



Policing car space and the legal liminality of the automobile

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Abstract

The car is a primary locus for police-civilian interaction as measured by routine legal intrusion into the lives of vulnerable populations – communities of color, undocumented immigrants, and those experiencing homelessness in particular. It is the car's ability to transport bodies as well as its legal liminality as a hybrid public-private space that facilitates such coercive and carceral contact. I therefore argue for the increased inclusion of the car and contact made with its operators and occupants within studies of policing by geographers. In this article, I provide a review of how car space and the automobile have been discussed by social scientists more broadly, followed by a call for geographers to take the lead in centering the car in research looking at everyday policing and routinized state control of people occupying and moving through public space.

Keywords

automobiles, carcerality, cars, legal geographies, policing, public space

I Introduction

The United States is perhaps most well-steeped and certainly most self-aggrandizing in the traditions associated with individual car ownership and automobility, including boasting the highest rate of private car ownership and licensed drivership on earth.¹ While nations around the globe certainly possess and promote distinctive 'national automobilities' (Edensor, 2004; see also Miller, 2001), it is in the US where cars outnumber licensed drivers and from which images and ideologies of car-owning culture are a major export via global media projections. While overstated claims point to US cities as designed more for cars than people, being the birthplace of Ford and its assembly line certainly establishes the US metropolis as unquestioningly auto-centric.

Entering any state's Department of Motor Vehicles (DMV) to obtain or renew a license,

you are reminded that driving is a privilege and not a right. Driving remains a privilege granted by the state despite the fact that automobility by private car has become the primary mode of transportation for most Americans and a necessity in places where public transit is underfunded and inefficient, if not outright absent from residential landscapes. At present, 85 percent of Americans ($n = 228,000,000$) hold a driver's license, and according to an Automobile Association of America (AAA, 2016) study, drivers in the US spend upwards of 300 hours per year behind the wheel, travelling 2.5 trillion miles (over 4 trillion kilometers)

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collectively across what Seiler (2008) dubs the ‘republic of drivers’.

Given those numbers, it is no surprise that cars are the primary site of contact between civilians and police (Baumgartner et al., 2018), with 12 percent of white drivers and closer to 25 percent of drivers of color stopped by police annually (Epp et al., 2014), for a total of 20 million traffic stops per year. Despite the ubiquity of the automobile and the pervasiveness of the traffic stop, cars have not received adequate attention from geographers looking at where and how people are policed in space.

In addition to traffic stops that disproportionality lead to the searching and arresting of racial minorities and undocumented immigrants, parked cars are likewise primary sites of contact between vulnerable subjects and the state, particularly when occupied by people experiencing homelessness. In fact, as legal scholar Sarah A. Seo (2019: 16) argues, regulating autos and automobility has, more than any other legal intervention into US jurisprudence and constitutional law, contributed to over-policing as ‘a fact of life for people of color in America’ (2019: 5). Increasingly, coercive and carceral state conduct at the site of the car, whether in stasis or in motion, has relied upon and indeed ‘undermined the public/private distinction’ (2019: 5) made clear in the Fourth Amendment to the US Constitution.²

As I argue below, it is the car’s legal liminality as a quasi-private/public space with debatable constitutional protections that sets the stage for such coercive interaction. In this article, I argue for a reconceptualization of the car as a site of carcerality and legal interrogation that may advance longstanding and ongoing discussions about the production and policing of space by state actors.³ In calling for increased geographical research on how people are policed in space, I rely on Cresswell’s (2010: 18) understanding of (auto)mobility as a ‘fragile entanglement of physical movement, representations, and practices’, as well as Derickson’s

(2017: 234) assertion of ‘the concept of automobility as a crucial site where state power touches down into lives in racialized ways with material consequences’.

I position this discussion of car space as a contribution to legal geographies (Delaney, 2015) in an effort to answer Blomley and Clark’s (1990) call for sustained legal analysis within the discipline. I do this vis-à-vis an interrogation of policing practices (Yarwood, 2007) and in response to Fyfe’s (1991) call in this journal for increased studies of the police in human geography. I thereby focus on police-civilian interaction at the site of the automobile, moving away from previous discussions of the car within the social sciences as a vehicle for conceptualizing consumption, materialism, and technology.

Further highlighting my own approach, I follow Carpio’s (2019: 235–6) contention that ‘mobility is a key modality through which race is lived and contested’, and ‘efforts to control and give meaning to mobility are extensions of historical efforts to identify, target, and regulate the movement of racialized people’. As part of this larger project, I likewise employ Boyce’s (2018: 2) understanding of automobility as ‘an expressly racial and racializing condition through which peoples’ access to and control over the conditions of work, leisure and everyday social reproduction are mediated via specific logics of policing and related state violence’ (cf. Stuesse and Coleman, 2014).

While geographers have undoubtedly heeded these calls (Herbert, 1997, 2009), particularly in recent years (e.g. Yarwood and Paasche, 2015; Coleman, 2016; Kaufman, 2016; Jefferson 2017, 2018; Radil et al., 2017; Correia and Wall, 2018; Hamilton and Foote, 2018; Loyd and Bonds, 2018; Bloch and Meyer, 2019; Ramírez, 2019), the research on policing as an everyday practice and local manifestation of state power has been slow to materialize, let alone emerge as a recognizable subfield within human geography. Plainly stated, as Coleman

and Kocher (2019: 19) argue, ‘despite repeated calls for geographers to engage with the cops as core to the domestic face of state power and authority . . . the dearth of research in geography on policing is remarkable’.

