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CHAPTER 1: INTRODUCTION: WHY STUDY THE POLICE IN PLANNING?

Police are marginal within mainstream planning academia, which is a questionable oversight for two reasons. First, recent police killings in Sanford, Florida, Ferguson, Missouri, and many other places made the greater United States aware of something that members of the Black community have known for a long time: racist police abuse amplifies urban injustice. Equity-minded planners would be well-equipped to better understand police work. Secondly, the police are central to traditional municipal planning practice, a point overlooked in many mainstream studies. Municipal planners at public meetings frequently encounter residents voicing racist crime fears, and calling for more police presence (S. Harwood & Myers, 2002). Planners may support walls, security fences, street rerouting, and other measures that aid the police in their public safety mandate (Newman, 1996). Plan implementation measures may rely upon coercive and illiberal police regulations, such as land-use and design restrictions. Land-use zoning—arguably the most common municipal plan implementation tool in the United States—is fundamentally a form of police (as I posit below). Obscuring these connections obscures ways that state power operates through planning, perhaps to racist ends.

Yet planners and planning scholars maintain a peculiar silence about police. Searches into “police power” or “police¹” yield no substantive results within the archive of *Planning Theory, Journal of Planning Education and Research*, or the *Journal of the American Planning Association* (see Jefferson, 2017 in *Journal of Planning Literature* for an important corrective). This silence elides from “curious” to “questionable” when considering the centrality of the police within current debates of urban injustice, segregation, and racism. In the United States in particular, addressing urban social justice necessitates addressing the police.

¹ Note that terms like “blight” that could be coded ways of talking about policing and crime. However, that they remain “coded” supports the fact that police are rarely directly addressed.

This dissertation attempts to provide planners—within academia, city hall, and urban community groups—a more thorough understanding of the relationship between policing, planning, and the everyday lives of people in U.S. cities. This thesis’s intervention is to center affective, communicative labor within planning’s understanding of police work. Prior scholarship in planning and cognate disciplines emphasizes the placemaking work of police violence. This dissertation builds on that endeavor by highlighting the less analyzed, yet still crucial, role of police communications. The police shape space not only truncheons and guns, but through mass texts and e-mails, social media posts, and strategic communications that have fallen outside the purview of planning scholarship. I find that planning institutions help provide a legitimate forum through which police communications reach both the public and other police agencies. These institutions not only spearhead plans, but also “govern legal governance” (Valverde, 2009) in Atlanta. Lastly, through a research design based on qualitative geographic information systems, I analyze the effects of these police communications on a diverse sample of college students in central Atlanta. I find that while inequities in police abuse remain salient, also salient are racist inequities in police *caretaking*. It is also through police discretionary caretaking that race territorializes into urban space.

My conceptual framing helps allow this intervention. I apply theories of police from organizational sociology, political/legal anthropology, and critical criminology to planning institutions. Central to my approach is existing sociological and anthropological knowledge on the diversity of police institutions (Brodeur, 2010), competencies (Manning, 1997), and ends (Thacher, 2001, 2014), along with the police’s oftentimes ambivalent relationship to the law itself (J. T. Martin, 2018; Dubber, 2005). These broader, critical framings of police work complement critical police scholarship from urban planning and cognate disciplines (Jefferson, 2018; S. Hall, Critcher, Jefferson, Clarke, & Roberts, 2013; Muhammad, 2011; Wacquant, 2007; N. Smith, 2001, 1998), which centralizes the police’s capacity for violence and carceral governance. Additionally, I draw on

critical race scholarship that informs the relationship between law, space, and race/racisms (Inwood & Bonds, 2017; Bonds & Inwood, 2016; Lipsitz, 2011; Goldberg, 2002; Ford, 1996; Harris, 1993).

