Descriptive Representation and Political Power: Explaining Racial Inequalities in Policing *

Laurel Eckhouse †

September 5, 2016

Abstract

Does descriptive representation matter for substantive representation? That is, does electing a black or female representative help enact black or female constituents' preferred policy outcomes? I argue that, when opinions within a political party differ along racial or other demographic lines, descriptive representation plays a key role in linking the preferences of voters to policy outcomes. Moreover, the presence of an individual representative is not enough to change policy. The process of deliberation changes when women, people of color, and other members of subordinate groups form a substantial presence in a group; majority decision-making rules are also common. Descriptive representation matters most when representatives from subordinate groups form a majority, rather than providing advocacy from the minority position.

I test this theory using data on racial disparities in policing. Using propensity score matching, I find that a majority minority city council cuts racial disparities in arrests for minor offenses by more than half. In cities where a majority of city council members are white, African Americans are three times as likely to be arrested for minor offenses as whites, compared to a disparity of 1.75 in cities where a majority of city council members are people of color. Descriptive representation and political power for racial minorities play a major role in explaining city-level variation in the racial inequalities of policing.

*I am grateful to the National Science Foundation Graduate Research Fellowship Program, the Horowitz Foundation for Social Policy, and the Travers Department of Political Science at UC Berkeley for support for this research.

†Doctoral Candidate, Department of Political Science, University of California at Berkeley. eckhouse@berkeley.edu

1 Introduction

In August 2014, the nation turned its attention to the town of Ferguson, Missouri. After Michael Brown, an unarmed black teenager, was shot and killed by a white police officer – and the city's protests gained national attention and sympathy – the national media and the US Department of Justice investigated Ferguson. They found that the city made money from discretionary arrests for minor offenses; that those targeted for arrests were far more likely to be African American than white; and that despite the majority-black city population, the city government was largely white (Vega and Eligon, 2014; United States Department of Justice Civil Rights Division, 2015). Were these racial disparities in policing and representation related? If so, did this pattern apply beyond Ferguson? This particular city's constellation of injustices raised important questions for political scientists. When does descriptive representation matter for substantive representation? That is, when does electing a black or female representative help enact black or female constituents' preferred policy outcomes? Would electing African American representatives, or other people of color, change the racial disparities in warrants, minor arrests, and other discretionary punitive actions taken by cities like Ferguson?

Drawing on the literatures on representation and deliberation, I argue that descriptive representation relies for its influence on *power*, not just presence. Most researchers studying representation have examined national and state institutions, where subordinate groups are unlikely to gain a numerical majority (Mansbridge, 1999; Grose, 2011; Tate, 2001; Washington, 2008; Casellas, 2010; Kerr and Miller, 1997). However, this attention to national institutions has made researchers too focused on the importance of representation that reflects subordinate groups' share of the population, and insufficiently focused on the importance of power. Turning to city-level policies provides leverage on questions about the consequences of majoritarian power for racial minorities. My analysis confirms the importance of political power for descriptive representatives.

In testing this theory, I focus on the relationship between descriptive representation for people

of color and racial disparities in minor arrests: a substantively important policy area that is of broad interest to people of color – and especially African Americans and Latinos – across parties. Black and white Americans across party lines have different views on the police, and different assessments of the core issues in policing. How biased are police? How concerned should voters be about police violence? In response to recent shootings of black men by police, Senator Tim Scott of South Carolina, currently the only black Republican in the US Senate, described multiple experiences of being treated with suspicion by police, emphasizing concerns about racial bias in police contact, treatment, and violence (Huetteman, 2016). Scott's statement, which put him at odds with his party, reflected widespread concern among black voters and elites about racial inequalities in policing – not only in the use of force, but in stops, minor arrests, and other everyday police contact.

Minor arrests have important substantive consequences. The disintegrative consequences of criminal conviction are well-documented: less civic and political participation, difficulty obtaining employment, later criminal behavior. (Clear, 2007; Burch, 2013; Lerman and Weaver, 2014*a*; Lerman, 2013; Weaver and Lerman, 2010; Goffman, 2014; Brayne, 2014; Western, 2007). Arrest itself means the cost of bail, lost income, often lost jobs, sometimes eviction, as well as difficult, costly court procedures (Kohler-Hausmann, 2013; Pinto, 2015; Rios, 2011). Racial inequalities also damage the state's legitimacy among targeted communities (Fagan and Meares, 2008; Alexander, 2012).

I make two departures from existing scholarship which are central to the framing of this article. First, I argue that racial disparities in policing are in large part the result of local political processes. Most researchers studying the expansion of the carceral state have focused either on state and national policy changes (Weaver, 2012; Murakawa, 2014; Enns, 2016) or on the attitudes of individual police officers (Twersky-Glasner, 2005; Glaser, 2015; Eberhardt et al., 2004; Fielding and Fielding, 1991). In contrast, I focus on city-level variation. Policing – controlled by city and county governments – drives initial contact with the criminal justice system; in turn, initial

arrests, even for minor offenses, often lead to more intensive carceral contact as those arrested are marked, supervised, fined, imprisoned while they await trial, and have warrants issued for their arrests (Pinto, 2015; Goffman, 2014; Rios, 2011; Kohler-Hausmann, 2013).

Second, I argue that scholars studying descriptive representation should focus on contexts in which parties do not effectively represent the interests of subordinate groups. Policing, and criminal justice more generally, meet this criterion in two ways. Differences between black and white Democrats on concern about both crime and police violence are substantial – larger, in fact, than differences between white Democrats and Republicans.[1] In addition, much of crime policy is enacted at the local level, where elections largely lack party cues and electorates are more homogeneous with respect to party. Thus, numerical power and descriptive representation play a critical role in local policy outcomes.

Presence is not enough to change policy: legislative bodies can exclude individual members of subordinate groups from policymaking unless they have the numerical power to change the outcomes of voting. I test these theories using data on racial bias in policing: using propensity score matching, I find that cities with majority non-white city councils have about half as much racial disproportion in arrests for minor offenses as cities where a majority of city council members are white. This article therefore sheds light on the conditions under which democratic institutions fail to protect minorities, and the ability of descriptive representation to overcome those failings.

1.1 Police Discretion and Politics

Policing is a core activity of the state: the maintenance of the monopoly on the legitimate use of force. Police activity defines the nature of the implemented law – i.e., the extent to which particular

[1] The section on case selection presents evidence of these opinion differences from the General Social Survey. The Violent Crime Control and Law Enforcement Act of 1994 similarly illustrates the important role of racial differences between Democratic elites. Black representatives were able to articulate group interests and facilitate group advocacy, but were unable to alter the bill to promote their preferred egalitarian outcomes (Hinton, Kohler-Hausmann and Weaver, 2016).

actions and behaviors are functionally illegal (Stuntz, 2011; Forman, 2004; Lynch, 2011). State and national legislative bodies have expanded the use of criminalization and criminal law, using crime as an interpretive and legal category to address an increasing number of social problems (Simon, 2007). Paradoxically, adding more *direction* does not produce more *constraints* on police behavior. Rather, police can select which law to enforce in any given situation, allowing them to choose when, whether, and how intensively to invoke the power of criminal law (Simon, 2007; Stuntz, 2011). Few cases proceed to trial: 97% of federal cases were settled with a guilty plea rather than a trial, and the numbers are similar in state courts (Hofer, 2011). This places police and prosecutors – the enforcement arm of the state – in a central role in the enforcement and indeed creation of the law (Lynch, 2011).

This research engages an important empirical problem about citizens' experience of state power: what explains racial disparities in arrest rates? Nationally, African Americans are 2.4 times as likely to be arrested as white Americans (Federal Bureau of Investigation, 2011). That is, the ratio of arrests to population for black Americans is 2.4 times the ratio of arrests to population for white Americans. This disparity, already large, conceals substantial local variation. Even among cities with at least 500 black residents, African Americans are up to 33 times as likely to be arrested for minor offenses as white residents. These disparities are part of the racialized construction and interpretation of the carceral state, both arising from and contributing to narratives of black criminality (Muhammad, 2011).

Police practices shape experiences of citizenship, both for those targeted for police surveillance and for those imagined as in need of protection. Arrest is the gateway to incarceration, and police practice is therefore crucial to understanding the well-documented inequalities produced by mass imprisonment (Pettit, 2012; Western, 2007; Forman, 2004). People in black and Latino communities with high arrest rates may diminish their civic engagement and social connection in order to avoid unwanted attention from the state (Lerman and Weaver, 2014*a*; Burch, 2013; Clear, 2007;

Goffman, 2014). Racial inequalities in arrest undermine citizens' belief in the fairness and legitimacy of the criminal justice system, and indeed of the state itself; they thus constitute an important political problem (Lerman and Weaver, 2014*a*; Alexander, 2012).

This problem is not new to police or cities: in 1968, Baldwin described Harlem as "Occupied Territory" (Baldwin, 1966). As early as 1984, Skolnick heard from police officers that it was time to rebuild relationships with racial minority communities with a new era of community policing and transparency (Skolnick and Bayley, 1988). In *Police and Community in Chicago*, Skogan describes a major community policing initiative begun in 1993, designed to build community connections and reduce racial disparities in policing (Skogan, 2006). Twenty-two years later the city erupted in protests over the police killing of a black teenager, and the broader racial disparities in policing (Briscoe, 2015).

Other scholars have suggested a relationship between descriptive representation and criminal justice policies (Stucky, 2011; Saltzstein, 1989; Chaney and Saltzstein, 1998). Ostrom and Whitaker find that community control of police improves citizens' attitudes towards police (Ostrom and Whitaker, 1973). Black underrepresentation is associated with lower clearance rates for serious crimes, as well as a heavier reliance on fines for revenue (Sances and You, 2016; Goldstein, Sances and You, 2016). Black mayors are more likely to adopt civilian oversight and ensure that more black officers are hired (Saltzstein, 1989). More broadly, black voters express clear support for descriptive representation (Griffin, 2014; Hutchings and Valentino, 2004; Dawson, 2003; Griffin and Keane, 2006). Descriptive representation for people of color increases participation by improving trust and attentiveness (Bobo and Gilliam, 1990), while descriptive representation for whites improves white voters' evaluation of local police (Howell, Perry and Vile, 2004). Weaver places white racial demands at the center of the development of the War on Crime: through the process of frontlash, whites whose racial demands were stymied by the civil rights movement rerouted those interests into crime policy. White racial demanders "[built] a durable connection between

black activism and crime... Sandwiched between two traps – being soft on crime and excusing riot-related violence – liberals had to forgo their ideal outcomes and moved closer to the conservative position" (Weaver, 2007). Journalists report that racial differences in responses to and preferences about crime persist throughout modern forms of public participation, particularly in assessments of which situations are "suspicious" or require police involvement (Medina, 2016; Solnit, 2016).

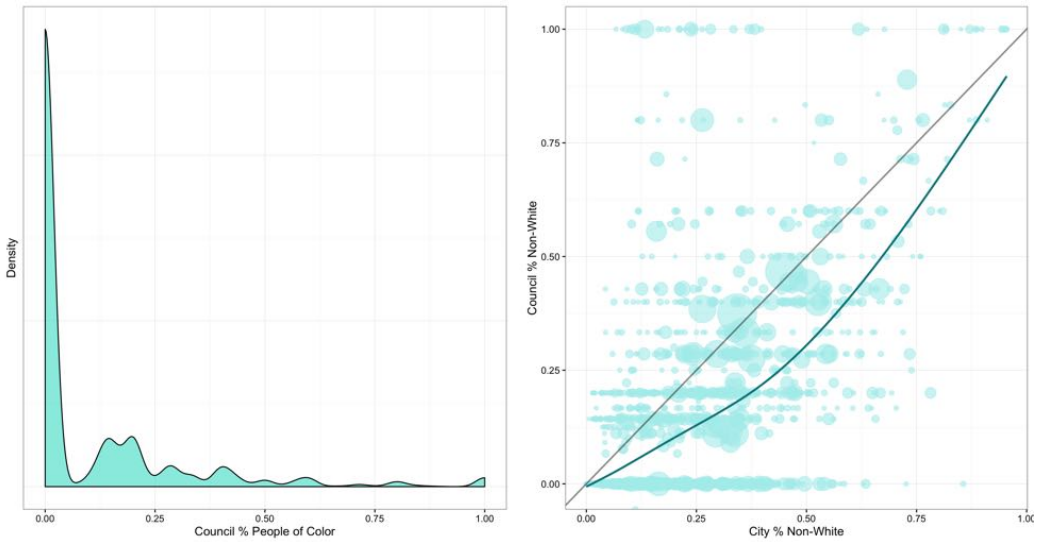
Most explanations of racial disparities in carceral contact, however, focus either on national criminal law (the crack/powder disparity, for example) or on the role of implicit bias in the behavior of individual police officers (Weaver, 2012; Murakawa, 2014; Twersky-Glasner, 2005; Glaser, 2015; Eberhardt et al., 2004; Fielding and Fielding, 1991). I identify racial disparities in arrest as the product of political processes of representation. I find support for the hypothesis that descriptive representation for racial minorities – specifically majority power – narrows the racial gap in arrests substantially. City councils where a majority of positions are held by people of color alter the racial dynamics of minor arrests by exercising oversight of police practices. Thus, this research sheds light on the conditions under which majoritarian institutions produce egalitarian outcomes. When the majority is not committed to addressing a problem that contributes to inequality, representative institutions are likely to produce inegalitarian outcomes. Subordinate groups remain vulnerable unless they can gain access to power, or ally with more powerful groups (Wasow, 2016).

