

Policing the Park

Sex Panic and Policymaking in Fresno, California

ABSTRACT

This study explores how an undercover sting that targeted men soliciting sex with other men around public park toilets in Fresno, California, led to an increase in resources for local law enforcement, including a surveillance system that stretched beyond the park and into poor Black and Brown neighborhoods. We use the literature on policy entrepreneurship to make sense of the power of police both to quell opposition to unpopular public safety initiatives and to make the case for administrative expansion. This case study demonstrates that creating panic about public same-sex erotic activity can be utilized without appearing homophobic or drawing the wrath of LGBTQ+ rights groups, especially when focusing on the dangers to children. We argue that the men arrested for lewd conduct were simply collateral damage and not seen worthy of defense.

Keywords: policing, policy entrepreneurship, Fresno, California, sex panic, surveillance

OVER A SIX-WEEK period in 2002, the Fresno County Sheriff's Office in California ran Protect Our Children ("The Operation"), an undercover sting in a local urban park, Roeding Park. The Operation aimed to catch individuals for violations of California Penal Code §647(a) and (d), the criminal law that prohibits lewd public conduct. Acting as decoys, plainclothes deputies loitered around men's toilets to solicit men for consensual erotic contact. While a handful of men were arrested at the scene, approximately 30 men were arrested at their homes or work on

1 October 2002 – months after the alleged unlawful conduct took place. The arrests were staged in full view of the local media that law enforcement had contacted prior to the sweep. The Sheriff's Office justified the public spectacle as necessary to deter lewd conduct in the park.

Fresno law enforcement's tactics were not new. US historians (Chauncey 1994) document the clandestine surveillance of public toilets as far back as 1910. This labor-intensive policing grew substantially in the post-World War II era with the rise of gay and lesbian culture in urban centers. By the early 1960s, most metropolitan law enforcement agencies had vice squads that devoted substantial resources to patrolling public toilets (Lvovsky 2022). The Black Cat Protests in 1967 and the Stonewall Uprising in 1969 marked significant turns in the policing of gay culture and same-sex erotic activity in the US leading to less aggressive approaches. While undercover sting operations continued sporadically for the next several decades, by the mid-1990s they were rare in California.

This history of aggressive policing of same-sex erotic activity is well documented, perhaps exhaustively so (D'Emilio 1983; Chauncey 1994; Boyd 2003; Faderman & Timmons 2006; Loftin 2007; Lvovsky 2022). Why, then, is the Fresno case worthy of study? In contrast to previous studies, we focus on the ways law enforcement criminalize same-sex erotic activity to meet their own policy objectives. We incorporate insights from policy studies (Mintrom & Norman 2009) and critical urban studies (Davies & Imbroscio 2010) to document the ways police parlay homophobic fears into political advantage. By stoking public panic about child endangerment, Fresno law enforcement won support for a video surveillance system in disadvantaged Black and Brown neighborhoods. This video surveillance system had been opposed by city council members, local leaders, and a national advocacy organization, all of whom deemed it too intrusive and at odds with civil liberties.

Law enforcement leaders operated as policy entrepreneurs (Frisch-Aviram, Cohen & Beerli 2017). Importantly, they did not prove – nor were they really asked to prove – that the new video surveillance system would solve the social problem it was meant to address. They only needed to mobilize fear of a nebulous, dangerous threat to win support.

To explain this fact, we heed the research call of Petridou and Mintrom (2021, 956) to provide a rich description of the contextual factors that “influence the way policy entrepreneurship plays out in specific policy-making setting(s)”. Here our analysis draws on research that examines the impact of neoliberalism and mass incarceration on local political ecosystems. The persuasive power of law enforcement leaders’ arguments was buttressed by the sociopolitical environment in which crime, and fear of it, increasingly has taken center stage in the local politics of the post-1960s US. The civil order is now “built around crime” (Simon 2006, 14). Our methodology and the framing of the local political setting are inspired by Gilmore’s (2007, 148) close analysis of the nearby city of Corcoran’s decision to build a prison as a way “to fix” their local economy.