CHAPTER 2: LITERATURE REVIEW

I begin this review chapter by making an argument for why the police are a valid object of analysis within a planning research project. I then focus on the literature that examines the intersection between police and planning. Two significant and related strands emerge in this literature. The first implores investigation into the “dark side” of planning practice, specifically how planning practice relies upon oppressive power/knowledges. The second concerns how planning and police re-produce oppressive gendered and racist hierarchies in urban space. The purpose of this review chapter is to provide broad analysis of how, within the urban planning discipline, the police are constructed and theorized. I center upon two gaps: 1) by limiting their analysis to patrol police exercising violence and arrest, the literature under-theorizes the diversity of police agencies and practices, and 2) the literature neglects the importance of personal emotions that affect how embodied subjects relate to the police in urban space. I briefly highlight three concepts that can help guide future inquiry into the police within planning: communication, jurisdiction, and security.

Power in planning, and police power

The call to study power within planning came as a reaction to rationalist theories of planning. Rational planning theories under-theorized the role of contested political power in plan creation and implementation (e.g., Faludi, 1973). Studies of power within planning proliferated during the renaissance of political economy studies in the 1970s and early 1980s (Metzger, Soneryd, & Tamm Hallström, 2017; Fainstein & Fainstein, 1979; Harvey, 1978), while feminist and Foucauldian planning studies of power soon followed (e.g., Flyvbjerg & Richardson, 2002; Sandercock, 1997; Flyvbjerg, 1996).

Police remain marginal within planning studies of power, despite “police power” being a major legal doctrine that planning master’s students become familiar with during their Planning Accreditation Board-mandated planning law classes. As mentioned prior, a search for “police” or “police power” within the archives of the discipline’s major journals (specifically *Planning Theory*, *Journal of Planning Education and Research*, *Journal of the American Planning Association*, and *Journal of Planning Literature*) yields no examination of the concepts, and hardly even a mention (see Jefferson, 2017; Tulumello, 2017c for important recent exceptions). By ignoring the police power, scholars risk mis-specifying the agents of power within planning, identifying *ex post facto* the effects of power without analyzing the legal customs, doctrine, and practices that enable state (or non-state) power.

The urban function of police

The state’s police power, as a legal principle and doctrine, refers to the state’s amorphous ability to use patriarchal discretion to prevent harm to the state and ensure its order (Neocleous, 2006, 2000; Dubber, 2005). It is borderline cliché to describe police power’s objects as undefinable (Novak, 1996), given that an innumerable list of actions can be valid exercises of police power (e.g., ordering citizens to collect leaves and clear their sidewalks, demolishing roadblocks, evicting slums). Police power involves state using its discretion, as *patria potestate* of the national household, in order to promote the order and health of that household. During the formation of the United States, the concept of governance as the householder’s patriarchal discretion, borrowed largely from jurist Sir William Blackstone’s writing on police governance, took easily to a nation whose constitution-authoring gentry practiced chattel slavery (Singh, 2014; Dubber, 2005).

The police power legal doctrine established a prominent position within United States jurisprudence, particularly with regards to disputes over urbanization and the organization of cities. The need to organize urbanization is a major justification of the police power in the *Alger v. Commonwealth* case, which features the most extensive early definition of police power within U.S.

jurisprudence. The ruling's examples of valid applications of police power—e.g., regulating building size, organizing the free flow of traffic—all concern urbanization (see Dubber, 2005, p. 139). This association between police power and urbanization stretches across cases from the mid-19th to mid-20th century (Novak, 1996). These include the *Slaughter-House Cases* (1873), which affirmed the constitutionality of slaughter-house siting regulations; *Pennsylvania Coal Co. v. Mahon* (1922), which stipulated that police actions confiscating land could be regulatory takings (meaning that they were still valid, but required compensation); and *Berman v. Parker* (1954), which upheld that a confiscation of private property for urban renewal is a valid exercise of state police power.