For geographers for whom legal analysis of policing and spatial controls are critical, the locus of the car as a primary site of police contact and legal intrusion into the lives of vulnerable populations has been overlooked in favor of investigating the control of and right to public space more broadly (Mitchell, 1998, 2003; Beckett and Herbert, 2009; Cook and Whowell, 2011; Low and Smith, 2013; Qian, 2018). As revealed in their extensive review of the ‘spheres, realms – and even physical spaces’ that constitute ‘public space’ according to geographers, Staeheli and Mitchell (2007) were unable, based on the data, to include cars or vehicular space of any kind in their resulting taxonomy. It is clear that overlooking the primacy of the car in geographical scholarship on policing is in need of remedy. This is especially so given how, for example, homeless abatement efforts increasingly rely on no-parking ordinances and ‘car-camping’ bans (Robinson, 2019), as well as how pretextual traffic stops deemed legal by the Supreme Court effectively permit racial and place-based profiling (Coleman and Kocher, 2019). Further, as Stuesse and Coleman (2014) show, analysis of the car as a carceral site is needed given how contemporary policing of undocumented immigrants relies first and foremost on the automobile and automobility as a locus of contact and capture.

In this proposal for increased engagement with the car as crucial to studies of policing and public space within geography, I provide a review in Section II of the existing social scientific literatures on cars, arguing that car space is an undertheorized site of contact with police. Then, in Section III, I provide a discussion of how cars are policed as liminal legal spaces in which communities of color, undocumented

immigrants, and homeless populations in particular are investigated.

II Theorizing car space in the social sciences

I The production of car space

Cars have been theorized as existing in, through, or atop public space as opposed to being seen as contributive to the quotidian experience and occupation of public space. While Lefebvre, for example, questioned the ‘creative and sensual possibilities that may come with dwelling in the car’ (Scott, 2013: 402) within a theorization of the city, Edensor (2003) points to Lefebvre’s maligning of the car as a flattening technology that contributes to the production of abstract space via the construction of infrastructures that facilitate its movement. As Lefebvre (1991: 359) puts it, the omnipresent automobile contributes to the city being ‘sliced up, degraded, and eventually destroyed’ as a result of planning for the production of ‘fast roads and of places to park’. In this spirit of critiquing the car based on the spaces provided for it, Thrift and French (2002: 312–13), citing Horvath’s (1974) castigation of ‘machine space’, warn of the ‘increasing amount of space being given over to cars in American cities and the consequent deadly effects’.

Further, revealing a tendency to reify that which is being critiqued, the critical scholarship in geography that does evoke the car sees it as a producer of abstract space, site of alienation, and contributor to isolationism. Case in point, for Mitchell (2005: 96) the car provides a promise of inviolability whereby the driver is:

Cocooned in a sealed chamber, behind tinted glass, with the temperature fully controlled, and the GPS system tracking, and sometimes dictating, our every turn, our every stop and start, we are radically isolated from each other, able to communicate only through the false connectedness of the cell phone. We ride high and sovereign; we are masters of space; we are safe against all who might intrude, all who might stand in our way.

For Mitchell, the sanctity of car space is only intruded upon, not by police incursion, but by the interruption caused by the all-too-common traffic accident or ‘when we climb down out of the driver’s seat and are forced to walk’ (2005: 97).

Despite the view of the car as contributive to the production of privileged, abstract, and altogether inhumane spaces, other urbanists have been far more sanguine about the reality of automobility, though no more inclusive of heightened vulnerabilities. For Banham (2000 [1971]: 5), it is in Los Angeles – the quintessential car-centric cosmopolis – that ‘(auto)mobility outweighs monumentality’ to such a degree that to read the language of Los Angeles he, like ‘earlier generations of English intellectuals who taught themselves Italian in order to read Dante in the original . . . learned to drive in order to read Los Angeles in the original’. Likewise, for Edensor (2003: 153, 167), the car provides motorists with ‘irruptions of fantasy and reverie’ that result from the ‘complex socialities and materialities of driving’. Whether employing a critical or romantic perspective of automobility, it is clear that the car is seen as a durable object for the analysis of place-making given how this piece of technology ‘shapes the built environment, cuts through the landscape, dominates the soundscape, and is a key commodity in production and consumption’ (Dant, 2004: 61).

While geographers, like other social scientists, tend toward discussions of the car’s materialities and mobilities, for Langegger (2016: 1811) it is the car as symbolic of being in stasis that serves as an object for understanding struggles over identity and place-making. As Langegger puts it, implementing new parking regimes is closely tied to gentrification, suggesting that regulating the placement of the car and the bodies that occupy and rely upon it is part and parcel of neighborhood change, which is indelibly tied to ‘conflict over legitimacy in the public right-of-way’. Struggles over parking

are no small matter given the proportion of car space that comprises neighborhoods, particularly those undergoing structural change. By some estimates (since precise calculations are in fact fleeting), 25 to 50 percent of all territory in a given urbanized area is devoted to the movement, maintenance, and storage of cars (Urry, 2000; see also Manville and Shoup, 2005). Overall, 14 percent of incorporated land in Los Angeles is given to cars, and when taking private space out of the equation (e.g. homes and businesses, including their private parking lots and driveways), an overwhelming share of public space is automotive space (Shoup, 2017), or as Edensor (2003) puts it, territory dedicated to the functioning of the all-important American auto-scape. If geographers are concerned with how people experience public space (and they certainly are), then the realm of the car is the place to begin.

2 *Identifying with car space*

Throughout the social sciences, treatments of the automobile have taken on a decidedly theoretical tone whereby cars combined with their drivers form an assemblage that has reshaped socio-spatial relations through a network of ‘distinctive social actions in modern society [including] driving, transporting, parking, consuming, polluting, killing, communicating and so on’ (Dant, 2004: 62). In addition to musings by scholars on the emotional and mechanical aspects of car driving and car ownership (Sheller, 2004; Dennis and Urry, 2016), geographers too have favored abstract analysis of spatial relations engendered by the car in addition to statements about the politics of post-driver autopias and futuristic car-free utopias (Thrift, 2004; Henderson, 2006). Within such discussions about the car and its contribution to both emotional geographies and the production of urban space, police action and governmentality waged through the control of car space is entirely absent.