This study helps us to understand a decades-long broader trend in the US: the redirection of public administrative and financial resources toward law enforcement. By exploring the power dynamics in the context of this case, activists and scholars can better understand the development of the police-industrial complex at the municipal level. Our study advances the idea that oppressive belief systems like homophobia can be cynically marshaled by entrepreneurial public officials to achieve policy aims.

We came to this research through different routes. Kathryn Forbes writes as a cultural anthropologist and professor of women’s, gender, and sexuality studies. Her interest in *The Operation* stemmed from work with local youth abolition activists who led a 2020 campaign to block additional funding for the Fresno police department. Kris Clarke writes as a queer social work professor who grew up in Fresno experiencing homophobia and witnessing the impact of race and class segregation on local communities.

We use a variety of data sources, including local newspapers, to piece together how the sting unfolded. We use court documents (lawsuit filings and depositions) associated with a civil suit against the Fresno County Sheriff’s Office filed by some of the men arrested to provide more information about the sting. An examination of transcripts from

Fresno City Council meetings reveals how city officials rationalized enriching the police budget. News reports and council proceedings that include the voices of those opposed to the expansion of police surveillance show the difficulty of countering law enforcement's rhetorical use of nebulous fears. All sources are publicly available.

Our choice to rely on a variety of documents for this study is pragmatic. When we spoke to reporters, lawyers, and city officials involved in The Operation some 20 years ago, they either could not recall the details or remembered key facts incorrectly. We turned to print media and bureaucratic documents to better understand how The Operation unfolded and the ways that local power brokers used it to achieve political goals. Because documents are central to the construction of bureaucratic knowledge and government decision-making, our study relies heavily on them and treats meeting agendas, transcripts, and minutes as ethnographic objects (Hull 2012; Riles 2006). Ethnographic studies of meetings as central tools of bureaucracy, too, help us to make sense of the variety of political projects involved in public city council meetings where elected officials, police, and advocates discussed The Operation (Sandler & Thedvall 2017).

The article proceeds in four parts. The first part adds historical context to the case study. The second part discusses the areas of scholarship we use to analyze the events: policy entrepreneur studies, queer studies of sex panic, and the criminalization of same-sex erotic activity. The third part presents The Operation and shows how police acted as policy entrepreneurs to support their call for additional resources. The final section discusses the implications of our case study for queer studies of sex panic.

Fresno, parks and racial segregation

Fresno is a socially conservative city of nearly a half-million people located in Central California. In this section, we briefly outline the story of Fresno, in relation to the parks movement that motivated the founding of Roeding Park, where The Operation took place.

Since the founding of the city, Whites in Fresno successfully enforced

racial segregation. In an 1874 town meeting, leaders decided to locate “other ethnicities and disreputables to the west side” of the soon-to-be-incorporated city which was constructed along a grid that provided little space for public parks (State Commission on Immigration and Housing 1918). Multiethnic immigrants arrived in Fresno in the early twentieth century to work in the agriculture industry along with African Americans from the South (Guzman 2012). Fresno maps of the time detail the boundaries of racially segregated neighborhoods, and these patterns of discrimination have persisted for over a hundred years (Zuk 2013). Racial segregation became entrenched in Fresno through practices such as redlining, a banking method that systematically denied mortgages to ethnic minorities in White areas of town, and restricted covenants that barred homeowners from selling to people from different ethnic groups (Nardone et al. 2020). Fresno has areas with some of the highest concentrated and racialized poverty in the nation (Fairbanks 2021; Tsutsui 2019).

The history of the American urban park as a public space reflects the ecology of settler colonial land use patterns, reformist approaches to “healthy” recreation, and methods of social control amidst a changing demographic landscape (Simpson & Bagelman 2018). The American park movement (1840–1880) saw the management of public land for the benefit of city residents as key to fulfilling the promise of American democracy (Evelev 2014). Grounded in settler colonialism, the park movement used a reformist imaginary of romanticized nature to construct bucolic public spaces imbued with a civilizing mission (Gissibl, Höhnel & Kupper 2012). As rapid urbanization and industrialization created crowded, unsanitary neighborhoods ripe for political upheaval, social reformers and civic leaders reconfigured the city landscape in response to anxieties about urban unrest and non-heteronormative sexualities. Toilets in parks and other public spaces were intended to provide privacy for bodily needs in increasingly dense urban areas, but they also became places where clandestine and anonymous same-sex sexual activity could take place. While parks were intended to reinforce community values of White heteronormative respectability, they

also covertly reflected the complex spatial relations of visible and hidden sexuality (Catungal & McCann 2010).