2 Measuring Descriptive and Substantive Representation

How should scholars operationalize the relationship between descriptive representation and policy outcomes? I measure descriptive representation for racial minorities by measuring the share of the city council that is white. While racial minorities are not politically homogeneous (Hajnal and Trounstine, 2014), coalitions among representatives of color often form. In San Francisco, five council members of color (Asian, Latino, and Black) recently supported protesters in pushing for the police chief to be fired, while two white council members strongly supported the chief

(Green, 2016). Operationalizing descriptive representation through city council majorities reflects my theory that *power* is a key, missing element in theories of descriptive representation.

People of color are underrepresented in city councils. Figure 1(a) shows a density plot of the share of council members who are people of color, while Figure 1(b) shows representation as a function of population. As I argue below, even proportional representation is often inadequate to secure substantive representation of policy interests; however, city councils do not meet this threshold. To the extent that descriptive representation has substantive consequences, then, this underrepresentation matters for policy outcomes.



(a) City council percent people of color
Data from ICMA

(b) Representation vs population for people of color in city councils
Data from ICMA and ACS

Figure 1: Representation in city councils

In measuring substantive representation, I focus on policy outcomes rather than the adoption of specific policies. A broad literature describes the difficulties in establishing political control of the police: police are street-level bureaucrats who work largely without direct supervision (Lipsky, 1980; Hess, 2011; Miller, 2005). Anti-patronage reforms and police unions have created institu-

tional obstacles to political control (Kelling and Moore, 1988).

Notwithstanding these challenges, political control is possible: scholars describe the results of local control for enforcement decisions and arrests in domestic violence cases (Chaney and Saltzstein, 1998), the prevalence of minor arrests (Keller, 2015), and the frequency of stops (Mummolo, 2015; Provine et al., 2016). City councils, as local legislatures, can target communities for enforcement or forbearance: banning furniture on porches and lawns to allow increased enforcement, deprioritizing the enforcement of marijuana laws, or passing 'sanctuary city' laws preventing local police from cooperating with immigration authorities (Lewis et al., 2012; Provine et al., 2016). City councils can also use their supervisory powers to demand that police explain police practices, push police chiefs to resign, and influence hiring (Green, 2016; BondGraham, 2016; Queally, 2016). This tremendous variety of policy levers for city councils suggests that adopting any specific policy is less informative than the outcome.[2]

Thus, I examine the consequences of descriptive representation for racial disparities in the risk of minor arrests in US cities. These disparities are both substantively important and a useful test case for this theory. A literature going back decades testifies to concern among African Americans, Latinos, and other racial minorities about the differences in enforcement between whites and racial minorities (Gates, 1995; Baldwin, 1996; Epp, Maynard-Moody and Haider-Markel, 2014; Goffman, 2014; Rios, 2011; Menjívar and Bejarano, 2004; Leovy, 2015; Laughland, 2015; Fine et al., 2003; Lurigio, Greenleaf and Flexon, 2009; Bloom and Martin, 2013). [3] Moreover, both survey and qualitative evidence suggests that racial inequalities in risk of arrest for minor offenses are of

[2]In future work, I plan to develop an empirically grounded typology of the mechanisms for police control available to city governments.

[3]I focus on divisions between black and white attitudes towards criminal justice policy and descriptive representation. Criminal justice policy also takes in issues like domestic violence with significant gender components, issues like immigration enforcement where other ethnoracial divisions matter, and issues of interest to sexual minorities like policing of gay social environments and hate crimes directed at gender minorities. The black-white division on policing has two main advantages. First, it is clearly in evidence in American politics: well-documented, well-theorized, and substantively important. Second, data on racial identification are widely available in policing, allowing effective tests of the theory.

substantive interest to black voters in the present day (Pew Research Center, 2016; Lerman and Weaver, 2014*a*).

3 Data

3.1 Operationalizing Racial Disparities in Policing

I measure racial disparities in policing by examining the relative risk of arrests for minor offenses for black and white residents. For these minor arrests – for drug possession, loitering, sex work, and other largely consensual offenses – discretion is critical to enforcement decisions (Wilson, 1978). The racial disparities in traffic stops and minor arrests, in contrast, are broadly viewed as a cause for substantial concern about distributive justice (Epp, Maynard-Moody and Haider-Markel, 2014; Gates, 1995; Alexander, 2012). I therefore calculate risk ratios for each city for minor arrests by race, as follows:

$$\textit{Risk Ratio} \quad = \quad \frac{\frac{arrests_B}{population_B}}{\frac{arrests_W}{population_W}} \tag{1}$$

The variables are as follows: $arrests_B$ is the total number of arrests of black people for minor offenses; $arrests_W$ is the total number of arrests of white people for minor offenses. $population_B$ and $population_W$ are the black and white populations, respectively. [4]

I operationalize minor arrests using offenses counted in Part 2 of the Federal Bureau of Investigation's Uniform Crime Reports, which include drug and weapons possession, vandalism, drunkenness, curfew and loitering laws, simple assault, prostitution, and fraud charges, among others.[5] I do not separate out different charges within Part 2 offenses, because many of these are quite

[4] Appendix A shows the distribution of relative risk by city.

[5] Complete list of Part 2 offense categories: simple assault, curfew offenses and loitering, embezzlement, forgery and counterfeiting, disorderly conduct, driving under the influence, drug offenses, fraud, gambling, liquor offenses, offenses against the family, prostitution, public drunkenness, runaways, sex offenses, stolen property, vandalism, vagrancy, and

fungible: an officer who wishes to make a minor arrest – a "humble" in the parlance of Baltimore police – can choose drunkennesss, loitering, drug possession, or something else as the situation allows (Keller, 2015).

In this context, Ferguson's racial disparities look ordinary, rather than extraordinary. Table 1 shows the racial disparities in risk of arrest for Part 2 offenses for selected cities, along with their populations. Among cities with over 100,000 residents, many cities in the West and northern Midwest have particularly high racial disparities in risk of arrest, including cities with notably liberal politics such as Berkeley, San Francisco, Madison, and Seattle.

Table 1: Racial Disparities in Part 2 Arrests for Selected Cities

City	*Population*	*Risk Ratio*
Woodhaven, MI	12839	63.2
Edina, MN	47790	23.6
Madison, WI	231783	8.57
Berkeley, CA	111008	7.06
Baltimore, MD	620210	3.54
Ferguson, MO	**13342**	**2.67**
Dallas, TX	1196258	2.13

I also test the relationship between descriptive representation and the risk of police shootings. Many recent police shootings – including those of Michael Brown and Philando Castile – arose out of interactions related to a minor offense, like a traffic stop. A large portion of the racial disparity in police violence may be the result of the additional exposure to police contact faced by African Americans. Here, the results are more ambiguous: city councils with majorities of people of color are associated with a decline in the risk of police shootings, but this result is marginally statistically significant.

Descriptive representation that provides people of color power in majoritarian institutions – that is, a city council where the majority of members are people of color – eliminates more than

weapons offenses.

half of the racial disparity in relative risk.

3.2 Data Sources

To measure descriptive representation for racial minorities, I use data from the International City/County Managers' Association Municipal Form of Government Survey in 2011, which covers 3566 cities and includes questions about the demographic characteristics of city councils (International City/County Managers Association, 2011).[6] The treatment variable is *White Minority*: that is, city councils where a minority of city council members are white. I merge these data with the American Community Survey's 2011 five-year estimates for population by race, poverty, education, and other variables. Appendix C shows density plots for selected variables. In general, cities with ICMA responses have larger populations; larger shares of the populations of cities with ICMA responses are made up of people of color.

The primary outcome variable is the risk ratio for Part 2 arrests for black and white Americans by city. Data on Part 2 arrests come from the Federal Bureau of Investigation's Uniform Crime Reports (Federal Bureau of Investigation, 2011). [7] I use Part 2 arrests: traffic and pedestrian stops would also indicate racial disparities in enforcement of minor matters (Epp, Maynard-Moody and Haider-Markel, 2014; Goel, Rao and Shroff, 2016), but national data on these are not yet available. For black and white residents in each city I divide the number of Part 2 arrests by the city's population for that racial group to calculate the risk of arrest for that racial group; I take the ratio of the risks for black and white residents to calculate the relative risk of arrest for minor

[6] The first option in the question about race of city council members is "Native American." Perhaps as a result, there are 33 cities listed with very large Native American majorities on the city council (over 70%, mostly around 100%), for which the city was at most 3% Native American. In some cases the city reports more Native Americans on the city council than live in the town. I excluded these cities from my analysis. Most likely, the city employee completing the survey unintentionally listed white city council members as Native American.

[7] I do not include data on arrests of Asians, Native Americans, or Latinos. First, there are data sparseness issues, especially with data on Native Americans. In addition, many cities do not report this data to the FBI; since the Uniform Crime Reporting system is not mandatory, there is no mechanism for ensuring they do so. Data on Latinos in particular are largely unavailable because cities do not report the categories "Hispanic arrests" and "non-Hispanic arrests."

offenses. Nationally, the relative risk is around 2.4; the disparity can be much higher. Figures present data from the 3075 cities included in the ICMA universe for which I was able to merge in FBI data. The matching analysis focuses on a narrower subset: cities with minority white city councils, and the cities with majority white city councils matched by observed covariates.

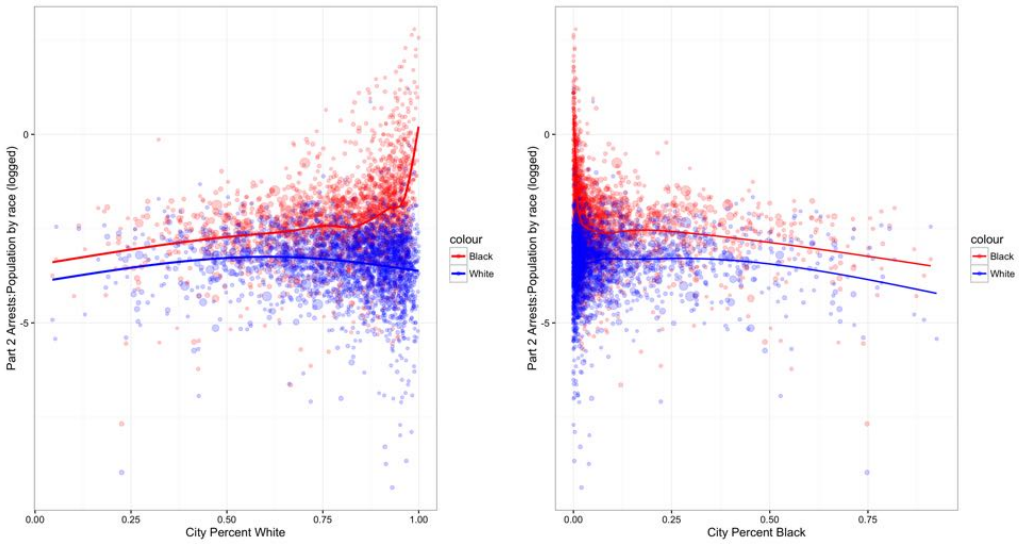
4 Analysis

4.1 Which cities have descriptive representation for racial minorities?

The cities included in the matching analysis have important differences from many other cities in the ACS or ICMA data. The mean city percent black is around 26% for both treated and control cities (the United States population is around 13% black), while the mean city percent white is around 55%, compared to a total US population that is about 75% white (Rastogi et al., 2011). Appendix D shows density plots comparing treated and control cities based on relevant demographics. Cities where a majority of city council members are people of color are, unsurprisingly, less white than cities with majority white city councils. They have higher black populations, but also more residents of other races and more Latino residents. They also have higher unemployment rates; the share of both white and African American residents living in poverty is higher, suggesting that the decline in racial disparities in risk of arrest is not driven by cities with more affluent black residents. Cities with majority non-white city councils are also larger, slightly more unequal as measured by Gini coefficients, and have a larger share of residents with less than a high school education. Because of the differences between treated and control cities in racial composition, matching is a particularly appropriate analytic technique.