In fact, for Urry (2004, 2006), a scholar for whom the car is a primary lens through which to theorize the past construction, contemporary character, and future incarnation of the city, the ubiquity of automobility is itself a form of ‘systemic domination’ that ‘coerces people into an intense flexibility’. Such cultural critique certainly has a role to play in forwarding socio-spatial theory, though I encourage geographers to look at the site of the car as a location through which ‘systematic domination’ and ‘coercion’ take place at the hands of police and not merely through the facilitation of automotive imaginaries and infrastructures. Further, for the most vulnerable among us, the car is indeed a site of violence far more immediate than the perils of conspicuous consumption, technological hybridity, CO₂ emissions, traffic, paucity of parking, feelings of road rage and wanderlust, encapsulated mobility, and the production of automotive ‘non-places’, each of which is highlighted in the geographical and sociological literature on cars (Sheller and Urry, 2000; Beckmann, 2001; Latham and McCormack, 2004; Merriman, 2004, 2009; Sheller, 2004; Thrift, 2004; Featherstone et al., 2005; Böhm et al., 2006; Hagman, 2006; Henderson, 2006; Laurier et al., 2008; Conley and McLaren, 2016; Redshaw, 2017).

Despite the often-overwrought theorization of cars and automobility, identity, affect, and emotion certainly have a role to play in thinking about automobiles as site of carcerality. For example, in the anthropological literature, cars are theorized as vehicles of expression akin to wearable fashion and bodily performance. For Bright (1995), Chappell (2010, 2012), and Tatum (2011), the car as ‘lowrider’ is a marker of distinction and contributor to place-making, particularly for Chicano/as. While celebrated at car shows as objects of art and innovation, like other supped-up and tricked-out cars routinely put on fluid display through the act of cruising (or in some cases racing), lowriders contribute to a community’s creation and display of

symbolic capital. As Chappell (2010: 29) puts it in tying lowriders to the production and policing of space, ‘lowriders serve a synecdochic function, the barrio that moves’. In this way, the car’s affective attributes position particular communities as targets for criminalization.

Perhaps no other material possession in modern society so publicly objectifies and projects personal and social systems of value (Miller, 2001); therefore, similar to readings of style, gait, and argot used to determine gang membership and criminality, a car’s modified components, like its contribution to alternative soundscapes (LaBelle, 2008) and display of ‘suspicious rhythms’ (Cresswell, 2010: 26), subject drivers and sometimes passengers to categorization and criminalization. Noise emitted from sound and exhaust systems, customized mufflers and hydraulic set-ups, as well as the aftermarket installation of tinted windows, rims, and modified head and tail lights, become grounds for conducting traffic stops and issuing equipment violations. Such violations are often the first step in a long procession of additional court-ordered fines for failure to pay, issuance of warrants, and eventual arrest and incarceration.

III Legal liminality of the automobile

I Policing car space

Policing relies upon a decidedly spatial consciousness whereby neighborhood social control is practiced through geographically targeted policing tactics. Despite the salience of space in conducting police work, it is the criminological and sociological literature more than the geographic literature that is rife with examples of ‘place-based’ and community-oriented policing employed in a variety of designated ‘hot spots’ and ‘safety zones’ (see Crawford, 2018; cf. Kaufman, 2016; Bloch and Meyer, 2019). As Herbert (1997) points out in a study of the Los Angeles Police Department,

policing is not just a spatial practice but a politics of control reliant upon a language of spatial metaphors. While the city is rhetorically and tactically carved up and engaged with according to such logics of security (Neocleous, 2000; Campbell, 2016), it is within and around the physical space of the car where the majority of police-civilian interaction takes place.

Unlike the geographically static spaces found throughout a city, the car is unique as a spatial entity given its ability to move through territory. In fact, a legal search of the car without a warrant is granted given the car's ability to be moved away from an investigation, thereby creating an 'inherent exigency' (*Pennsylvania v. Labron*). This 'automobile exception' to the tenets of the Fourth Amendment of the US Constitution has been upheld by the Supreme Court, suggesting that more than any other spatial artifact or material effect, the car straddles the legal line between the protections otherwise granted to individuals occupying private space and the intrusions by the state that can be expected when occupying public space.

As Seo (2019) points out, it was through a judicial re-examination of the Fourth Amendment prompted by a traffic stop and search of a car in 1921 that the automobile went from being a noun to being considered a verb. That is, what was previously seen as a personal effect to be afforded legal protections as a secure private object and place was now being defined as a public entity and space given its movement. It was the automobility of the automobile that allowed it to become a public site of 'action' to which no person had a natural or inalienable right. In fact, it was through this legal interpretation of the car as a liminal space that established the Fourth Amendment as a pivotal and oft-evoked piece of American jurisprudence within constitutional and criminal law ever since. The ability to conceal contraband (or people) at 'motorized speed', as Seo (2019: 116) shows, called the car's place as both an object and location into question. What was seen as a

'veritable drawing room on wheels' in the early years of their production and consumption, by the 1920s, and throughout Prohibition, the car would be rebranded as a space that fell under the purview of police surveillance in the interest of assuring orderly conduct and enforcement of the Volstead Act.