In 1903, banker and pioneer Frederick Roeding and his wife, Marianne, donated 148 acres to the City of Fresno to create a park. In part, Roedings' land gift to the city was a response to concerns about the immorality of Fresno city life and the belief that green space facilitated reformist aspirations for better social and physical health. Roeding Park was a popular site for multiethnic church picnics and other social gatherings. In the 1960s, the city installed children's amusements and expanded the zoo. In the 1990s, elected officials successfully implemented a park entry fee despite community advocates' protests that it would inhibit use of the park among the low-income residents who lived in nearby neighborhoods. In early 2000, supporters of the zoo campaigned to expand it. Opponents argued that this move would eat into the green space where families from the southern part of town picnicked. As one of the only green spaces in that area of the city, it was a recreational space highly valued by working class families. In 2008, a local tax measure passed to enhance funding for the zoo. Both issues point to conflict about who laid claim to the park and how it was used. The role of Roeding Park as a pleasure ground began to evolve towards an amusement venue with paid admission, though its picnic shelters remained popular with working class communities (Schwemm 2011).

Theoretical framework

We draw on three bodies of scholarship to analyze *The Operation*: policy studies of the impact of neoliberalism on municipal governance, queer studies of sex panic, and the criminalization of same-sex erotic activity.

Our analysis of *The Operation* emerges from an understanding of the police as policy entrepreneurs (Kingdon & Stano 1984). In his overview of how and why particular issues become government priorities, Cohen (2018, 180) explains that policy entrepreneurs are able to scan the socio-political landscape for opportunities for policy innovation.

Originally conceptualized as a specific class of politically elite actors who target the transformation of high-level policy, more recent studies

of policy entrepreneurs and policy entrepreneurship examine middle- and street-level bureaucrats to better understand how they affect the implementation and design of policy (Frisch-Aviram et al. 2017; Aviv et al. 2021). Petridou and Mintrom (2021, 955) write “policy entrepreneurship is not a formal role, but rather a set of strategies, attributes, and skills combined with an intentionality underpinning the actions of actors.” Elected and appointed officials, bureaucrats in a host of governmental offices may practice policy entrepreneurship, as well as lobbyists, nonprofit leaders, and interest group representatives.

Law enforcement leaders are well-positioned to act as policy entrepreneurs in local government decision-making; indeed, they may enjoy strategic advantages not experienced by other mid-level bureaucrats. They develop and maintain ties with local elected officials and political leaders. In Fresno, their network extends across political party lines. Law enforcement leaders often have long work histories in communities and have developed an extensive network of political actors whose skills they may call on in the policy advocacy process. This embeddedness in the political life of the community makes them especially attuned to windows of opportunity to promote specific policy changes. And because law enforcement leaders are part of professional associations that have highly developed political lobbying and governmental affairs units, local law enforcement leaders have access to ready-made policy solutions to the problems they face in their communities (Balla 2001; Teodoro 2009). Finally, law enforcement leaders benefit from the general trend toward seeing government’s main function as promoting public safety in communities that, allegedly, are increasingly crime-ridden. The operation analyzed here took place in 2002, years before the most recent uprisings against police brutality and the nationwide questioning of the privileged position police budgets hold in municipal governance. As we describe, Fresno law enforcement leaders’ success in transforming local policy was fueled by their adeptness at seizing the opportunity presented by a (manufactured) criminal event and connecting it with the moral panic posed by same-sex erotic activity.