4.2 Descriptive representation and racial disparities in minor arrests

The graph below shows the relationship between the percent of the city that is black (Figure 2(a)) or white (Figure 2(b))and the risk of arrest for minor offenses by race. The disparity is enormous for cities where the population is less than 5% black or more than 95% white, confirming anecdotal reports that all-white spatial environments are risky for African Americans.[8] However, beyond that point, the differences remain largely constant: in cities with a higher black share of the population, both black and white risks of arrests decline slightly.[9] Over the remainder of the distribution of city populations, the racial disparity remains similar.



(a) City percent white vs Part 2 arrests by race
Data from ACS and FBI

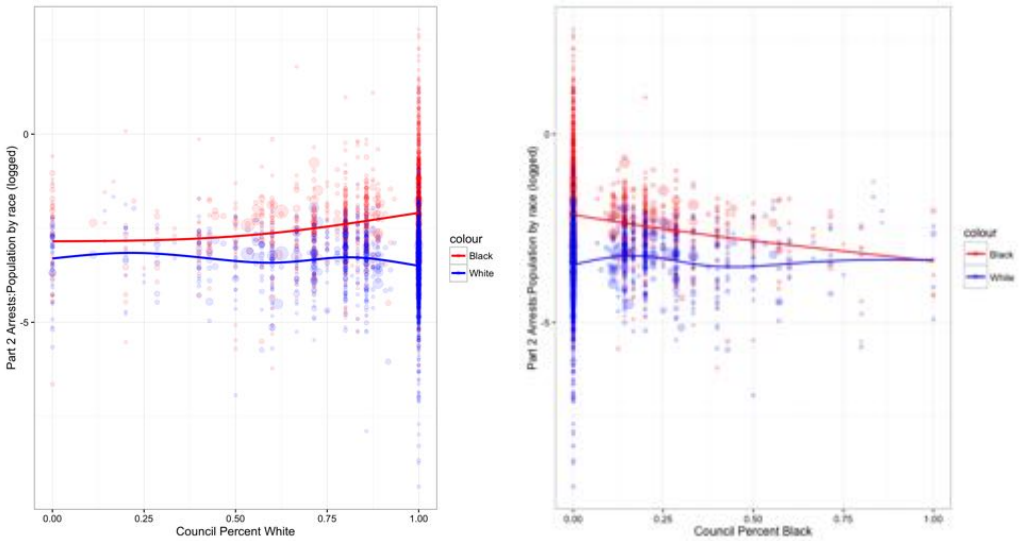
(b) City percent black vs Part 2 arrests by race
Data from ICMA and FBI

Figure 2: Black and white share of city population vs minor arrests by race.

Figure 3 shows the relationship between the percent of the city council that is black (or white) and racial disparities in minor arrests. Figure 3(a) shows that as the share of the city council

[8]While there may be confounding factors, this in itself suggests that African Americans who live in or travel to very white cities are at heightened risk of arrest for minor offenses. This suggests that the carceral state may be implicated in residential and occupational segregation, and the myriad resulting inequalities.

[9]These graphs include only cities which responded to the ICMA's 2011 survey and also submitted FBI data.



(a) Council percent white vs Part 2 arrests by race
Data from ACS and FBI

(b) Council percent black vs Part 2 arrests by race
Data from ICMA and FBI

Figure 3: Black and white representation on city council and black share of city population vs minor arrests by race. As people of color gain representation in city councils, racial disparities decline.

occupied by descriptive representatives of African Americans increases, racial disparities decline: white risk of arrest remains largely constant, while the black risk of arrest declines to meet it. White attitudes are also an important element of racial differences in preferences about policing; Figure 3(b) show the relationship between the percent of the city and city council that is white, and arrests for minor offenses by race. This shows the same general pattern: as the city council becomes less white, risk of arrest for minor offenses converges for black and white residents.

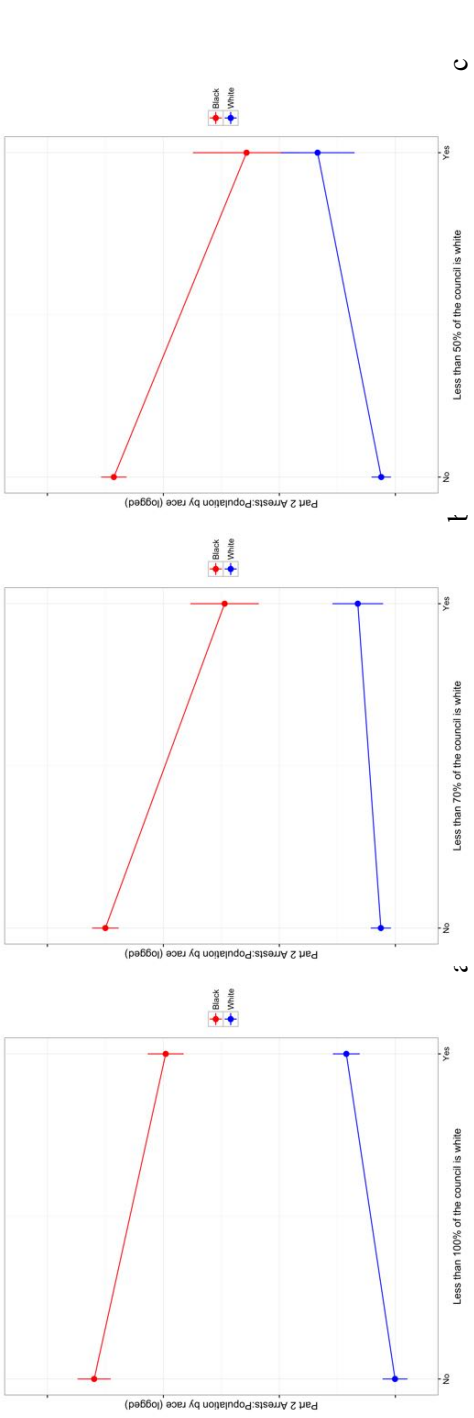
What is the tipping point at which racial minorities' presence on city councils influences racial disparities in arrests? If descriptive representatives primarily articulate interests and facilitate communication, a single person of color on the city council – or a small minority of people of color – could effectively represent the interests of people of color in reducing racial disparities in policing.

Figure 4 shows the risk of arrest for minor offenses by race for cities, testing different treatments.[10] Table 2 shows how racial disparities differ in cities with councils with at least one representative of color, at least 30% council members of color, and a majority of council members of color. These results confirm that power matters for descriptive representation: the differences between cities with city council majorities of color are both substantively and significantly far larger than those for any other level of descriptive representation.

Table 2: Effect of Varying Levels of Descriptive Representation on Racial Disparities in Policing

	Risk Ratios				
Treatment	Mean (treated)	Mean (control)	Difference	p (t-test)	p (Wilcoxon rank-sum test)
Council < 100% white	2.43 n = 597	2.72 n = 591	-0.282*	0.075*	0.267
Council < 70% white	2.53 n = 418	2.67 n = 963	-0.140	0.360	0.427
Council < 50% white	1.88 n = 94	2.63 n = 1094	-0.752***	0.0000299***	0.000644***
Note:					*p<0.1; **p<0.05; ***p<0.01 Data from ICMA, ACS, and FBI; cities < 3% black excluded

[10]These graphs exclude cities where less than 3% of the population is black. These cities have, on average, very high racial disparities in risk of arrest; they are also very unlikely to elect city council representatives of color.



(a) One person of color on the city council vs Part 2 arrests by race

(b) Less than 70 percent white city council vs Part 2 arrests by race

(c) Majority people of color on city council vs Part 2 arrests by race

Figure 4: The consequences of descriptive representation: presence (a), a significant minority (b), and majoritarian power (c) vs racial disparities in arrests.

4.3 Using Genetic Matching to Get (closer to) Causal Inference

While the results above show a compelling relationship, perhaps the characteristics which lead to white minorities on city council also change racial disparities in some other way. To account for this, I use genetic matching to identify treated cities to cities with a white majority on the city council, based on covariates which differ between treated and control cities (Diamond and Sekhon, 2013).[11] The best description of the method is found in Weaver and Lerman (2010): "Genetic matching is a generalization of propensity score matching and Mahalanobis distance, which uses a genetic algorithm (Sekhon and Mebane, 1998) to maximize covariate balance between treated and control groups (Diamond and Sekhon, 2013; Sekhon and Mebane, 1998; Sekhon, 2008*b*). Cases are selected using the results of t tests and bootstrapped Kolmogorov-Smirnov (KS) tests, a distribution-free test of the equality of two cumulative distributions. Genetic matching has better properties than alternative methods of matching, irrespective of whether the "equal percent bias reduction property holds (Diamond and Sekhon, 2013; Sekhon, 2007). Genetic matching can be used with or without a propensity score, but is significantly improved with the incorporation of a propensity score (Sekhon, 2008*a*). The propensity score is the conditional probability of receiving treatment... given observed covariates (Rosenbaum and Rubin, 1983)" (Weaver and Lerman, 2010).

I estimate the propensity score using logistic regression, then match on "both the linear predictor, which has the benefit over the predicted probabilities of not compressing the propensity score near zero and one (Sekhon, 2008*a*), and a set of covariates that has been orthogonalized to the propensity score" (Weaver and Lerman, 2010). I use the following covariates: city population (logged), the unemployment rate, the percent of city residents over 18 living in poverty, the share of the population that is black, the share of the population that is white, the share of the population over 25 with less than a high school education, the Gini coefficient (as a measure of inequality), and

[11] Restricting the sample to cities which both respond to the ICMA's 2011 survey questions about city councils (except cities with known errors, as described above) and report arrest statistics to the FBI in 2011 leaves 81 cities where the majority of city council members are people of color, plus an additional 1683 cities with white majorities on the city councils. Obtaining balance for cities with black city council majorities proved impossible.

the share of the black population with income below the poverty line. Using weights from genetic matching, I create a matched set of treated and control cities, and confirm that the two groups are well-balanced on the variables of interest. The matched cities do not have statistically significant differences in any of the relevant variables. Figure 5 shows the balance on covariates for treated and control cities.

Table 3: Matching Analysis of Descriptive Representation on Racial Disparities in Policing

	Risk Ratios			
	Mean (treated)	Mean (control)	Difference	p
Part 2 arrests	1.75	2.99	-1.24**	0.014**
			(0.50)	
Police killings	0.00000423	0.0000215	-0.0000173*	0.078*
			(0.0000098)	
Notes:			*p<0.1; **p<0.05; ***p<0.01	
			Abadie-Imbens standard errors in parentheses	
			N = 81 (treated). 81 matched control units, drawn from 1600.	

Table 3 shows the results of the matching analysis. The effect of a non-white city council is both statistically and substantively significant. City councils with a majority of people of color have a risk ratio of 1.75 – conditional on population, black residents are 1.75 times as likely to be arrested for minor offenses as white residents. A relative risk of 1 would indicate parity. This is a difference of -1.24 from the control cities, where black residents are (conditional on population) nearly three times as likely to be arrested as white residents.