It was in 1925 that the Supreme Court's first car search ruling in *Carroll v. United States* took up this very issue of what kind of space a car is, and by extension, what sort of legal protections should be afforded to its operators and occupants. In looking at the constitutionality of stopping a car 'believed' by officers to be carrying cases of whisky and gin outside of Detroit in 1921, justices in *Carroll* established the 'automobile exception' to the Fourth Amendment. No longer were warrants needed for searches and seizures of these modern moving containers, but so too did *Carroll* relax the standard for probable cause needed to conduct a stop, or what was now understood as a 'vehicle stop'. As Seo (2019: 136) puts it, by 'unsettling the public/private structure of classic legal thought, the automobile disrupted the law of searches and seizures' years before *Terry v. Ohio* (1968) provided the constitutional basis for legally stopping and frisking pedestrians based on 'reasonable suspicion' that a crime had occurred or was about to occur. Further, it was the increased discretion given to police officers to search vehicles that contributed to a new reliance on proactive policing based on an officer's 'beliefs', which would unduly 'make space for the police's power to grow' (2019: 142).

The automobile exception to come out of *Carroll* allowed for stops and warrantless searches based on a variety of infractions and violations routinely committed by even the most law-abiding and safety-conscious drivers. Even in the absence of a moving violation such as speeding or failure to signal a lane change, equipment violations would be increasingly relied upon as pretext for a legal stop. Such legal stops included the hanging of an air-freshener

from a rear-view mirror, possessing insufficient tread on a tire, failing to properly illuminate a rear license plate, as well as for the now notorious busted taillight.

Notwithstanding the low bar needed to establish cause for a traffic stop and visual search of a car's contents, before a physical search is initiated, police must be able to articulate probable cause for a protracted investigation of the car's interior and by extension its operator and often its occupants. Upon initial encounter, the car selected for a stop is categorized and its identifiers (make, model, year, license plate information) are entered into an on-board mobile data terminal, though patrol cars are being increasingly equipped with Automatic License Plate Recognition (ALPR) and related 'smart' technologies (Vukov, 2016). The car's trajectory is then interrupted as a lawful stop is initiated with the use of lights and sirens and sometimes verbal commands. The officer then approaches the car, pressing their fingers against the back of the vehicle to establish evidence of contact in the event that the car flees the scene. The biological data left behind ties a potentially fleeing car to an officer who may be incapacitated through a violent interaction. Then, relying on their sense of smell and sight in a constant search for contraband, the physical space of the car is sensorially accessed. At this point, the demeanor of a car's occupant is likewise examined as part of the field investigation. If there is probable cause for a search based on the supposition that a crime has been committed or that contraband is present based on an officer's assessment, the officer's sense of touch is re-employed as part of the secondary investigation of the car's physical interior. During a search of an automobile, a driver and occupant may be placed in wrist restraints regardless of whether or not a formal arrest is being made. Detaining of a driver is dependent on cues given off by the car itself, including the appearance of drug paraphernalia or weapons or the smell of alcohol or marijuana.⁴

While safety and equipment violations are most often used to justify police stops, and suspicion of contraband is used to initiate vehicle searches, the phenotypical characteristics of a driver may also be legally relied upon for determining probable cause for state intrusion. I return to this point below.

2 Racial profiling and pretextual traffic stops

To be sure, the racialization of (im)mobility predates the automobile. As Nicholson and Sheller (2016) write, scholars have looked back at the antecedents of racialized and controlled mobility, at the forced trans-Atlantic movement of African bodies, the immobilization of enslaved humans in a white settler colonial context, and at Jim Crow laws restricting free movement, all of which play a significant pre-car role in how mobility and race have intersected historically (McKittrick, 2006; Seiler 2009; Cresswell, 2016). Indeed, as Nicholson and Sheller (2016: 8) argue, starting at the inception of colonialism facilitated by mass movement and migration, race and mobility have and continue to intersect 'in unequal relations of power that make mobility racially loaded in particular moments while also making racial processes, racialized spaces, racialized identities, including whiteness, deeply contingent on differential mobilities'. Today, more than mere (im)mobility, it is the automobile as a durable site that puts racialized subjects into contact with the state to a devastating degree, therefore begging for critical attention from geographers and increased theorization within a black geographies framing (Allen et al., 2019).

Just as scholars and activists have long attempted to show that it is race more than legally justifiable probable cause that most often provides pretext for car searches, 'driving while black [or brown]' has become a way to describe how race positions a motorist as disproportionately more susceptible to state intrusion (Harris, 1996; Gilroy, 2001; Seiler, 2006; Packer,

2008). Although racial profiling is purportedly absent from mainstream police practices according to police officials, research has repeatedly shown otherwise (Warren et al., 2006; Chang and Poston, 2019), including analyses of how geography contributes to the prevalence of racial profiling and pretextual stops (Bass, 2001; Roh and Robinson, 2009).

As Meehan and Ponder (2002) show, investigatory stops based on equipment violations and other purportedly objective criteria reveal an ecological dimension whereby those deemed out of place (e.g. black motorists in white neighborhoods) are stopped and asked to consent to searches at higher rates than their white counterparts. As Epp, Maynard-Moody, and Haider-Markel (2014) likewise argue, being out of place may raise suspicion and invite further scrutiny and the establishment of probable cause for a heightened investigation. But, as they also argue, disparities in how members of different races are treated by police are not revealed in the data on who is stopped, but rather in the data showing why a stop was initiated and what transpires after a stop is made.