Cohen (2011) defines moral panic as a situation whereby a condition

or group of people become seen as antithetical to society's values and interests. Rubin (1999, 145) argues that the postwar period in the US was marked by a specific kind of sex panic where people seen as embodying non-normative sexuality were intensely persecuted. Kunzel (2020) documented how the 1948 Sexual Psychopath Act made sodomy punishable by twenty years in prison through pathologizing homosexuality. Even "habitual homosexuals" in consensual relationships were subject to involuntary psychiatric detention under the law (Cruvant, Melzer & Tartaglino 1950).

Queer historians have meticulously shown how American Cold War anxieties were enmeshed in fears of non-normative sexuality and gender non-conformity generating deep social stigma and intrusive policing directed at LGBTQ+ people (Chauncey 1994; Kunzel 2018). California, for example, established its first sex offender registry in 1947, which was wielded as a weapon of public shaming and punishment towards queer people for "sex perversion" charges (Eskridge 2008). Postwar sex panic targeted the "homosexual menace" by controlling intimacy in public places through state surveillance that focused on the intersection of space, sexual identity, and health (Rubin 1999). The control of diverse genders and sexualities was rooted in majoritarian moralities about appropriate sexuality which continued to fuel vice stings for lewd conduct despite the increasing social acceptance of LGBTQ+ identities (Strader & Hay 2019).

By the 1970s, postwar sex panic had diffused into broader culture wars as normative hierarchies of gender, sexuality and race were challenged as a result of women's, civil rights, and gay liberation movements. While homosexuality started to become decriminalized and de-medicalized in the 1970s in much of the US, social conservatives re-cast the progressive legislative and social gains from these movements as an endangerment to children (Lancaster 2011, 41). Anita Bryant's campaign to "Save our Children" from homosexuality explicitly sought to expand the ideology of gender normativity through the political framework of the New Christian Right (Johnson 2018). In their view, sex education was not a public health strategy: it was a state-sponsored program

to undermine parental authority. Single motherhood, they argued, put children at risk for a life of crime: without fathers in the home, children were unable to rise above corrupting social influences. Gay rights and openness about homosexuality, they said, lured children into a life of debauchery. These same tensions have reached another boiling point in the 2020s as rightwing activists have rallied around the cause of framing LGBTQ-inclusive education as pedophilic grooming and drag queen storytime for children as child abuse (Ellis 2019).

Homonormativity, a term first introduced by Warner (1991) and developed by Duggan (2002), reflects a political strategy that shifts away from social liberation movements towards assimilation into the prevailing systems of class and gender oppressions as well as white supremacy (Mowlabocus 2021). By focusing on the primacy of the married couple as the central political issue, heteronormativity became “a strategy for privatizing gay politics and culture for the new neoliberal world order” (Duggan 2002, 188). New homonormative political groups like the Human Rights Campaign positioned themselves in opposition to radical progressive movements by countering homophobic policies through asserting that they do not fundamentally challenge the normativity of family structures, policies, and beliefs (Duggan 2002). The notion of homonormativity has been critiqued for its lack of intersectional analysis, overly simplistic gaystreaming and neoliberal orientation, and failure to capture how power asymmetries play out in the complexity of people’s lives (Duggan 2002; Brown, Browne & Lim 2013; Herz & Johansson 2015; Kao 2021; Kenttaamaa Squires 2019; Stryker 2008). Further, it is worth noting that there has long existed an antagonistic divide between homonormative assimilationists and sexual outlaws (Lamusse 2016; Mulé 2018). As Duggan (2002) underlines, the privileging of homonormative same-sex couples followed the neoliberal reification of the nuclear family as the primary social unit for care, also requiring some wealth to enter as social benefits are often restricted to those without partners.

New understandings of queer geographies have challenged the binary between hetero- and homosexual as well as homonormative spaces (Browne 2006; March 2021). Browne et al. (2021) underline how the

privatization and domestication of LGBTQ+ partnerships create new non-normative others. As Browne (2006) points out, the term queer is more than codeword for LGBTQ+ populations, it refers to an “elusive,” “de-normalized” and “uncontrollable” quality that is in constant motion. Queer is what Halberstam (2020) defines as wildness, namely, a state of being that resists hierarchies, a quality repressed by colonialism. Berlant and Warner (1998) introduce the notion of queer counterpublics, meaning that queer people built a social space of belonging and connection through engaging in “criminal intimacies” unrelated to the domestic sphere. Public bathrooms or bathhouses have long been places where queer people have found anonymous sex and sociality, defying normative ways of using space and conduct, as well as challenging the notion that sex belongs exclusively to the private space (Berubé 2003; Ricco 2002). Sex panic, then, also has a spatial logic. In the Roeding Park case, anxieties about sex panic coalesced to fuel fears of lewd conduct occurring in a public space meant for wholesome family entertainment.