It is important to distinguish between “police power” and “police,” particularly within the U.S. context. Within the United States, the “police power” concerns law: it is most often cited as a legal doctrine giving U.S. states the ability to craft laws that regulate order within their territory. “Police” or policing agents are separate from law, occupying a space “between law and law’s relational other” (Martin, 2019, p. 110, quoting Tomlins, 2007), the “relational other” being violence, authoritarianism, local self-determination, or other entities from which law seeks to distinguish itself. Police can be seen as the human manifestation of the state police power (Sklansky, 2008): like the police power doctrine, police agents wield the authority of patriarchal discretion, albeit usually more locally. The historically shifting definitions of the verb “to police”—from “managing urbanization through the state’s patriarchal discretion” to the current definition implying “fighting crime and public disorder”—has led to excessive slippage and conceptual murkiness (Farmer, 2006). The contemporary associations with “police” and “police officer” likely obfuscates the police’s historical connection with urban development (viz., Foucault, 2007), succinctly captured by Foucault’s insight that to police means to urbanize (see Valverde, 2008).

One of the main interventions of this dissertation is to help reconcile the disconnect between “police”’s historical focus on urbanization, and its current manifestation in uniformed

patrol officers, and the various ways in which contemporary urban planning institutions can perhaps been seen as a concept which bridges these two police functions. The order maintenance function of police closely links policing and planning practices, a point elided within older planning-focused studies of policing that emphasize the police's competency for violence. Order maintenance entails regulating the shared use of space (Thacher, 2014), and the uniformed police retain a “unique competency” to do this (Thacher, 2004; Bittner, 1974). Brodeur's (2010, pp. 103–138) succinct definition of police likewise emphasizes the police's order maintenance function. Additionally, the focus on order maintenance illustrates how the police focus not only on policing *people* (through arrest and violence), but also policing *things* (through regulations and administration, see Dubber, 2005).

The police's central concern with public order maintenance links the older police idea (centered on orderly urban development) to the newer “boys in blue”-centered police idea. Like policing, planning has a central concern with co-existence in shared space. The exact phrase arises in planning's major recent theoretical texts. For Sandercock (2003, p. 208), planning's “central task” is “co-existence in the shared space of cities.” Healey (1997), on at least five occasions (pp. 3, 42, 68, 77, 284), describes planning's central goal as “managing co-existence in shared places” (or a close variation of that quote).

This is not to imply that planning and policing are the same activity, despite both being governance strategies (see Karpik, 2010; Healey, 1997). Planning involves strategizing to intervene in the built environment. Police infers parties with special powers to maintain order. Planning implementation measures (such as zoning) may be police measures, yet not all planning measures are fundamentally police. Likewise, in certain illiberal contexts planners could have police powers. Yet the potential connections between the two practices are obscured, perhaps because of the way that police violence and arrest dominates planning and urban studies scholarship's understanding of the

police. For instance, the police participate in racial banishment (Roy, 2017), revanchist displacement and global social cleansing (N. Smith, 2005, 2001), carceral governance (Bonds, 2018; Gill, 2013; Wacquant, 2012, 2007; Gilmore, 2007), or diverse normative strategies that affirm their violent control over territory (Herbert, 1996).

I will now outline the major themes within the small sub-set of planning (and related) literature where police and police power appear. I address two broadly defined subfields: governmentality, and race/gender and place.

Governmentality and the dark side

Scholarship into the “dark side of planning” (Yiftachel, 1998), inspired by Foucault, investigates how planning reproduces state structures that oppress subordinate groups, fundamentally challenging the notion that urban planning is a benign, salutary practice. Inspired by Foucauldian theories of governmentality and pastoral [police] power (see Foucault, 1986), planning scholars investigated how benign planning projects like urban gardens (Certomà & Notteboom, 2017; Certomà, 2015), governance reform (Haughton, Allmendinger, & Oosterlynck, 2013), and natural resource management (Gunder & Mouat, 2002) rely upon power/knowledges that shape urban populations’ subjectivities in the service oppressing subordinate groups (Flyvbjerg, 1996).