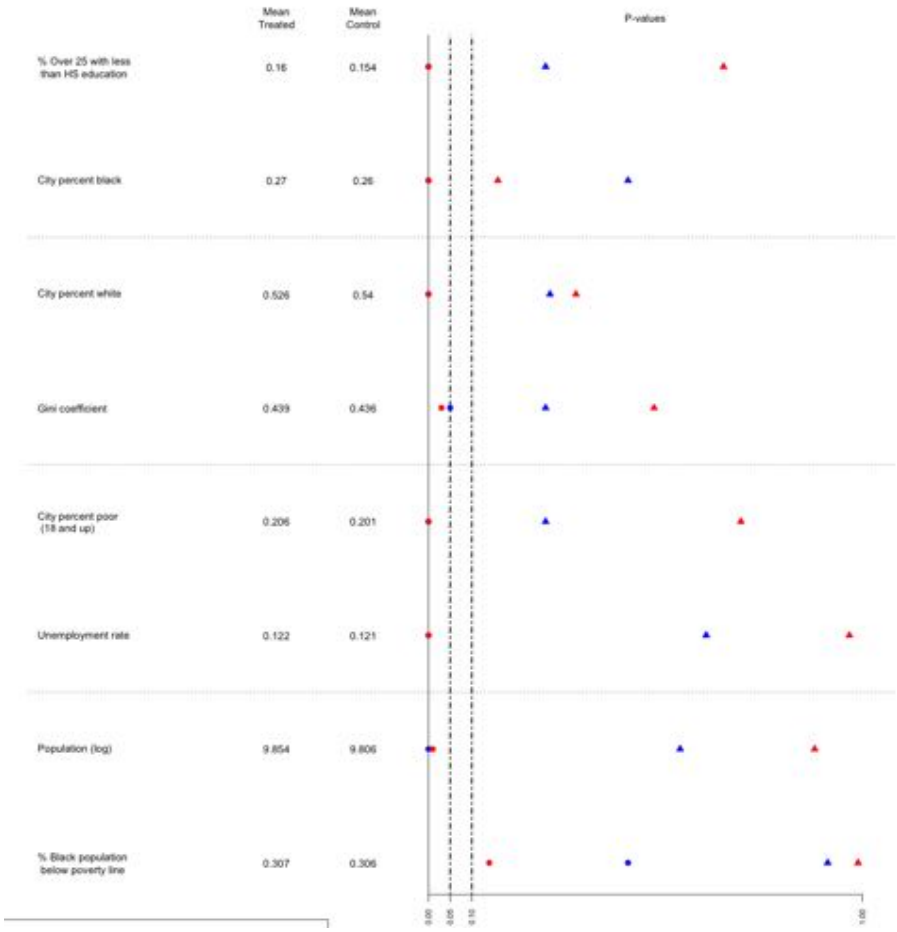


Figure 5: Balance on covariates for matched cities

4.4 Alternative hypotheses

Perhaps, some might argue, this effect is the result of differences in black socioeconomic status that are reflected in the greater numbers of people of color on the city council: more affluent, more politically connected black communities will be more likely to elect representatives of color, and less likely to face minor arrest. I include the share of the black population with income below the poverty line in the matching covariates; the treated and control cities are similar in this as in

other respects, and the treated cities actually have slightly higher levels of poverty for both black and white residents. In addition, if an unobserved difference other than political power in the role of African Americans in treated communities is driving these differences, it should be apparent in lower – proportional, not majoritarian – levels of representation.

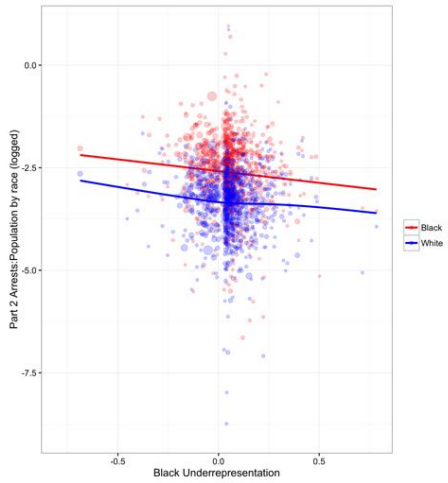


Figure 6: Black underrepresentation vs Part 2 arrests by race
Data from ICMA, ACS, and FBI

That is, in cities where better African American integration or higher socioeconomic status leads to both political power for racial minorities and lower black/white disparities in minor arrests, city councils should have more members of color conditional on population. I construct a measure of black underrepresentation on city councils, as follows:

$$U_B = City_B - Council_B \tag{2}$$

Figure 6 shows the relationship between black underrepresentation and Part 2 arrests by race. [12] This suggests that descriptive representational power is not a proxy for other types of sociopolitical

[12]The graph is limited to cities where at least 3% of residents are black. Cities with very few black residents often have extremely high risks of arrest for African Americans, but African Americans are not underrepresented because there are too few for representation to be expected.

inclusion.

I also use Rosenbaum sensitivity analysis to test the robustness of the findings to any unobserved confounder. Hodges-Lehman bounds do not bracket zero until Γ reaches 1.80. $p < 0.05$ for Γ values between 1 and 1.23; $p < 0.10$ for Γ values through 1.35. Considering the relatively small sample size, this finding suggests that the results are moderately robust to a hidden confounder (Keele, 2010).

4.5 Discussion

What do these estimates imply? First, the racial disparity between treated and control cities is quite large. As a matter of distributive justice, there is a substantial difference between a three-fold racial disparity in the risk of arrest for minor offenses, and a relative risk of 1.75.

As described above, the cities in this analysis are not representative of all US cities. The average racial disparity in arrest risk in control cities is only a little above the national average; dynamics may be quite different – and the treatment is likely unachievable – in the heavily white cities with the most severe racial disparities. However, these limitations also suggest how important these findings are. Structural factors are not sufficient to explain the racial disparities in minor arrests. Racial minorities' access to political power, in contrast, reduces these disparities by more than half.

5 Deliberative Democracy and the Nature of Representation

These results shed light on two key questions about descriptive representation and political power. First, they suggest the importance of majoritarian power in political institutions for achieving substantive representation and influencing policy outcomes. Second, why does descriptive representation matter in this particular context? I argue that when intra-party divisions are high, and racial minorities cannot rely on their co-partisans to support their policy interests, descriptive representation plays a critical role in linking elite and mass interests.

5.1 Presence vs Power: Deliberative Dynamics in Majoritarian Institutions

Most of the literature on descriptive representation focuses on Congress and other state and national legislative institutions (Mansbridge, 1999; Grose, 2011; Tate, 2001; Washington, 2008; Casellas, 2010; Kerr and Miller, 1997), where neither ethnoracial minorities nor women are likely to gain a numerical majority. Mansbridge, for example, argues that descriptive representation puts people in a position to articulate group interests or facilitate access for interest groups (Mansbridge, 1999). These important roles are ones legislators can play without having a majority within the institutions (Grose, 2011).

Larger numbers of members of subordinate groups change policy-making in two ways: by affecting deliberative dynamics, and by giving them control of majoritarian institutions. Group composition has important consequences for the deliberative conclusions that groups and mock juries reach, and "the effects [are not] simply a linear function of adding or subtracting a member of a given gender or racial group; effects appear to be non-linear and interactive" (Karpowitz and Mendelberg, 2007). Institutional rules, such as consensus requirements, can empower women when they are in the minority, but groups where a subordinate group holds the majority also change how often, and in what ways, the subordinate group participates (Karpowitz and Mendelberg, 2014). Both the outcomes of group decision-making and the articulated opinions of individuals change when women or people of color are a majority (Karpowitz and Mendelberg, 2007; Mendelberg and Oleske, 2000).

In addition, most legislative bodies are majoritarian institutions: adopting a policy requires the support of at least half of the members. At a fundamental level, if descriptive representation affects the policy *preferences* of legislators, they must still secure enough support in the legislative body (council, legislature or Congress) to pass a new policy. Guinier describes the formal mechanisms, from agenda-setting restrictions to majority requirements for legislation, that exclude minority representatives of communities of color from *influence* in legislative settings (Guinier, 1994). Without

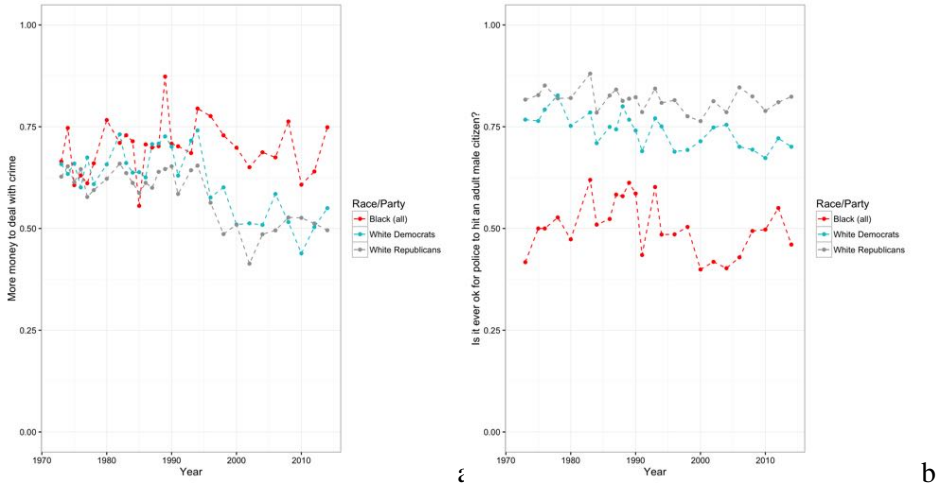
majority power, representatives may provide services and advocacy for their constituents without changing the most materially important policy *outcomes*.

Studying majority representation for subordinate groups is impractical for researchers focused on state and national institutions. Only Hawai'i's legislature was over 50% people of color, and the next highest total was California, at 39% (Kurtz, 2015). Studying cities offers a solution to this problem, as well as other methodological advantages, because of the large number of cities and the extent of their variation (Trounstine, 2009). There are over 100 cities in the United States with city council majorities made up of people of color; seventy-three have black majorities (International City/County Managers Association, 2011). Studying cities offers an approach to study a general question about representation where there is insufficient coverage on the independent variable at the state and national levels. Moreover, many substantively important policies – policing, education, zoning, and housing – are governed in whole or in part at the local level. Studying local governments thus gives researchers important leverage on whether presence or power is most important for representation in policy outcomes.

5.2 Descriptive Representation vs Party Politics

Representation relies on linkages between elites and the mass public. Parties connect voters and groups of voters to policy outcomes, by organizing both electoral competition and congressional action (Frymer, 2010; Grose, 2011; Schattschneider, 1942; Bawn et al., 2012; Washington et al., 2012). When opinions within a political party differ along racial or other demographic lines, descriptive representation offers an alternative linkage. In her theoretical work on descriptive representation, Mansbridge focuses on the role of representatives in facilitating communication and articulating "uncrystallized interests", which "have not been on the political agenda long, candidates have not taken public positions on them, and political parties are not organized around them." In practice, many issues remain outside the overt, crystallized conflict between political parties,

and not temporarily (Frymer, 2010; Hajnal and Lee, 2011; Weaver and Decker, 2014).[13] Frymer argues that two-party competition excludes minorities: when "race is a salient aspect of electoral conflict[,] party leaders generally face a distribution that is skewed quite strongly to the right, with the bulk of white voters on the conservative end of the continuum and the bulk of black voters on the liberal end.... Two-party competition either devolves into one-party domination [or] centers entirely around the majority group" (Frymer, 2010).



(a) Concerns about crime by race and party. Data from GSS: are we spending too much, too little, or the right amount on halting the rising crime rate?

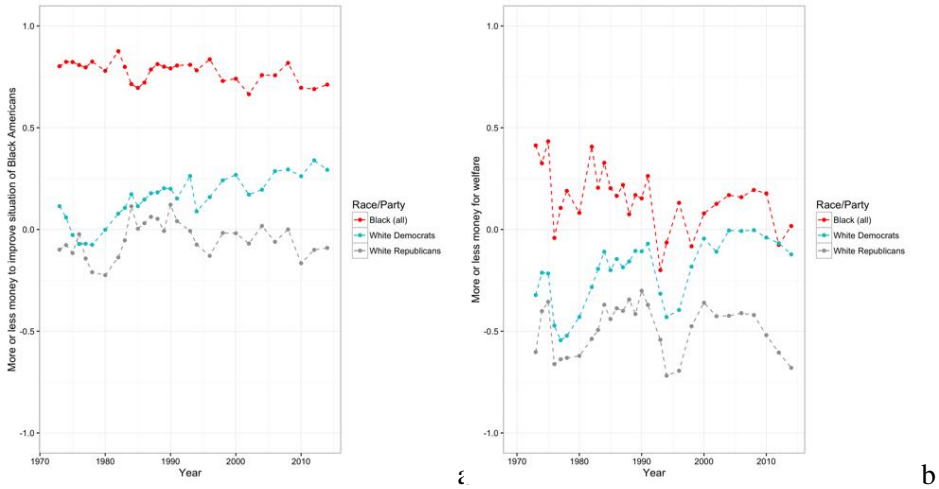
(b) Concerns about police violence by race and party. Data from GSS: is it ever ok for police to hit an adult male citizen?