There is woefully little documentation on LGBTQ+ history in Fresno, especially at the intersection of the criminalization of same-sex erotic activity in public spaces. Anecdotal evidence suggests that Roeding Park in the central part of Fresno, Kearny Park towards the agricultural southern part of the city, and Klein’s Truck Stop on the outer edge of the main highway were known as gay cruising places in the late twentieth century. In general, police enforcement of lewd conduct charges against LGBTQ+ people throughout California has followed discriminatory patterns targeting people of color, immigrants, and others without the means to contest the charges (Strader & Hay 2019, 466).

Analyzing The Operation as policy entrepreneurship

Below we describe how The Operation unfolded and the policy negotiations that followed between Fresno City Council, the mayor, and law enforcement leaders. Skilled at policy entrepreneurship, law enforcement leaders effectively crafted a story of an impending crisis deploying well-worn tropes about child endangerment. What is noteworthy is their political acumen at taking advantage of various openings and

shifts in the political landscape, of operating with a sense of doing what is politically possible at a particular moment. Indeed, the ultimate outcome we note here – the installation of a surveillance camera system in neighborhoods outside of the area targeted by the sting – appears on the political landscape as an inevitable, logical outcome of the events – not a policy choice. This speaks to law enforcement’s success at framing the issue, made possible by an understanding of the context and highly developed sense of social acuity.

At the outset, we note that the Sheriff’s Department undertook The Operation, but it was the Fresno Police Department that mined the sex panic to expand how they operated in disadvantaged communities. In California, Sheriff’s Departments have jurisdictional authority over county territories, and they patrol the areas outside of city limits. They also run the jails, patrol courthouses, and work with the federal Office of Homeland Security. Sheriff’s Departments answer to the elected officials (the Board of Supervisors). City Police have jurisdictional authority within city limits and answer to city councils and the mayor.

In 2002, the Fresno County Sheriff’s Office ran the decoy sting operation “Protect Our Children” in the Roeding Park toilets. They aimed to end the practice of men soliciting other men for consensual sex inside the park. The operation was not initiated in response to community complaints. In fact, from 2000 to 2002 there were no citizen complaints about sexual activity in the men’s toilets, though there were at least nine complaints of men and women having intercourse inside the park. They decided to target the Roeding Park toilets, the Fresno County Sheriff’s Office said, because deputies saw websites that praised the Roeding Park restrooms as a good place to “score” (Fitzenberger 2002). Lieutenant Hagler stated that the sexual activity occurred in the toilets near the entrance to beloved children’s attractions in Roeding Park. “No one wants to see the children exposed to this activity,” said Sergeant Ko. “We’re trying to protect the children” (Fitzenberger 2002). Because Roeding Park is within the city limits and under the jurisdiction of the Fresno Police Department, the Sheriff’s Office requested that the Fresno Police Department work in concert with them. The Fresno

Police Department declined to participate, stating that they were using their resources to combat gang and drug activity (Fitzenberger 2002).

And indeed, they were. Beginning in the late 1990s, the Fresno Police Department began aggressively patrolling low-income, primarily Black and Brown, neighborhoods. Funded by the state of California through legislation written by an assembly member representing Fresno, the 30-person Violent Crimes Suppression Unit (VCSU) targeted “career” criminals in South Fresno (Assembly Bill 1397 1995). The program expanded police paramilitary units (PPUs) and equipped them with military-grade weaponry. PPU personnel trained together, saw themselves as distinct from their peers, and promoted an identity akin to elite armed forces groups like the US Navy SEALs. They dressed in tactical military gear and were equipped with heavy weaponry, including an armored tactical vehicle. Fresno Police believed that displays of intimidation would suppress gang and drug crime. Fresno certainly was not alone in using PPU tactics as other studies demonstrated (Kraska & Keppler 1997, 6).