Two oversights emerge in the “dark side” and governmentality-inspired literatures. First, governmentality studies often over-emphasize the instrumentally rational aspects of governance, and ignore governance’s affective and embodied dimension (Valverde, 2014, p. 384). For example, while governance measures may address water resource management for its calculable benefits (e.g., cleaner stormwater runoff, lower environmental remediation costs), the reasons that populations may support natural resource management may be entirely affective. Citizens may feel a greater sense of wellbeing knowing that they and their children can be near waterways without fear of toxic

exposure. They may feel pride that their city successfully cleaned its waterways. The emphasis on affect, emotion, and (particularly) fear are crucial in understanding policing's relation to urban governance (Valverde, 2014; Caldeira, 2001). A large body of literature attests to how crime panics can very quickly mobilize severe governance changes and reforms (e.g., S. Hall et al., 2013; Muhammad, 2011; Simon, 2009; Anderson, 1995).

The second oversight is that governmentality studies can assume a rigid, deterministic stance, whereby the relationship between power, governance rationality, and the rationality's outcome seem predetermined (Rose, O'Malley, & Valverde, 2006, p. 98). This explicitly contradicts the logic of governmentality, which should assume a study of plural governance *rationalities* (*ibid.*). Yet, Foucault-inspired theories and epistemologies within planning often grant police power a monolithic status (Fischler, 2000). As such, these studies under-analyze the diversity of agents of power, instead usually relying on in-depth case studies of specific governance agencies (such as public health or environmental authorities) (Forester, 1988, qtd. in Fischler, 2000). This bears heavily on a study of police. The police are a much wider variety of agencies than the municipal patrol police (Brodeur, 2010). The police include an overlooked variety of patrol and administrative agencies (even at the scale of a single city or neighborhood), each of which may deploy its own governance rationalities in the services of governing urban space. Yet this diversity is often overlooked within planning governmentality studies.

I now transition towards the second broad group of literature on policing and planning, addressing race, space, and place. This literature can help address one shortcoming of governmentality literature, specifically, the above-mentioned importance of affect.

Race, space, and place: centering affect

Research into the intersection between race, gender, and space/place helps address the important (and under-addressed) linkage between affect and spatial governance (Hoch, 2006; Sandercock, 2004). Planning (intentionally and unintentionally) can cement racist and gendered oppression into the landscape (Schein, 2012; Hirsch, 1998; Massey & Denton, 1993). For many non-male and non-white citizens, the results are both material *and* affective (Sweet, 2016; Sweet & Escalante, 2015; Inwood & Martin, 2008; Sandercock, 2003; Pain, 2000; Hayden, 1980). Furthermore, segregation or patriarchal dominance occurs not merely through legal or violent exclusion in urban space, but also subtle, embodied practices. Political anthropologists have highlighted the affective practices through which citizens navigate the segregated U.S. city (Ramos-Zayas, 2012). This is an important intervention, as it emphasizes how citizens understand their place within the racial state as not only being marked by phenotype, but a distinct set of affective practices that align in various ways to diverse state agencies. Yet critical planning and urban geography scholarship, while it often addresses the importance of affect, shares a tendency with governmentality literature to treat the police as a monolithic agency, rather than a plurality of agencies. Typically, the police are patrol constables exercising violence, often clearing slums (Watson, 2012, 2009; Baviskar, 2003) or regulating elite spaces of consumption (often in the Global South). This sort of framing neglects how policing cultivates popular affect, attempting to shape popular feelings and sentiments by using diverse (and often non-violent) competencies (J.T. Martin, 2019).

As mentioned prior, the police are comprised of a highly diverse set of competencies and institutional forms. Besides the roughly 20,000 public police agencies in the United States, an array of other public and private regulatory bodies (whose numbers exceed beyond 20,000) are vested with police powers to maintain order within public space (Brodeur, 2010; Dubber, 2005). This

oversight likely arises from the police being a marginal object of study within planning. But like planning, police also cement racial hierarchies in urban space (Shabazz, 2015; Fassin, 2013; Muhammad, 2011). Thus, addressing the police, within planning, will help elucidate the practices of a major agent of state (and non-state) legal power that segregates space.

Stated bluntly, planners' concern about (just) co-existence in shared space requires an investigation into police. To guide this inquiry, I turn towards critical analyses of police from urban geography and socio-legal studies. This literature helps elucidate the prior-mentioned diversity of police, and how these diverse agencies operate within urban space.

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