonsense understanding of infantilization as dehumanizing, the civilian's response can be understood as not only an affirmation of his intelligence but also, by doing so, his humanity.

In the following excerpt, from the case I have referred to as *Now Relax*, the officers hold Isaac down after he bites one of the officers on the hand while he holds him in a chokehold. Isaac pleads for them to let him get up, but they dismiss them.

[Excerpt 9c]

1 CM1: Can I please get up
2 MPO?: No.
3 CM1: Please? This is really unnecessary. Can I please
4 get up?
5 MPO4: You need to relax for a second.
6 CM1: Can I please get up
7 MPO?: You can in a second. Relax.
8 MPO4: (())biting.
9 CM1: Why do you... can you...I'm not biting nobody now. I
10 don't wanna hear that()shit. I'm not
11 trynna get myself hurt.
12 MPO1: Listen you are.
13 (.)
14 MPO1: You just need to relax.
15 CM1: Can you please get off my head bro?
16 MPO1: I'm not on your head. I'm holding you so you don't
17 bite me again.
18 CM1: I promise I won't bite you bro.
19 CM1: I promise.
20 (.)
21 CM1: Man. Man, you guys are fucked up. I'm not a fucking
22 animal. I'm not a fucking raccoon.
23 MPO1: You're acting like an animal.
24 CM1: Can I please get up?
25 MPO1: Stop resisting.
26 CM1: I wasn't resisting you.

As the multiple officers piled on top of him continue to hold Isaac down, he says “I’m not a fucking animal. I’m not a fucking raccoon.” His reference to not being an animal clearly illustrates an orientation to the experience as dehumanizing. Furthermore, his reference to not being a raccoon suggests he sees the officers’ continued reference to the possibility that he will bite them as adding to his dehumanization by insinuating that he is disposed to randomly and irrationally biting them – like an animal – rather than his biting having occurred as a response to their use of force. The officers dismissively respond that he is “acting like an animal”, affirming their orientation to him as less-than-human.

Dehumanization has been a central part of the social construction of Blackness, with images of Black people as animal-like and savage playing a major part in facilitating the imagery of

Black people as inferior, dangerous, and in need of constraint and control (Muhammad 2011). In a context where race has already been explicitly invoked as relevant, the references to animals, thus, take on a particularly racialized meaning.

In the last example, from the case I have referred to as *Third Degree*, the excerpt below takes place after the police officer has restrained and pushed the civilian into the back of his patrol car, placing her under arrest for driving with a suspended license. She argues with the officer over the reason for her arrest, and kicks the car door out of frustration. The officer says the following:

[Excerpt 6b]

1 IM1: This is an arrest. You're under arrest.
2 ((please))Ma'am ma'am listen to me. If you kick
3 my vehicle if you kick my vehicle you will be
4 restrained. I will hogtie your feet. Do you
5 understand me? If you want to be treated like
6 an animal I will treat you like an animal.
7 Behave like a human being.

A few moments later, the civilian launches into the rant in which she threatens to file a complaint:

[Excerpt 6a]

1 CF1: I don't care. Well you need to tell them how
2 you is kicking me because I'm sure gonna go
3 tomorrow and make sure I file. Believe that. For
4 kicking me? Oh hello he's kicking me. Uh since I'm
5 being recorded do you know he just kicked me? A
6 fucking Seattle police officer just kicked me? Are
7 you serious? Pulled me over for no reason. Kicked
8 me. I still got my purse. Well yeah. Believe that.
9 I will make sure I'll be at court. I'll make sure
10 I'll call somebody to make sure you get your badge
11 for kicking me. Kicking a woman. A woman. So if
12 someone kicked your wife how would you feel? Or
13 your girlfriend? Yeah. Click on your computer. I
14 want to be known (()) bashing me up like I'm a
15 kid(()) I'll be out anyway.