Some local Black and Brown leaders viewed the VCSU as necessary to make the streets of Southwest Fresno safer (Borba 1997). At the time the VCSU was established, Fresno averaged one gun-related incident every three days and gang-related violent crime had spiked (McEwen 2001). Several groups lobbied for more police protection. Business owners in Southwest Fresno were vocal about how crime threatened their livelihoods. These local leaders saw an increase in policing as a temporary fix and thought the city needed to create comprehensive development programs to address the economic and social instability caused by decades of disinvestment in Black and Brown neighborhoods (Borba 1997). Like so many other US cities, local officials quickly enriched the budgets of law enforcement but neglected to invest in long-term solutions to crime.

Initially, the VCSU was deemed successful, but it faced setbacks that led to its demise. Two high-profile wrongful-death lawsuits and a gender discrimination lawsuit revealed the misogynistic and racist culture of the VCSU. By December 2001, the new police chief, Jerry

Dyer, announced that the VCSU would be disbanded (Hostetter 2001). Chief Dyer cited lower crime rates as one reason to eliminate the unit, but this did not result in fewer police; instead, officers from the VCSU were reassigned which tripled the number of officers assigned to patrolling downtown, the area adjacent to Roeding Park (Hostetter 2001). Chief Dyer also undertook other initiatives to mark the beginning of his leadership. The day after he was sworn into office, he established a citizen advisory board to provide feedback on public safety – “[the board will tell me] not what I want to hear, but what I need to hear” (Galvan 2001). Dyer promised an ethnically diverse board composed of leaders from local faith-based organizations, business owners, media representatives, and education leaders (Galvan 2001). This was a far cry from the oversight committee that Black and Brown leaders had previously called for (and would continue to call for up to the present) but it did signal Dyer’s political acumen to gain the support of local leaders. Dyer also introduced “smart policing approaches” which made use of a variety of technologies to track crime so that personnel could be assigned more efficiently. This complemented the “problem-oriented policing” (POP) approach that had been introduced by the previous leadership in 1992 and was widely touted as an effective approach to addressing crime and public disorder. Under this approach, specific crime and public order problems are targeted by law enforcement who collect information on their root causes. Over the years FPD has taken on several POP projects, including street racing and arrests around child custody disputes. The POP approach is meant to respond to resident concerns and to enlist the community in finding solutions. These projects have the potential to improve public impressions of the effectiveness of law enforcement. The approach, too, had the potential to further enhance public approval of policing for it promised a more effective use of resources. In instituting the “smart policing approach”, Chief Dyer framed the beginning of his leadership as fiscally responsible, even as he would continually request a larger budget for his department. In the years to come, he framed these budget requests in terms of modernizing antiquated systems of addressing

public safety. We address how this “smart policing” approach played out in relationship to camera surveillance below.

In contrast to the FPD, the Fresno Sheriff’s Office maintained a lower public profile. This was, in part, a product of the area under their jurisdiction: they patrolled 6,000 square miles made up of farmland, unincorporated small communities and mountainous terrain. This made intimidating displays during everyday patrolling difficult to accomplish. Still the Fresno Sheriff’s Office used strategies similar to those of the Fresno Police. Operation Protect Our Children mobilized undercover male deputies stationed around three of the six men’s toilets at Roeding Park to act as decoys to uncover violations of California Penal Code §647, the criminal law that, in part, prohibits lewd conduct in public (Fitzenberger 2002). Deputies were granted around 60 warrants to arrest men allegedly involved in 115 discrete incidents. Approximately 30 men were eventually arrested, the majority of whom were married to women. Most were charged with engaging in lewd conduct; a few charged with solicitation. The Sheriff’s Office waited till the end of The Operation to arrest the men in their homes or places of business. Because they had contacted the media prior to the arrests, local newspaper reporters were at the scene: “Some went willingly. Others argued with officers. One man cried as deputies led him away” (Fitzenberger 2002). The newspaper coverage was more detailed for arrestees who were school district employees and elected officials, as exemplified in the Fresno Bee’s description of the arrest of a school administrator:

As deputies led him away, (the administrator) asked his co-workers to call his wife. He stood against a sheriff’s transport van in a parking lot, his wrists cuffed behind his back and his gaze focused on the pavement. Inside the office, one co-worker said, ‘That’s not Bob’ in a weak voice. Another whispered ‘I’m shocked.’ No one else would comment. (Fitzenberger 2002)

Sheriffs publicly reacted to the fact that some of the men arrested worked in the school system: “If you’re a teacher, you shouldn’t be doing this,

period,” said Lieutenant Haggler on the second day of arrests. He continued, “We find it shocking and revolting” (Fitzenberger 2002). Law enforcement and public officials were careful not to condemn same-sex sex altogether. Officials’ statements in the local newspaper and at city council meetings either focused on where the sexual activity took place or explicitly stated that homosexual sex was not the problem. The overarching message was that the sexual activity endangered children because they may witness it.

The lack of specific condemnation of same-sex sexual activity may be read as an indicator that stories of morally deviant, predatory gay men were no longer acceptable. This is not to say that law enforcement as an institution embraced sexual liberalism. On the other hand, images of predatory men lurking in bathrooms still resonates in law enforcement’s framing of why they undertook the sting operation. The assumption is that the men were reckless, not worried about children, even though the sexual activity took place after the children’s attractions were closed.

No local LGBTQ+ organizations spoke out against the sting, either at the time of the arrests or years later when a handful of the men arrested filed a lawsuit that alleged that they had been wrongfully targeted by law enforcement. Anecdotal evidence from gay men in the community suggests that the framing of the crime as child endangerment made it too risky to comment on publicly. Because most of the men arrested were in heterosexual relationships, LGBTQ+ organizations did not necessarily see them as constituents to defend.

Expanding surveillance

On 27 August 2002, Fresno City Mayor Alan Autry appeared before the city council to lobby for the city police to assume administrative control over the Parks Department. He argued that there was a “common bond shared by parks and recreation (P&R) and the police”. Fresno, Mayor Autry stressed, faced a “confluence of problems and issues that [were] going to create another assault on the city’s parks”. Councilmembers echoed Mayor Autry’s concern for park safety. One noted how “the issue” of park safety had “played out in the media,” an oblique refer-

ence to The Operation (Fresno City Council Meeting Minutes 2002, 27 August). While some Council members did not support the police overseeing park operations, some did support greater police presence in parks and increased law enforcement involvement in city-supported park activities. But they did not move forward with a plan. Instead, in the long tradition of bureaucrats, they voted to conduct a study of park safety.

In an early August 2002 city council meeting, Mayor Autry suggested that Deputy Chief Enmark conduct the study and be appointed interim parks director while the city conducted a nationwide search for a permanent director (Lopez 2003). Deputy Chief Enmark had led the police department's administrative reorganization efforts that resulted in more officers on the street (Lopez 2003). The Fresno city attorney ruled that Mayor Autry could not appoint an interim director for P&R without council approval. The mayor dropped that suggestion as the majority of council members made it clear that they did not support the mayor's overall plan to merge the parks and recreation with the police.

However, the city council did support the Fresno police assessing crime in city parks and ways to address it. Over six months, the police conducted surveys of community leaders, held public forums and interviewed employees. In mid-February 2003, the Fresno Police Department released the findings from their study. It called for a better working relationship between police and P&R employees and made 32 other recommendations. It called for the demolition of Roeding Park restrooms and the construction of new ones specifically designed to deter sexual activity. The report said increased police patrol of city parks was necessary, but it did not suggest that the police department take over the P&R Department. Deputy Chief Enmark, who led the assessment team, stated, "The police really didn't want to take over the parks in the first place" (Lopez 2003).

Three months later, Mayor Autry released his \$726 million budget for the following fiscal year. It included an approximate \$2 million dollar increase in the Police Department's budget that would fund an additional 67 officers (for a total of 778 officers). The budget also included

an additional \$1 million for community programs to serve seniors and after-school programs in parks and schools across the city (Lopez 2003).