Based on their analysis of 16 years of data on traffic stops in North Carolina, Baumgartner, Epp, and Shoub (2018) reveal how different racial groups experience marked differences in terms of the type of stop that is made. While there is little difference in terms of the racial make-up of drivers facing ‘safety stops’ for speeding or other more objective traffic infractions, investigatory stops initiated in the interest of ‘disrupting criminal activity’ reveal significant differences in terms of race as well as outcome. While white drivers face a search rate of 1.07 and 1.31 following a safety stop and investigatory stop, respectively, black drivers are searched at a rate of 1.59 following safety stops and 3.54 following investigatory stops. And while a moving violation including a car’s speed serves as a legal justification for stopping white and black drivers at similar rates, for black drivers, who are searched at more than twice the rate

of their white counterparts, it is more likely to be a minor equipment violation, such as an improperly tilted rearview mirror, that is used as cause for an initial stop.

The car is likewise a prime site for racial profiling due to the fact that invasive investigatory policing practices are more difficult to legally justify when used against pedestrians, even in an era of stop and frisk. As Withrow (2007: 353) puts it, ‘unlike a motorist, there is relatively little a pedestrian can do to legally justify being stopped and searched by the police. The relative unavailability of statutes regulating pedestrians effectively diminishes a police officer’s ability to conduct the routine pretextual stops’. When encountered as a pedestrian in public space, a person may only be detained based on reasonable and articulable suspicion as per *Terry*. While simple jaywalking or the observation of ‘furtive movements’ is often used as pretext for pedestrian stops, particularly against African Americans (Coaston, 2017), legal pretext for making traffic stops is almost boundless. Clearly the car makes all the difference, legally speaking.

Furthermore, given that a stopped driver is necessarily operating a vehicle, the driver, unlike a pedestrian in most US states, must provide identification, further allowing for state-sanctioned intrusion through database interrogation. Even if an officer has no stated intention of enforcing a traffic law or equipment regulation, so long as the officer can point to a violation as grounds for initial contact, a vehicle stop is in itself the establishment of probable cause and therefore constitutionally sound according to the Supreme Court ruling in *Whren v. US* (517 U.S. 806, 1996). In fact, the *Whren* ruling has allowed for the most liberal of interpretations with regard to who can be stopped and why. As the court agreed, the ‘real’ reason a stop is conducted does not matter so long as a ‘reasonable officer would have’ made the particular stop based on an initial driving infraction (Harris, 1996: 544). The ‘would have’ rationale

adopted by the court allows for an investigation and possible arrest to take place without need for investigating or ticketing for the initial reason for conducting a stop (1996: 544).

Based on this reading of the decision, pretextual stops based on race and place also pass constitutional muster so long as the stop is informed by ‘a second motivating factor’ (Fagan and Davies, 2000: 482). As a result of the racialized police stops that have been made possible by *Whren*, some lawmakers are conducting a closer inspection of police–civilian interactions at the site of the car. For example, Rhode Island passed a bill in 2016 that sought to collect data on exactly who is pulled over, questioned, and searched when a ticket is not issued or arrest made (Ross et al., 2018). This suggests an understanding that intrusive and evidently unwarranted police interactions are occurring under the radar, and it is drivers of color who are most often targeted for stops and released without the issuance of a ticket (Ross et al., 2018). As in Rhode Island, Baumgartner, Epp, and Shoub (2018) find that black drivers in North Carolina are no more likely to hold warrants or possess contraband in the form of illicit drugs or weapons than their white counterparts, though they are disproportionately tagged and released apropos of such extralegal ‘fishing expeditions’.

As Boyce (2018: 8) points out in a critical discussion of case law that has been used to justify the stopping, questioning, and detaining of suspected undocumented drivers in the US, race and phenotypical indicators, including ‘Mexican appearance’, has no less been used as a ‘valid basis of suspicion’, but only if combined with some other articulable fact, as found in *United States v. Brignoni-Ponce* (1975), including ‘the characteristics of the area in which they encounter a vehicle . . . its proximity to the border . . . and [officers’] previous experience with alien traffic’. It is here that racial profiling has bolstered immigration policing based on perceived nationality and as facilitated

by the legal liminality of the car as a site of justifiable intrusion.

3 Undocumented immigrant investigation

As Coleman and Kochner (2019: 4) contend based on their own reading of the *Brignoni-Ponce* decision, “‘apparent Mexican ancestry’ can legitimately inform an investigatory stop on immigration grounds if other facts – such as a driver’s “mode of dress and haircut,” or if a driver or passenger approximated “the characteristic appearance of persons who live in Mexico” – are present’. As with Boyce (2018), for Coleman and Kochner (2019) place matters when initiating a stop of a vehicle based on the superficial and sometimes split-second assessment of its occupants. Increasingly, such confrontations with policing agencies take place at permanent immigrant checkpoints at which standing officers peer into drivers’ side windows, looking for characteristics of possible illegal entry into or movement through the US. Drivers and passengers, like possible contraband, are considered open to such scrutiny given the ‘plain view’ doctrine that pertains specifically to police contact with cars as per the 1990 *Horton v. California* decision granting additional exceptions to Fourth Amendment warrant requirements.

While the majority of these checkpoint infrastructures in the US are located inland and away from ports of entry ($n = 34$), within the 100-mile border zone along the Southwest frontier, they are likewise found in constant operation along the Canadian border as well as at sea ports of entry. These checkpoints, with their automatic license plate reading systems, surveillance cameras and facial recognition software, rumble strips and bright orange cones, air-conditioned kiosks, and secondary vehicle search stations illustrate how the practical location of the border has changed as the border zone has encroached further and further into US territory. Placed along ‘corridors of egress’ (Boyce, 2018: 5), these checkpoints function as

sites of racial profiling, or what Ehrkamp (2019) refers to as part of the ‘racial-spatial politics of immigration’, which is key to the functioning of immigrant policing in the US and globally.