Considering the context of the officer threatening to “hogtie” her feet and telling that if she is going to behave like an animal he will treat her like an animal, the civilian’s outrage takes on new life. I specifically want to direct your attention to her repetition of the category “woman”. Following the invocation of her gender, she appeals to empathy with reference to potential women in his life (“if someone kicked your wife how would you feel? Or your girlfriend?”), thereby appealing to the construction of women as a category of people normatively expected to be protected from physical violence. By having to appeal to hypothetical women in order to appeal to such empathies, she reveals an orientation toward being excluded from the category of “woman”. This is supported by her initial repetitive reminder that he was indeed kicking a woman. Bearing in mind the historical exclusion of Black women from the rights and protections of womanhood, we can understand her assertion of her womanhood as resistance to dehumanization (Haley 2016). This is made particularly salient given the officer’s earlier indirect referenced to her as a hog and an animal. As such, she is dually denigrated – her Blackness denies her the status of woman, as well as the status of human.

V. Discussion

Civilians’ attitudes toward police and their perceptions of the police as legitimate are influenced by their concepts of procedural justice – that is, whether the way the police officer conduct the encounter is fair. Research has shown that perceptions of procedural justice in the context of police encounters are influenced both by previous experiences with police officers as well as situational factors within an encounter. In turn, general perceptions about police and procedural justice also influence civilians’ judgments about fairness in any given

encounter. Examining experiences of procedural injustice at the level of attitudes and perceptions, however, inevitably distances the experience from the local context in which it occurred. Examining civilians' resistance strategies within police-civilian encounter reveals the ways in which encounters are experienced as procedurally unjust.

In a climate where Black people – regardless of gender identity and expression, sexuality, income bracket, neighborhood or state, whether children or adults – are deemed policeable and justifiably beatable and even killable for walking in their own neighborhoods while carrying an Arizona iced tea, for selling loose cigarettes, for driving, for playing outside, for shopping at Walmart, for attending a pool party, for sitting at Starbucks, for sleeping in their own beds, for having a mental health crisis, for not complying with police directives or for complying with them, resisting police authority is a risky endeavor. Yet at the same time, the historical criminalization of Blackness and the violent repression that it has justified has also always been met with creative strategies of resistance and survival. In encounters in which police officers' authority is defined by their discretion to harm, confine, or even kill, then, the threat of violence necessarily becomes relevant for the question of whether, when, and how civilians resist, as well as whether and how race is invoked.

I have shown that even when civilians do not resist outright the authority of police officers and comply with their displays of police power, they find creative ways to resist the indignities of police encounters. Deploying a range of resistance strategies to contend with procedural injustice, on the one hand, and racism, on the other, civilians illustrate an orientation to opportunities for influencing the course of the encounter as emerging and fading, as well as a sensitivity to the risks of escalation and bodily harm. Their consistent deployment of procedural justice framing is evidence of an orientation to the power

dynamics of police-civilian encounters as well as to their orientation to the encounter as unjust. While outright refusal to engage with a police officer or explicit non-compliance most clearly exemplify an *against the law* legal consciousness (Ewick and Silbey 1998), the majority of civilians tend to begin the encounters as compliant, instead trying to find ways to contend with the conditions of the encounter by making appeals to the officers or by invoking opportunities for external accountability.

In the context of police-civilian encounters where race and law are so intertwined, I have shown the ways in which racial and legal consciousnesses become entwined, as well. I have shown that in light of norms against accusations of racism, on the one hand, and the risk of harm involved in resisting in police authority, on the other, the law becomes one avenue through which civilians contend with injustice in interactions with police. At the same time, race also becomes a resource for critiquing procedural injustice. The tendency to deploy legal logics for resistance before invoking race becomes a strategic way for civilians to pre-empt the potential resistance to their complaint as a frivolous deployment of ‘the race card’. Civilians, then, display not only a racialized double consciousness, but a legal one, as well. The unique circumstances and pressures of police encounters require a resistance through the language of law because revealing an orientation against the law is seen as resistant and, as such, as an escalation of the encounter. While civilians of color know that the law may not protect them, they have no choice but to engage through it. This is what I have referred to as a racialized legal consciousness. This study, then, makes three central contributions; it provides an analysis of the resistance and responsive strategies civilians deploy to contend with procedural injustice and racism, it contributes to the detailed study of talk-in-interaction and its connection with more distal forms of social organization, and it applies legal

consciousness to the sociological study of racialized policing, which in turn explicates the situatedness of legal consciousness as dual and racialized. Future research should explore additional ways in which civilians can be seen as oriented to the relevance of race, with particular attention devoted to the ways in which the intersections of racism, sexism, heterosexism, cissexism, ableism, nationalism, and other axes of power manifest in police-civilian encounters.

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