Figure 7: Substantial intra-party racial divisions in public opinion about crime

Crime politics feature particularly strong intra-party divisions. Black Democrats are both more

[13] Women typically live in mixed-gender households, and most members of gender/sexual minorities have familial ties to people outside the LGBTQ community. They therefore share political and economic interests with members of the dominant group in their communities. In contrast, familial and spatial segregation means that most people share households and family ties with members of their own racial group, and means that ethnoracial divisions lead to especially distinct political and economic interests (Massey and Denton, 1993). The fact that women and sexual minorities can be born into any household means that even heterosexual Republicans may change their views on issues relevant to gay Americans when their children come out. Rob Portman and Dick Cheney offer prominent examples of Republicans with gay children who support same-sex marriage (Cooper, 2009). Similarly, there is some evidence that legislators with daughters take more liberal positions on women's issues, especially reproductive rights (Washington, 2008).

concerned about crime and more concerned about police violence than white Democrats.[14] Figure 7(a) shows divisions by race and party on concern about crime, while Figure 7(b) shows divisions by race and party for concern about police violence. (All data come from the General Social Survey.) Even on highly racialized issues like welfare (Gilens, 2009), racial divisions are less important than party divisions. For context, Figure 8(a) shows public opinion by race and party on prioritizing improving the conditions of black Americans, while Figure 8(b) shows public opinion by race and party on welfare. These show that racial divisions on crime are similar to racial divisions on explicitly racial questions, and much more substantial even than social spending questions like welfare which are heavily racialized. Appendix D provides similar graphs for a selection of additional questions, which show that questions on crime are substantively different from questions on other issues in their racial divisions.



(a) Concerns about situation of African Americans by race and party. Data from GSS: are we spending too much, too little, or the right amount on improving the conditions of Blacks?

(b) Concerns about welfare by race and party. Data from GSS: are we spending too much, too little, or the right amount on welfare?

Figure 8: Racial divisions on crime are more similar to divisions on explicitly racial policies, less similar to divisions on social spending

[14]This public opinion result is not surprising, since African Americans are more heavily affected by both crime and police violence than whites. Moreover, these divisions are mirrored by elites (Hinton, Kohler-Hausmann and Weaver, 2016).

When parties do not effectively represent the interests racial minorities, how can voters ensure that their substantive interests are represented in policy-making? Descriptive characteristics, like party membership, solve a delegation problem. Ethnoracial identity signals that a person is in and of a particular community; gender conveys information about a person's likely experiences within a gendered world. Even when members of a group have heterogeneous policy preferences, they may have a shared problem definition (Weaver and Decker, 2014). White Democrats' and Republicans' assessments of the role of racism in US politics are for more similar to each other than they are to the assessments of African Americans (Hutchings and Valentino, 2004; Fiorina and Levendusky, 2006; Mangum, 2013).

Weaver and Decker argue that, during the development of the war on crime, "black leaders... attempted to shift the problem definition, arguing that 'the victims are us'" and advocating policies to "empower community members to confront crime by strengthening and creating indigenous institutions and... to redirect the overwhelming focus on enlarging criminal justice agencies to supporting community-based, grassroots anti-crime initiatives" (Weaver and Decker, 2014). Similarly, during the debate over the Violent Crime Control and Law Enforcement Act of 1994, "members of the Congressional Black Caucus criticized the bill itself and introduced an alternative bill" which reflected an analysis of the crime problem distinctly different from that of both white liberals and white conservatives (Hinton, Kohler-Hausmann and Weaver, 2016). Black representatives articulated important black interests, in disagreement with their white co-partisans, but were outnumbered in Congress.

Descriptive representation is especially important at the local level, where party cues are weak and electorates are less divided by party. Only 16.8% of cities include partisan identifications for city council candidates on ballots (International City/County Managers Association, 2011). Thus, in local venues, parties cannot effectively incorporate and advocate for group interests as they do in contested national elections. Because group membership cannot easily be changed, it serves as

a credible signal that someone is likely to assess and address policy issues in ways that accord with their group's preferences. When party membership does not effectively provide this information – because parties have not taken up a particular issue, or because the venue makes party cues ineffective – descriptive representation offers an alternative link between mass and elite politics, and has more important consequences for policy outcomes.

6 Significance

Throughout this paper, I focus on racial disparities in arrests for discretionary offenses. These minor arrests, as I argue above, have major consequences. A broad literature in political science and sociology documents the "disintegrative" consequences of carceral contact for individuals and communities. Criminal convictions and incarceration weaken community bonds and civic engagement (Burch, 2013; Clear, 2007; Lerman and Weaver, 2014*b*,*a*; Western, 2007), make finding work much more difficult (Pager, 2007; Pettit, 2012), weaken trust in the criminal justice system (Epp, Maynard-Moody and Haider-Markel, 2014; Rios, 2011; Keller, 2015), and engender future criminal activity (Goffman, 2014). Even when no conviction results, the process of being marked and supervised by the criminal justice system through an arrest and dismissal exposes individuals to the risk of greater future punishments, and places burdens on them to meet bail or risk losing jobs, homes, custody of children (Kohler-Hausmann, 2013; Pinto, 2015).

Racial disparities in the risk of minor arrests raise concerns about both procedural and distributive justice. The procedural justice literature suggests that "investigative" stops and other interactions with no clear public safety purpose leave civilians with less trust in law (Fagan, 2008; Fagan and Meares, 2008; Fagan, Meares and Tyler, 2011; Papachritos, Meares and Fagan, 2012; Keller, 2015; Skogan, 2006). However, even when arrests are effected within the procedural norms, massive racial disparities raise concerns about distributive justice (Alexander, 2012; Tankebe, 2013).

Finally, these minor arrests may in fact underrepresent the extent of the racial disparity in police

contact. African Americans are 270% more likely than whites to be subjected to an investigatory stop (Epp, Maynard-Moody and Haider-Markel, 2014; The Council on Crime and Justice and The Institute on Race and Poverty, 2003; LaFraniere and Smith, 2016). These interactions are not counted in the Part 2 arrest summaries submitted to the FBI. Philando Castile, a black man in Minnesota killed by police during a traffic stop for a broken taillight, exemplifies the risks of these frequent stops. Castile had been stopped 49 times for minor reasons – an unlit license plate, tinted windows – in the thirteen years before he was shot. Even if police lacked any bias in decision-making in individual situations, Castile's many encounters with police put him at greater risk: each interaction held the risk of escalation, elevating his cumulative probability of violence from the police (Eckhouse, 2016).

Police sometimes argue that arrests for discretionary offenses help them incapacitate dangerous people who have committed serious crimes (Leovy, 2015). Arresting Al Capone on charges of tax evasion is one thing; expanding the logic to large parts of the American citizenry, however, undermines the rule of law. It substitutes the judgment of police for the judgment of the court, leaving no room for defense or adjudication, expanding uncertainty, and undermining the already tenuous claims of the American criminal justice system to procedural justice. Undermining procedural justice, in turn, undermines the perceived legitimacy of the state and the effectiveness of police enforcement, and thus leads to retributive violence (Fagan, 2008; Fagan and Meares, 2008; Fagan, Meares and Tyler, 2011; Papachritos, Meares and Fagan, 2012; Leovy, 2015).

This paper makes two central contributions. First, it provides insight into an important empirical problem: the causes of racial disparities in carceral contact. Racial disparities in criminal justice are a vexing and serious problem, leading to alienation from the state, loss of legitimacy for the criminal justice system, and retributive violence. While individual bias and broader national trends in policing and criminal law undoubtedly play a role, this analysis shows that the tremendous geographic variation in racial disparities is a consequence of local politics.

More broadly, this paper sheds light on why and how descriptive representation matters. In venues and issues where parties do not represent the demands of subordinate groups, descriptive representation plays a critical role in linking racial minorities to political influence. Descriptive representation for racial minorities influences policy outcomes, improving distributive justice by reducing the racial disparities in discretionary enforcement. Presence is not enough, though. Groups where the majority of members are people of color have deliberative dynamics that differ substantially from the dynamics in majority white conversations; moreover, majoritarian institutions mean that, at a fundamental level, the descriptive representatives can influence policy outcomes more effectively when they form a majority of the legislative institution.

References

Alexander, Michelle. 2012. *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.

Baldwin, James. 1966. "A Report From Occupied Territory." *The Nation* 203(2):39–43.

Baldwin, James. 1996. "A Report from Occupied Territory." *The Nation* .

Bawn, Kathleen, Martin Cohen, David Karol, Seth Masket, Hans Noel and John Zaller. 2012. "A theory of political parties: Groups, policy demands and nominations in American politics." *Perspectives on Politics* 10(03):571–597.

Bloom, Joshua and Waldo E Martin. 2013. *Black against empire: The history and politics of the Black Panther Party*. Univ of California Press.

Bobo, Lawrence and Franklin D. Gilliam. 1990. "Race, sociopolitical participation, and black empowerment." *American Political Science Review* 84(02):377–393.

BondGraham, Darwin. 2016. "Oakland Debates Best Way to Watch Over Its Police Department." *East Bay Express* .

Brayne, Sarah. 2014. "Surveillance and System Avoidance Criminal Justice Contact and Institutional Attachment." *American Sociological Review* p. 0003122414530398.

Briscoe, Tony. 2015. "Protesters plan 'Black Christmas' march along Mag Mile." *The Chicago Tribune* .

Burch, Traci. 2013. *Trading democracy for justice: Criminal convictions and the decline of neighborhood political participation*. University of Chicago Press.

Casellas, Jason P. 2010. *Latino Representation in State Houses and Congress*. Cambridge University Press.

Chaney, Carole Kennedy and Grace Hall Saltzstein. 1998. "Democratic control and bureaucratic responsiveness: The police and domestic violence." *American Journal of Political Science* pp. 745–768.

Clear, Todd R. 2007. *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. Oxford University Press.

Cooper, Helene. 2009. "Cheney Reasserts Stance on Gay Marriages." *The New York Times* .

Dawson, Michael C. 2003. *Black visions: The roots of contemporary African-American political ideologies*. University of Chicago Press.

Diamond, Alexis and Jasjeet S Sekhon. 2013. "Genetic matching for estimating causal effects: A general multivariate matching method for achieving balance in observational studies." *Review of Economics and Statistics* 95(3):932–945.

Eberhardt, Jennifer L, Phillip Atiba Goff, Valerie J Purdie and Paul G Davies. 2004. "Seeing black: race, crime, and visual processing." *Journal of personality and social psychology* 87(6):876.

Eckhouse, Laurel. 2016. "Everyday Risk: How the Distribution of Police Contact Produces Racial Disproportion in Police Shootings." *Working paper* .

Enns, Peter K. 2016. *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World*. Cambridge University Press.

Epp, C. R., S. Maynard-Moody and D. P. Haider-Markel. 2014. *Pulled Over: How Police Stops Define Race and Citizenship*. Chicago Series in Law and Society University of Chicago Press.

Fagan, J. and T. Meares. 2008. "Punishment, deterrence and social control: The paradox of punishment in minority communities." *Ohio State Journal of Criminal Law* 6(173).

Fagan, Jeffrey. 2008. "Legitimacy and criminal justice-introduction." *Ohio St. J. Crim. L.* 6:123.

Fagan, Jeffrey, T. Meares and T. Tyler. 2011. Street stops and police legitimacy in New York. In *Unpublished manuscript presented at The Crime Decline Conference, John Jay College of Criminal Justice, New York, NY*.

Federal Bureau of Investigation. 2011. "Uniform Crime Reports.".

Fielding, Nigel G. and Jane Fielding. 1991. "Police Attitudes to Crime and Punishment: Certainties and Dilemmas." *British Journal of Criminology* 31(1):39–53.