As Coleman and Kocher (2019) argue, ‘immigration enforcement now hinges on the scrutiny of “immigrant automobility”’, which includes the policing of a whole host of automobility infrastructures and routes throughout both border regions and interior spaces of the United States. They look specifically at automobile-based police–civilian encounters as sites of intensified immigrant policing based on racial profiling and the low bar needed to legally initiate both stops and searches of vehicles based on pretext and reasonable suspicion informed by race, ethnicity, and nationality. As Coleman and Kochner (2019), like Armenta (2017), show, beyond routine checkpoints, the most minor of traffic infractions are used to initiate contact between police enforcing federal immigration laws and the inhabitants of cars that are substantially less protected from Fourth Amendment protections against unreasonable searches.

For Stuesse and Coleman (2014) and Coleman and Stuesse (2016), there also exist competing mobilities whereby immigration checkpoints are not solely place-based and fixed sites of interrogation, but in addition local police are made agile and adaptive to the perceived movement of migrants living and working in the interior of the US. For this reason, federal agencies such as Immigration and Customs Enforcement (ICE) and the Border Patrol rely on local policing agencies to determine the placement of checkpoints based on driving routes and suspected destinations for migrants in the US interior. Outside of the border zone, local police are often and increasingly and implicitly charged with conducting immigration checks as part of DUI (driving under the influence) and other ‘public safety’ car stops (e.g. Carpio, 2019). Even in so-called ‘sanctuary cities’ (Mancina, 2019; Massaro and Milczarek-Desai, 2018), where local officials seek to limit opt-in

cooperation with federal authorities in terms of sharing information about an arrestee’s immigration status, protections only play a role after a DUI arrest is made or sentence served. Put simply, inland sanctuary practices do not insulate undocumented immigrants from coercive policing practices at the site of the car.

Fishing expeditions such as DUI and immigration checkpoints that are facilitated in part by ‘secure communities’ programs encourage the more overarching and amorphous policy doctrine of ‘attrition through enforcement’ (Theodore, 2011; Boyce et al., 2019). A prime example of this doctrine, which encourages ‘self-deportation’ through continuous legal pressure and insidious constraint of undocumented immigrants’ civil rights (Krikorian, 2005; Kobach, 2006; Vaughan, 2006), includes Arizona’s SB1070 (Williams and Boyce, 2013), which is almost wholly dependent on the car as a site of investigation and interrogation. As a legally liminal zone, the car is at once a container for those bodies deemed suspicious based on phenotypical characteristics as well as an object whose very operation is dependent on legal credentials afforded by the state. As Boyce (2018: 10) puts it, because citizenship is a criterion for obtaining a driver’s license in most states, ‘citizenship status comes to formally authorize automobility, and automobility is perceived as communicating this status’. The impossibility in most jurisdictions of obtaining a driver’s license for undocumented immigrants is the first barrier placed between them and their ability to move through space to obtain work, find housing, or engage in leisure activities without state scrutiny and threats of arrest and deportation. The car is therefore both a means and a mode of exposure to policing technologies given how the automobile is at once a regulated space as well as a container for and site of state contact and interrogation.

While drivers face the greatest scrutiny when travelling in a car, so too do occupants of parked cars face police interrogation based on the same

profiling that informs pretextual stops as well as warrantless vehicle searches and seizures. The homeless are particularly vulnerable as the occupants of automobiles in stasis.

4 Homeless ‘camping’ and parking abatement

Culver (2018) argues that the ‘power of the car and its impacts on urban life, the relationship between (auto)mobility, violence and justice has been neglected in much of human geography – critical or otherwise’. While Culver is correct in this assertion, the intervention goes on to focus on the violence done by cars rather than the violence done in and to car space and their most vulnerable of occupants. Based in part on a reading of Sheller and Urry (2000), Culver (2018) lambasts the car as a hegemonic force for which spatial concessions are made by municipalities seeking to encourage individual consumption at any cost to social wellbeing.

The car also provides a corrective to those violences that render other spaces uninhabitable. As a ‘rolling private-in-public space’, the car ‘affords dwelling inside a mobile capsule’, creating a ‘civil society of automobility’ (Sheller and Urry, 2003: 115). However, as for other scholars of the automobile, for Sheller and Urry (2003) the car is a facilitator of mobility, first and foremost. As part of this understanding that the car plays in contributing to a civil society, they propose the advancement of a ‘new mobilities paradigm’ as a challenge to the ‘sedentary social sciences’ and its ‘failure to examine the significance of the car’ as a mobile unit (Sheller and Urry, 2006: 209). They take the term *sedentary* from Heidegger’s (1971) concept of dwelling (*wohnen*), thereby arguing that conceptualizations of place from a perspective of stasis fail to consider how the car reconfigures urban life. As I argue, however, the fact that the parked and sometime inoperable car is among the primary sites of dwelling for the homeless challenges this notion.

As of 2018, 15,000 people per night sleep in their vehicles in Los Angeles alone (LAHSA, 2018), and in Seattle – a city with less than a quarter of LA’s population and where Beckett and Herbert (2009) have analyzed practices of homeless banishment – the number of nightly ‘car campers’ stands at over 3000 (ASR, 2018). However, the car has been overlooked or only tacitly addressed as a site of homeless habitation in some of the major works on homelessness in geography (Takahashi, 1996; Mitchell, 1998; Beckett and Herbert, 2009; Mitchell and Heynen, 2009). It has therefore been in discussions around the politics of parking and public space where the experiences of the homeless have had a role to play in advancing our understanding of the policing of car space. A good starting point for conceptualizing the policing of people experiencing homelessness in parked cars is with Blomley’s (2007) research on what is called the ‘traffic code’ of planning for pedestrianism on public sidewalks.

For Blomley (2007) via a reading of Valverde (2005), municipal laws that seek to regulate (both facilitate and forbid) the flow of bodies in space tend to focus on the placement of objects and location of activities more than the identity of persons found therein. Debates about homelessness, then, are articulated in terms of the location of homeless bodies and amenities, and not in terms of homelessness as a category of personhood. The result of this legal focus on place prevents the debate from conjuring questions of constitutionally-protected identity classifications or rights claims. By discussing homelessness in terms of the function of the sidewalks on which people might sit, sleep, or loiter, concerns for the sidewalk and roadway’s ‘capacity, productivity, and flow’ (Blomley, 2007: 1702) mask actual anxieties over the presence of the unhoused and indigent.

Relatedly, I argue, the struggle over the right to the city becomes a proxy war waged over parking, not over homelessness or homeless

bodies for whom cars serve as shelter. Therefore, rights-based campaigns meant to ensure the public's right to public space fail as legislation effectively banning the presence of homeless bodies is articulated in terms of ensuring equal access to sidewalks, parks, and parking spaces via the removal of physical obstructions (Blomley, 2010a). In this way, as Blomley (2007: 1703) argues, 'the street and sidewalk are understood as a space of objects, both moving and static. The [traffic] code does not privilege persons, but rather treats panhandlers and mail-boxes as on the same ontological plane'. This legal logic has likewise resulted in parking bans implemented across increasing numbers of municipalities (around parks, near coastlines, along commercial corridors, and down residential side streets) that in reality seek to rid areas of homeless populations but are articulated as attempts to free up spots for local residents, consumers, and merchants.

It is also important to note that such punitive policing of parking space and parked cars occurs in places where self-identified liberal residents are apparently 'ambivalent' about or altogether protective of people's rights – purportedly the rights of the most marginalized in particular (Bloch and Meyer, 2019; cf. DeVerteuil et al., 2009; Proudfoot, 2019).

In addition to providing shelter for the unhoused, the parked car can also provide a much-needed space for reprieve, particularly within marginalized and intentional communities (Gilroy, 2001; Wehman-Brown, 2016). The car is an alternative site for climate-controlled relaxation, a place to listen to music, seek shelter, and a threshold for socializing. Sitting on and around the car also plays the role of the town square in many residential and commercial spaces where public parks and plazas have become exclusionary. As Kato (2009) puts it, given few other options, suburban teenagers also use the parked car in and around spaces of consumption as a site of socialization, just as the

car serves as a second domestic sphere for commuting suburban families (Noy, 2009).

Undoubtedly, the car's extension of the private sphere into the public sphere is just that from a land-use perspective. The parked car effectively privatizes a portion of public space for a period of time legally determined by parking ordinances. Just as the political logic and objective practice of pedestrianism is ensured by removing obstacles to the equal use of sidewalk space, acknowledging that no two bodies or objects can occupy the same space at the same time (Blomley, 2010b; see also Loukaitou-Sideris and Ehrenfeucht, 2009), municipalities contend with parked cars as contributing to exclusion.

As Shoup (2017) acknowledges, there is a high cost to free parking in a nation where private property is a key commodity. Given the stability of private property ideologies and claims to public space in liberal Western democracies, exclusionary parking should not be understood as a critique of the system of land rent or the ideals of the commons; nor is it focused on collecting more revenue (see Smith, 1992). Rather, banning 'car camping', like cracking down on the movement and 'loitering' of particular bodies, is part of a system of exclusion based on identity and social function by which municipalities 'criminalize all the activities that are required to live' (Fernandez in Loyd, 2012: 229). As Fernandez puts it, to eliminate people experiencing homelessness from public space, like the exorcising of undocumented people, the state relies upon municipalities to criminalize a whole host of activities and behaviors under separate ordinances, many of which focus on '[in]transience' (Amster, 2008), automobility, and otherwise existing in car space.

IV Conclusion

The constitutional question of how to police the car as a public/private space has taken a circuitous route toward where we are today and where

we might be heading. Since the first traffic stop case to reach the Supreme Court after the shooting death by police of a motorist in Tucson, Arizona in 1916 (*Wiley v. State*), the courts have debated allowing for greater incursions into the car in an effort to protect the safety and sanctity of the public sphere versus the preservation of Fourth Amendment protections of private property.

During the 1920s, it was liberal justice Louis Brandeis who saw the car as a modern technology and consumer good that was physically threatening to our collective enjoyment of public space, and was therefore in need of greater state intrusion. Conservative justices, on the other hand, have been ambivalent about the car's place in society, particularly concerning its owners', occupants', and operators' rights as afforded by the Fourth Amendment. As I have argued in this article, the automobile exception – the constitutional compromise between liberal and conservative safeguards against different forms of intrusion – has, perhaps counterintuitively, taken a turn away from preserving civil rights over the past several decades, precisely as automobile ownership and automobility have become increasingly widespread. I have therefore provided examples of the policing of car space vis-à-vis the policing of vulnerable occupants and operators, identifying the car as a primary site of carcerality in America. It is the car's legal liminality, given the 'exception' it is afforded by the courts, that continues to subject its occupants to enhanced policing tactics.

As it has for virtually all people, the car has played a formative role in my own life, and is indeed an object and social space that evokes some of the most vivid and traumatic childhood memories. In the neighborhoods where I grew up, slow-moving Monte Carlos and Oldsmobile Cutlass Supremes with their lights turned off signaled an impending drive-by shooting, just as the distinctive sound of acceleration from a Ford Crown Victoria or Chevy Caprice ensured

a demeaning and often violent interaction with a police officer assigned to the local gang unit. While cops routinely leapt out of their cruisers to conduct violent frisks, three of the five friends I lost to gang violence as a kid breathed their last breath in a car (Bloch, 2019a), and another untold number of bullets passed through as well as originated from inside my brother's lowered early-model Volkswagen Bug.