Fine, Michelle, Nick Freudenberg, Yasser Payne, Tiffany Perkins, Kersha Smith and Katya Wanzer. 2003. "Anything can happen with police around: Urban youth evaluate strategies of surveillance in public places." *Journal of Social Issues* 59(1):141–158.

Fiorina, Morris P. and Matthew S. Levendusky. 2006. *Disconnected: The political class versus the people*. Vol. 1 Pietro S. Nivola and David W. Brady pp. 49–71.

Forman, James. 2004. "Community policing and youth as assets." *The Journal of Criminal Law and Criminology (1973-)* 95(1):1–48.

Frymer, Paul. 2010. *Uneasy alliances: Race and party competition in America*. Princeton University Press.

Gates, Henry Louis. 1995. "Thirteen Ways of Looking at a Black Man." *The New Yorker* .

Gilens, Martin. 2009. *Why Americans hate welfare: Race, media, and the politics of antipoverty policy*. University of Chicago Press.

Glaser, Jack. 2015. *Suspect race: Causes and consequences of racial profiling*. Oxford University Press, USA.

Goel, Sharad, Justin M Rao and Ravi Shroff. 2016. "Precinct or Prejudice? Understanding Racial Disparities in New York City's Stop-and-Frisk Policy." *Annals of Applied Statistics* 10(1):365–394.

Goffman, Alice. 2014. *On the run : fugitive life in an American city*. University of Chicago Press.

Goldstein, Rebecca, Michael Sances and Hye Young You. 2016. "Over-policing, Under-policing, or Both? An Analysis of Police Resource Allocation." *Working Paper* .

Green, Emily. 2016. "Four S.F. supes now say Suhr shouldnt remain as police chief." *San Francisco Chronicle* .

Griffin, John D. 2014. "When and why minority legislators matter." *Annual Review of Political Science* 17:327–336.

Griffin, John D and Michael Keane. 2006. "Descriptive representation and the composition of African American turnout." *American Journal of Political Science* 50(4):998–1012.

Grose, Christian R. 2011. *Congress in black and white: Race and representation in Washington and at home*. Cambridge University Press.

Guinier, Lani. 1994. *The tyranny of the majority: Fundamental fairness in representative democracy*. New York: Free Press.

Hajnal, Zoltan and Jessica Trounstine. 2014. "What underlies urban politics? Race, class, ideology, partisanship, and the urban vote." *Urban Affairs Review* 50(1):63–99.

Hajnal, Zoltan L and Taeku Lee. 2011. *Why Americans don't join the party: Race, immigration, and the failure (of political parties) to engage the electorate*. Princeton University Press.

Hess, Frederick M. 2011. *Spinning wheels: The politics of urban school reform*. Brookings Institution Press.

Hinton, Elizabeth, Julilly Kohler-Hausmann and Vesla M. Weaver. 2016. "Did Blacks Really Endorse the 1994 Crime Bill?".
URL: *http://www.nytimes.com/2016/04/13/opinion/did-blacks-really-endorse-the-1994-crime-bill.html*

Hofer, Paul J. 2011. "Has Booker restored balance? A look at data on plea bargaining and sentencing." *Federal Sentencing Reporter* 23(5):326–332.

Howell, Susan E, Huey L Perry and Matthew Vile. 2004. "Black cities/white cities: Evaluating the police." *Political Behavior* 26(1):45–68.

Huetteman, Emmarie. 2016. "Tim Scott, Black Republican, Recounts Run-ins With Police." *The New York Times* .

Hutchings, Vincent L and Nicholas A Valentino. 2004. "The centrality of race in American politics." *Annu. Rev. Polit. Sci.* 7:383–408.

International City/County Managers Association. 2011. "Municipal Form of Government Survey.".

Karpowitz, Christopher F. and Tali Mendelberg. 2007. "Groups and deliberation." *Swiss Political Science Review* 13(4):645–662.

Karpowitz, Christopher F and Tali Mendelberg. 2014. *The silent sex: Gender, deliberation, and institutions*. Princeton University Press.

Keele, Luke. 2010. "An overview of rbounds: An R package for Rosenbaum bounds sensitivity analysis with matched data." *White Paper. Columbus, OH* pp. 1–15.

Keller, Bill. 2015. "David Simon on Baltimore's Anguish." *The Marshall Project* .

Kelling, George L. and Mark Harrison Moore. 1988. "The evolving strategy of policing." *Perspectives on Policing* 4.

Kerr, Brinck and Will Miller. 1997. "Latino representation, it's direct and indirect." *American Journal of Political Science* pp. 1066–1071.

Kohler-Hausmann, Issa. 2013. "Misdemeanor Justice: Control without Conviction." *American Journal of Sociology* 119(2):351–393.

Kurtz, Kari. 2015. "Who We Elect: The Demographics of State Legislatures." *State Legislatures Magazine* .

LaFraniere, Sharon and Mitch Smith. 2016. "Philando Castile Was Pulled Over 49 Times in 13 Years, Often for Minor Infractions." *The New York Times* .

Laughland, Oliver. 2015. "Chronicle of a death untold: why witnesses to killings of Latinos by police stay silent." *The Guardian* .

Leovy, Jill. 2015. *Ghettoside*. Spiegel & Grau.

Lerman, Amy E. 2013. *The modern prison paradox: Politics, punishment, and social community*. Cambridge University Press.

Lerman, Amy E. and Vesla M. Weaver. 2014*a*. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. University of Chicago Press.

Lerman, Amy E. and Vesla M. Weaver. 2014*b*. "Staying out of sight? Concentrated policing and local political action." *The ANNALS of the American Academy of Political and Social Science* 651(1):202–219.

Lewis, Paul G, Doris Marie Provine, Monica W Varsanyi and Scott H Decker. 2012. "Why do (some) city police departments enforce federal immigration law? Political, demographic, and organizational influences on local choices." *Journal of Public Administration Research and Theory* p. mus045.

Lipsky, Michael. 1980. *Street-level bureaucracy : dilemmas of the individual in public services*. New York: Russell Sage Foundation.

Lurigio, Arthur J, Richard G Greenleaf and Jamie L Flexon. 2009. "Effects of Race on Relationships with the Police: A Survey of African American and Latino Youths in Chicago, The." *W. Criminology Rev.* 10:29.

Lynch, Mona. 2011. "Mass incarceration, legal change, and locale." *Criminology & Public Policy* 10(3):673–698.

Mangum, Maruice. 2013. "The Racial Underpinnings of Party Identification and Political Ideology." *Social Science Quarterly* 94(5):1222–1244.

Mansbridge, Jane. 1999. "Should blacks represent blacks and women represent women? A contingent yes." *The Journal of politics* 61(03):628–657.

Massey, D. S. and N. A. Denton. 1993. *American apartheid: Segregation and the making of the underclass*. Harvard Univ Pr.

Medina, Jennifer. 2016. "Website Meant to Connect Neighbors Hears Complaints of Racial Profiling." *The New York Times* .

Mendelberg, Tali and John Oleske. 2000. "Race and public deliberation." *Political Communication* 17(2):169–191.

Menjívar, Cecilia and Cynthia Bejarano. 2004. "Latino immigrants perceptions of crime and police authorities in the United States: A case study from the Phoenix metropolitan area." *Ethnic and racial studies* 27(1):120–148.

Miller, Gary J. 2005. "The political evolution of principal-agent models." *Annu. Rev. Polit. Sci.* 8:203–225.

Muhammad, Khalil Gibran. 2011. *The condemnation of blackness*. Harvard University Press.

Mummolo, Jonathan. 2015. "Can New Procedures Improve the Quality of Policing? The Case of Stop, Question and Frisk in New York City.".

Murakawa, Naomi. 2014. *The first civil right: how liberals built prison America*. Oxford University Press, USA.

Ostrom, Elinor and Gordon Whitaker. 1973. "Does local community control of police make a difference? Some preliminary findings." *American Journal of Political Science* pp. 48–76.

Pager, Devah. 2007. *Marked: race, crime, and finding work in an era of mass incarceration*. Chicago: University of Chicago Press.

Papachritos, Adrew V., Tracey L. Meares and Jeffrey Fagan. 2012. "Why do Criminals Obey the Law-The Influence of Legitimacy and Social Networks on Active Gun Offenders." *J. Crim. L. & Criminology* 102:397.

Pettit, Becky. 2012. *Invisible men: Mass incarceration and the myth of black progress*. Russell Sage Foundation.

Pew Research Center. 2016. "On Views of Race and Inequality, Blacks and Whites Are Worlds Apart." *Report* .

Pinto, Nick. 2015. "The Bail Trap." *The New York Times* .

Provine, Doris Marie, Monica W Varsanyi, Paul G Lewis and Scott H Decker. 2016. *Policing Immigrants: Local Law Enforcement on the Front Lines*. University of Chicago Press.

Queally, James. 2016. "Oakland loses third police chief in nine days, will operate under civilian control." *The Los Angeles Times* .

Rastogi, Sonya, Tallese D. Johnson, Elizabeth M. Hoeffel and Malcolm P. Drewery, Jr. 2011. "The Black Population: 2010." *2010 Census Briefs* .

Rios, Victor M. 2011. *Punished: Policing the lives of Black and Latino boys*. NYU Press.

Rosenbaum, Paul R and Donald B Rubin. 1983. "The central role of the propensity score in observational studies for causal effects." *Biometrika* 70(1):41–55.

Saltzstein, Grace Hall. 1989. "Black mayors and police policies." *The Journal of Politics* 51(03):525–544.

Sances, Michael W and Hye Young You. 2016. "The Costs of Unequal Representation: Evidence from US Cities.".

Schattschneider, E. E. 1942. *Party Government*. New York, Rinehart.

Sekhon, Jasjeet S. 2007. "Alternative balance metrics for bias reduction in matching methods for causal inference." *Survey Research Center, University of California, Berkeley* .

Sekhon, Jasjeet S. 2008*a*. "Multivariate and propensity score matching software with automated balance optimization: the matching package for R." *Journal of Statistical Software* .

Sekhon, Jasjeet S. 2008*b*. "The Neyman-Rubin model of causal inference and estimation via matching methods." *The Oxford handbook of political methodology* pp. 271–299.

Sekhon, Jasjeet S and Walter R Mebane. 1998. "Genetic optimization using derivatives." *Political Analysis* 7(1):187–210.

Simon, J. 2007. *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. Oxford University Press, USA.

Skogan, Wesley G. 2006. *Police and community in Chicago: A tale of three cities*. Oxford University Press on Demand.

Skolnick, Jerome H and David H Bayley. 1988. *The new blue line: Police innovation in six American cities*. Simon and Schuster.

Solnit, Rebecca. 2016. "Death by gentrification: the killing that shamed San Francisco." *The Guardian* .

Stucky, Thomas D. 2011. "The conditional effects of race and politics on social control: Black violent crime arrests in large cities, 1970 to 1990." *Journal of Research in Crime and Delinquency* p. 0022427810393020.

Stuntz, William J. 2011. *The collapse of the American criminal justice system*. Cambridge, Mass.: Belknap Press of Harvard University Press.

Tankebe, Justice. 2013. "Viewing things differently: The dimensions of public perceptions of police legitimacy." *Criminology* 51(1):103–135.

Tate, Katherine. 2001. "The political representation of blacks in Congress: Does race matter?" *Legislative Studies Quarterly* pp. 623–638.

The Council on Crime and Justice and The Institute on Race and Poverty. 2003. "Minnesota Statewide Racial Profiling Report." *Report to the Minnesota Legislature* .

Trounstine, Jessica. 2009. "All politics is local: The reemergence of the study of city politics." *Perspectives on Politics* 7(03):611–618.

Twersky-Glasner, Aviva. 2005. "Police personality: What is it and why are they like that?" *Journal of Police and Criminal Psychology* 20(1):56–67.

United States Department of Justice Civil Rights Division. 2015. Investigation of the Ferguson Police Department. Technical report.

Vega, Tanzina and John Eligon. 2014. "Deep Tensions Rise to Surface After Ferguson Shooting." *The New York Times* .

Washington, Ebonya L. 2008. "Female socialization: how daughters affect their legislator fathers' voting on women's issues." *The American economic review* 98(1):311–332.

Washington, Ebonya et al. 2012. "Do Majority-Black Districts Limit Blacks' Representation? The Case of the 1990 Redistricting." *Journal of Law and Economics* 55(2):251–274.

Wasow, Omar. 2016. "Do Protest Tactics Matter? Evidence from the 1960s Black Insurgency." *Working Paper* .

Weaver, V. M. 2007. "Frontlash: Race and the development of punitive crime policy." *Studies in American political development* 21(2):230.

Weaver, V. M. and A. E. Lerman. 2010. "Political consequences of the carceral state." *American Political Science Review* 104(4):817–833.

Weaver, Vesla M. 2012. Embedding Crime Policy. In *Living Legislation: Durability, Change, and the Politics of American Lawmaking*, ed. Jeffery A. Jenkins and Eric M. Patashnik. University of Chicago Press.

Weaver, Vesla M. and Charles Decker. 2014. "The Only Battle in the Nation's History in which the Black Community has not been Enlisted": Black Agency, Resistance, and Alternatives to Incarceration. American Political Science Association conference proceedings.

Western, Bruce. 2007. *Punishment and Inequality in America*. New York, NY: Russell Sage Foundation.

Wilson, James Q. 1978. *Varieties of police behavior*. Harvard University Press.

Appendix A Distribution of risk ratios by city

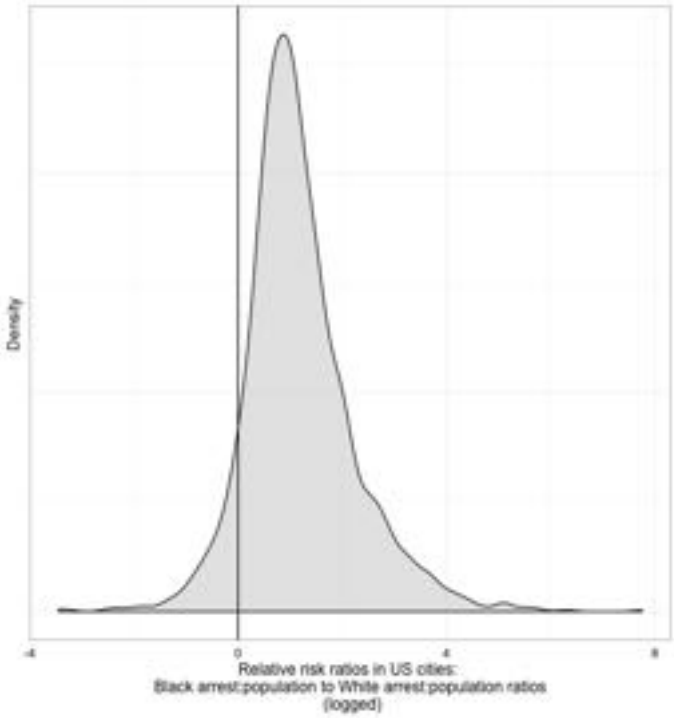


Figure 9: Distribution of risk ratios by city
(vertical line at zero shows parity)

Appendix B ICMA/non ICMA cities

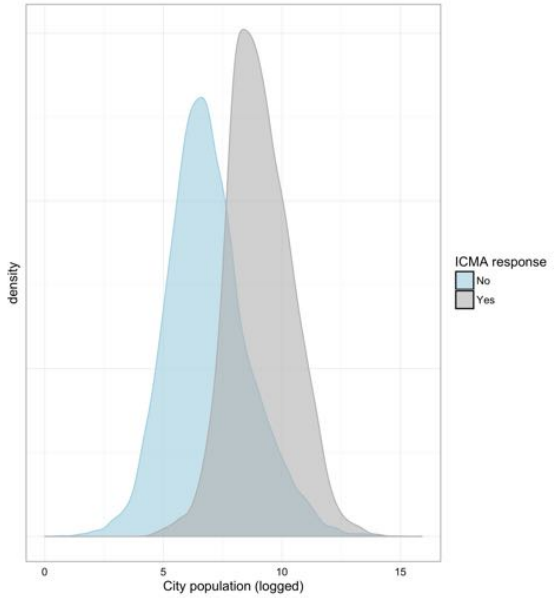


Figure 10: Population for cities with/without ICMA responses available

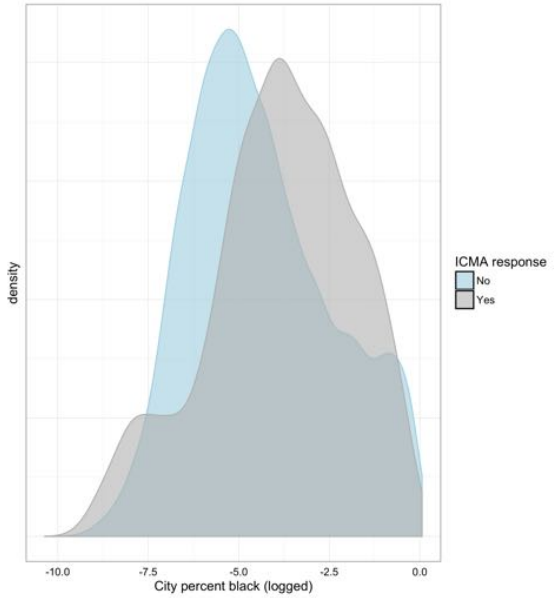


Figure 11: Percent black (logged) for cities with/without ICMA responses available

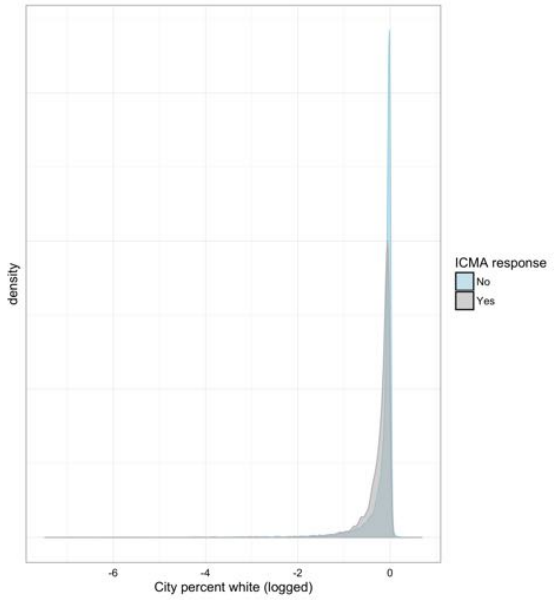


Figure 12: Percent white (logged) for cities with/without ICMA responses available

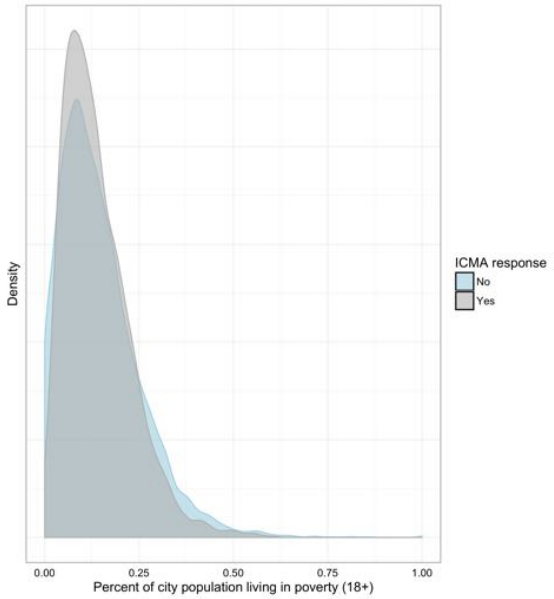


Figure 13: Percent of adults living in poverty (logged) for cities with/without ICMA responses available

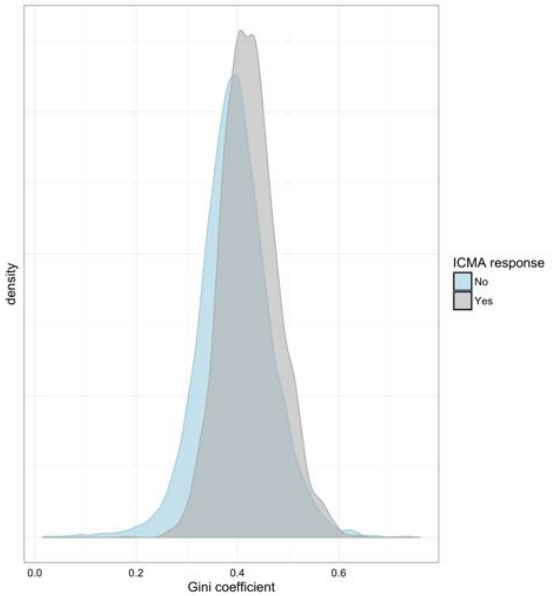


Figure 14: Gini coefficient for cities with/without ICMA responses available

Appendix C Density plots for treated and untreated cities (all cities)

The density plots below show the distribution of covariates for all cities, by whether the city has a majority of people of color on the city council. (These density plots are not restricted to cities included in the matching analysis; distributions of covariates for treated cities and matched controls are quite similar.)