As a small child, I watched as the police shot my stepfather in the front seat of his prized Mazda RX7 as he arrived home after a botched home burglary, and I lived for some time as a teen in a borrowed Toyota pickup truck with a camper shell when my mother and I became homeless. Finding places to park in order to sleep for the night was just as stressful as driving around the city by day, looking out for police patrol cars, trying to avoid having our expired registration tags seen and license plate run. The first time I saw the inside of a jail cell was when my mother was pulled over for some uncommunicated traffic infraction and was arrested on a warrant for failure to pay a previous citation for operating a vehicle without a valid driver's license. I sat in the cell with her, reading the names carved into the paint on the walls, waiting for her to be bailed out or released on her own recognizance.

Later, as a young adult, I was taken to similar holding cells after engaging in civil disobedience, transported by police van, and given more than one 'rough ride' along the way.⁵ I also nearly lost my life to a speeding car when it hit me one late night as I fled a police cruiser by running across the seemingly empty lanes of a Los Angeles freeway. Such autoethnographic details concerning my experiences in and around cars are, I contend, far from unique, especially for members of vulnerable and over-policed communities (Bloch, 2019b).

Cars came to symbolize spaces of capture, violence, and desperation for me. Choosing not to drive for years longer than my peers was both

an expression of fear and of privilege. I didn't drive because I didn't have to drive. My employment status and daily survival was not dependent on automobility, just as my status as a single able-bodied man meant I could transport myself across town with ease via public transit, by skateboard, by bike, or on foot. By comparison, as Stuesse and Coleman (2014: 58) put it, 'few [undocumented] immigrants feel they have the option of not driving, and many are forced to assume the risk on a daily basis in order to meet their most basic needs. Every instance behind the wheel becomes an opportunity for scrutiny at the hands of law enforcement, and thus a potential occasion for detention, deportation, and life-shattering family separation'.

By the time I started driving, well into my 20s and after going away to college on a hilltop campus where parking permits were almost impossible to obtain, the taint of vulnerability that I associated with automobility had diminished and I was able to experience the freedom of presumably unfettered mobility. However, for me as a child, adolescent, and even into adulthood, as for so many people well into advanced age, the automobile is anything but a symbol or object of autonomy.

As Dwyer and Jones (2000) ask in their interrogation of privileged social-spatial epistemologies, 'for whom is travel play, and for whom is travel better understood by making reference to its shared etymological roots with *travail*, to toil and labour, to suffer?' There is much work that needs to be done to answer this question as well as heed the broader call for increased studies of car space and automobility put forward in this article. Even beyond the scope of this article, as articulated by Boyce (2018: 9), the continued study of how the automobile and automobility is policed might further address 'vulnerability and violence that affect women's, transgender and disabled persons' access to and navigation of space. It also invites attention to issues of urban development, planning, and the politics of transit.' Additionally, to increase attention

paid to the car as a site of gendered transgression and class-based contestation globally, research within geography might also include discussions about those for whom dependence on others' access to automobility influences codependence and enables particular domestic power relations (see Hannam, 2016; Al-Ghalib et al., 2018; Sanger, 1995; Law, 1999; Walsh, 2008; Minton and Clarke, 2018).

Finally, to address questions of car space within studies of neighborhood change is, I argue, crucial to understanding seemingly mundane and everyday manifestations of state and market control over existing residents' ability to make place. To further our understanding of, for example, physical, emotional, and affective displacement and dislocation by gentrification necessitates that we, as geographers, reconcile with how the car is factored into people's claims to and movement through space via the automobile. In this vein, scholars might look at possible increases in traffic stops and heightened municipal enforcement of parking regulations in areas experiencing processes of displacement and unhoming wrought by gentrification (Elliott-Cooper et al., 2019). Whatever the specific research questions being asked, for geographers looking at the myriad manifestations of power, identity and place, the car must move to a more central position.


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Notes

1. According to Pew Research (Poushter, 2015) data, only Italy ranks higher than the US in car ownership (89%), and just above other westernized nations of Europe and Asia, including Great Britain, Japan, and Germany. In the Middle East, Lebanon is a regional outlier with a rate of car ownership similar to the US. China has increased from the single digits just over a decade ago to over 20% of the population owning private cars. And though rates of car ownership in the Global South – including nations across South-East Asia, sub-Saharan Africa, Latin America, as well as India – are relatively low, at between 2% and 6%, the global trend toward private automobility is on the upswing.
2. As part of the Bill of Rights, which was ratified in 1791, the Fourth Amendment to the US Constitution guarantees that ‘the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized’.
3. I employ the concept of carcerality as a reference to conditions of state-sanctioned coercion that reach far beyond the prison complex and into the daily lives of over-policed populations (see Foucault, 1977; and for a review of conceptualizing carcerality in geography see Moran et al., 2018; Story, 2019). As Bloch and Martinez (forthcoming) reveal, state violence in the form of policing manifests in hitherto understudied ways, including in the form of “canicide by cop,” or the killing of dogs by police, which often takes place during traffic stops. Likewise, I employ a conceptualization of the state as the everyday and myriad incarnation of governmental bureaucracies and their proxies (see Jones, 2012; Seigel, 2018).
4. Police have been so reliant on the smell of marijuana as a condition for establishing reasonable suspicion and the initiation of a search that states in which legalization has occurred have seen search rates during traffic stops fall substantially (Pierson et al., 2019).
5. A ‘rough ride’ is a term used to describe how police officers drive erratically during a jail transport, rapidly applying their brakes, quickly accelerating, and making sharp turns in order to throw handcuffed but otherwise unrestrained passengers around the back of transport vehicle, causing humiliation, injury, and – as exemplified in 2015 by Freddie Gray in Baltimore – death (see Correia and Wall, 2018).

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