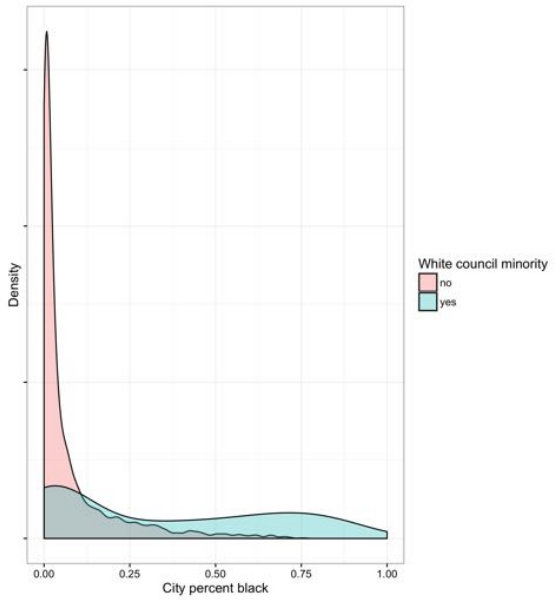


Figure 15: City percent black, treatment vs control

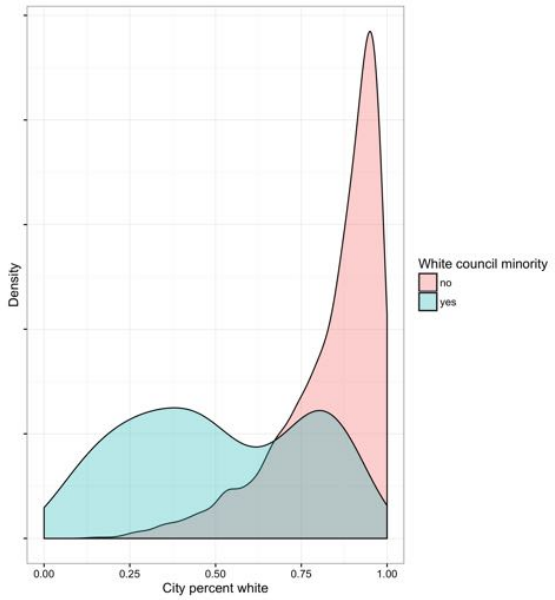


Figure 16: City percent white, treatment vs control

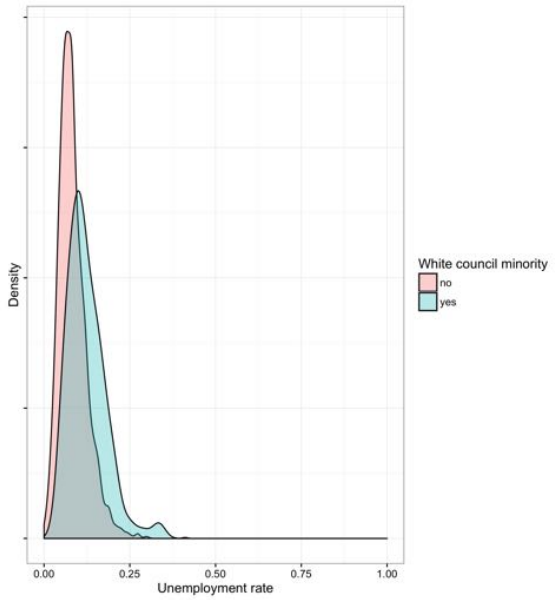


Figure 17: City unemployment rate, treatment vs control

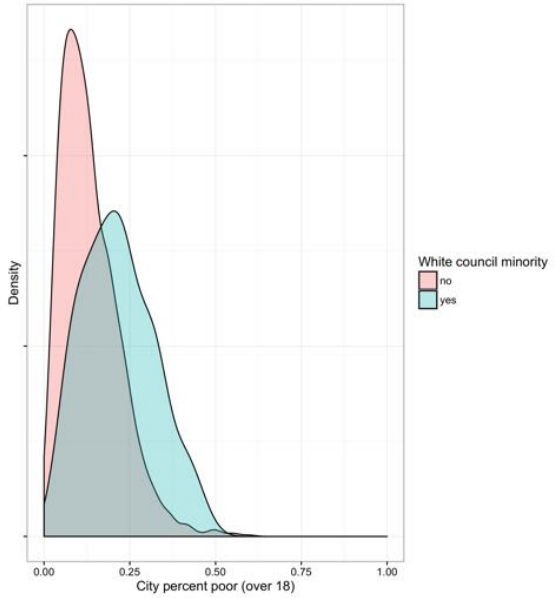


Figure 18: City poverty rate, treatment vs control

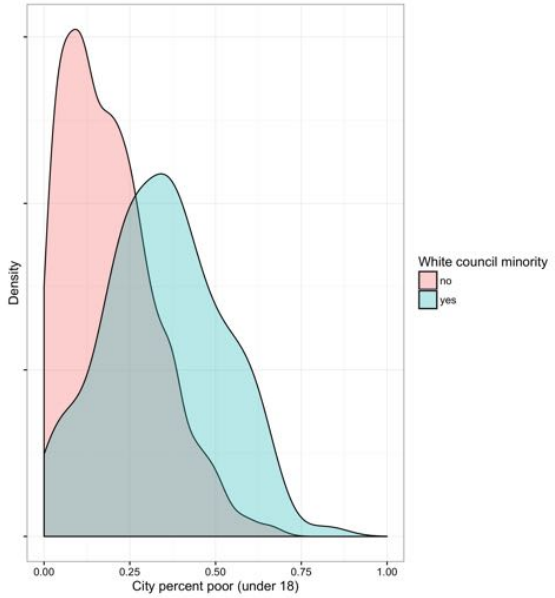


Figure 19: Child poverty rate, treatment vs control

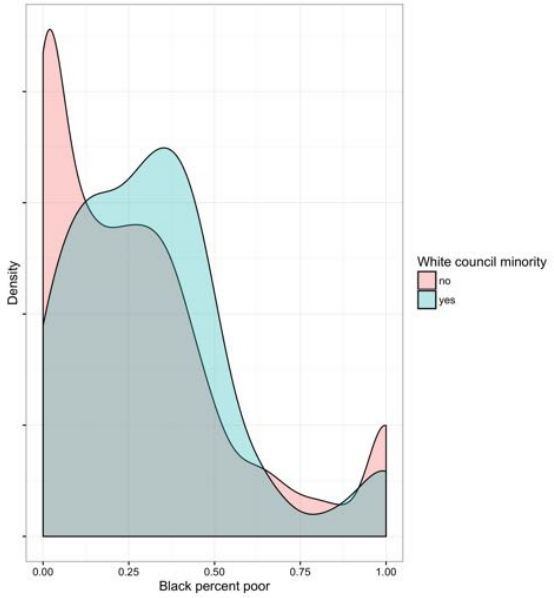


Figure 20: Poverty rate for black residents, treatment vs control

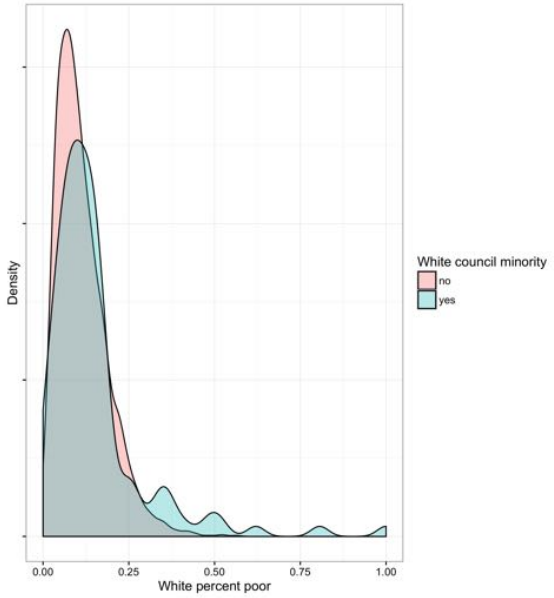


Figure 21: Poverty rate for white residents, treatment vs control

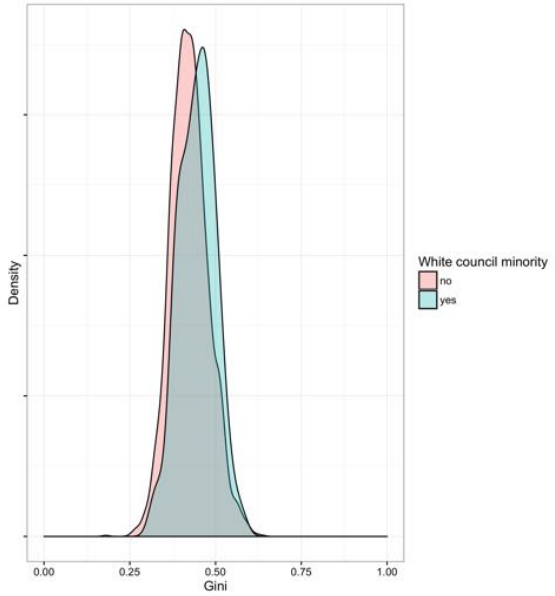


Figure 22: Gini coefficient, treatment vs control

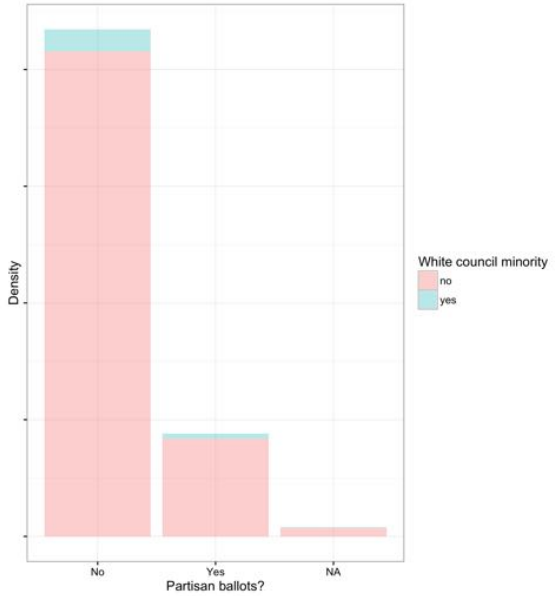


Figure 23: Use of partisan ballots, treatment vs control

Appendix D Race and Public Opinion

Data on race and party divisions in public opinion on crime come from the General Social Survey, a nationally representative survey conducted every other year since 1972. Question wordings are reproduced below:

Questions about crime, race, welfare

> We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of these problems, and for each one I'd like you to name some of these problems, and for each one I'd like you to tell me whether you think we're spending too much money on it, too little money, or about the right amount. First (READ ITEM A) . . . are we spending too much, too little, or about the right amount on (ITEM)?
>
> E. Halting the rising crime rate
> H. Improving the conditions of Blacks
> K. Welfare

Question about police violence

"Are there any situations you can imagine in which you would approve of a policeman striking an adult male citizen?"

D.1 Additional Results

The following graphs provide results from additional polling questions for context. They show that the differences on questions regarding race and crime form a distinctive issue-specific divison, and are not the result of white Democrats being more conservative.

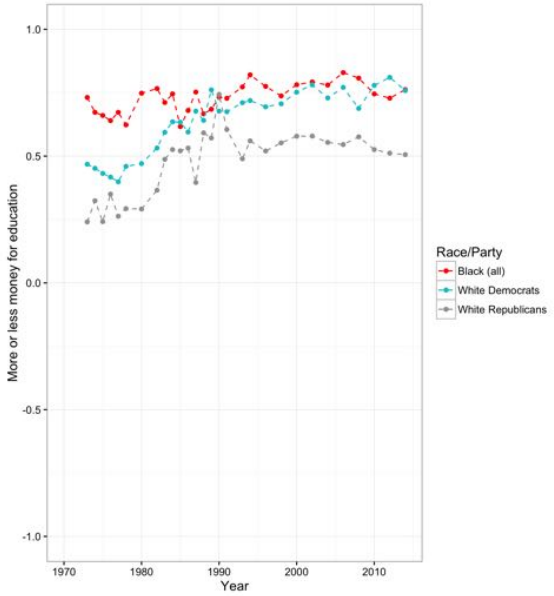


Figure 24: Race and party differences on education spending

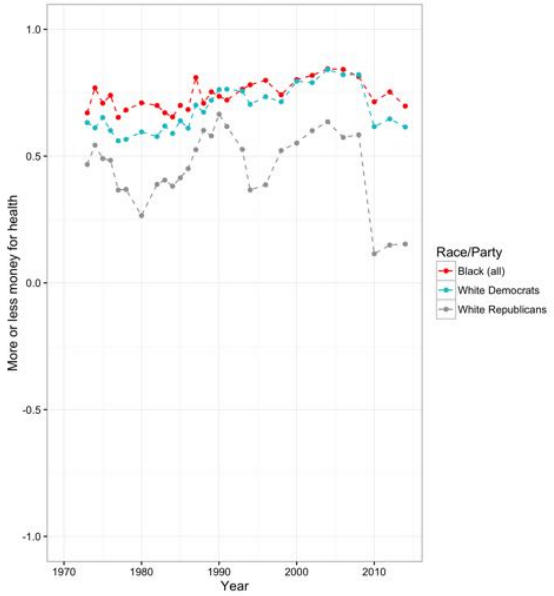


Figure 25: Race and party differences on health spending

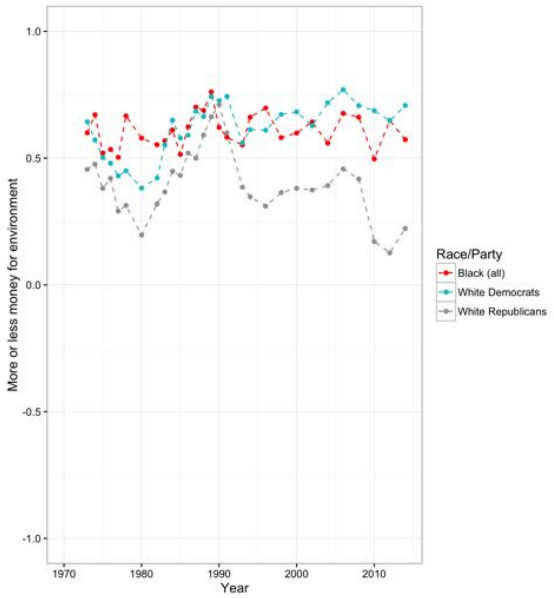


Figure 26: Race and party differences on environmental spending

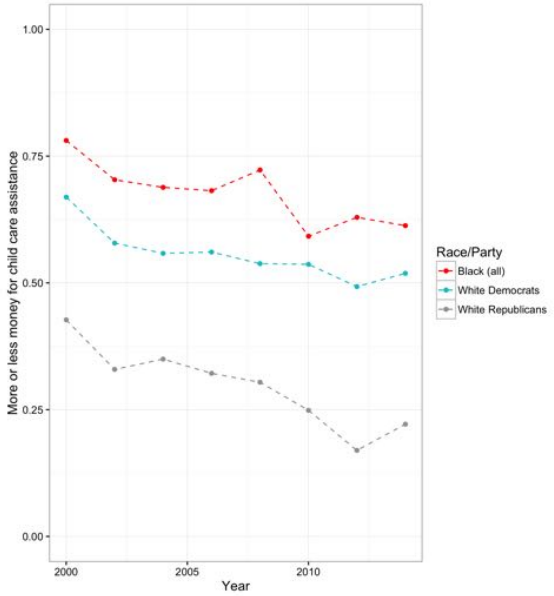


Figure 27: Race and party differences on childcare spending