Mayor Autry, however, did not retreat from the suggestion to install police in P&R leadership. In 2004, Mayor Autry appointed a retired San Jose, California, Deputy Police Chief to head up the Parks Department. At the press conference introducing him to the city, Mayor Autry spoke of Cooper's accomplishments and stated that park safety would be his top concern (Davis 2004). One council member expressed his outrage over the hire: "I feel betrayed. I feel ambushed" (Davis 2004). He went on to state that the council wanted a professional parks director, one who had experience managing large park systems. Cooper would prove to be a willing partner to the Fresno Police Department in their endeavors.

Over the next several years, more changes to address public safety concerns came to Roeding Park. In February 2006, the Parks and Recreation Director shifted the Roeding Park maintenance crews' schedule to begin work at 8 p.m. and continue to 4:30 a.m. to deter night traffic inside the park. The police trained the maintenance crew to be "alert and accurate witnesses" (Fontana & Leedy 2006). Police Chief Dyer instituted foot patrols in the park with frequent checks to the toilets. And he promised to launch more undercover operations to arrest people involved in lewd activity. "This will not only be a deterrent to keep lewd activity from occurring, (but) it will enhance the safety of parkgoers", Chief Dyer explained (Ellis 2006). Later that year, the city installed new toilets. "We want this to be a new beginning for Roeding Park", Police Chief Jerry Dyer explained. "We want to make sure the people that do frequent Roeding Park feel safe" (Ellis 2006). The toilets, purportedly designed to discourage people from engaging in sexual activity in the stalls, were accompanied by more lighting and more than a dozen surveillance cameras around the park.

The park cameras were part of a broader video policing program introduced earlier that same year. In a presentation to the Fresno City Council, the Fresno Police Department described a multi-year proposal for the installation of video cameras around the city. As was later recounted in the Fresno Police Department annual report (2006, 15):

“At the direction of Mayor Alan Autry and working closely with Chief Dyer, the Fresno Police Department began a historic project to help make Fresno safer by using state of the art video technology, a major component of our ‘smart policing efforts’”. Along with the new cameras in Roeding Park, the police installed cameras in commercial areas in the southern and northern parts of the city. The second phase installed cameras in Black and Brown neighborhoods. In a variety of public forums, Fresno police department representatives spoke enthusiastically about the expansion of cameras throughout the city including the possibility of creating partnerships with private security firms to develop surveillance of publicly and privately owned spaces (Guy 2006). They appealed to the fears of parents by suggesting that in the future parents might be able to access cameras from their own home computers so that they could monitor children’s activities at skate parks (Guy 2006).

Interestingly, this proposal came after the Police Department’s failed surveillance project meant to catch drivers who ran stoplights. In 2001, the city subcontracted with a security company to place cameras at busy intersections in hopes of generating revenue and reducing traffic fatalities. The program was abandoned for a host of logistical reasons and sat, in the words of one progressive writer, “as a monument to the failure of video surveillance” (Rhodes 2006).

The police did not plan to continuously monitor the camera feeds; instead, they wanted to use the captured footage to investigate crimes after they had occurred and, with luck, to catch criminals in the act, provided somebody was around to notify police it was going on. Chief Dyer argued that video cameras were a “force multiplier” – cameras deter people from committing crime and aid police in investigations – though he offered no evidence to support this claim (Guy 2006).

Civil libertarians pushed back. Local attorney Jack Weisberg stated: “Criminals will figure out a way to get around them. It’s the ordinary folks who will be intimidated. That’s the scary part” (Fontana & Leedy 2006). A San Francisco-based ACLU attorney, Mark Schlosberg, called the approach “wrong-headed” in a news article, explaining: “These types of Big Brother surveillance programs, where you put cameras over

large areas of the city, are ineffective in reducing crime and jeopardize precious privacy rights. And once those privacy rights are lost, they will not be regained” (Boyles 2006). The article quoted other legal scholars who stated: “Cameras have not proven to be the panacea to crime and terrorism that many predicted. They can, however, erode our civil liberties and make our society less open and free” (Boyles 2006). The article summarized that while there is evidence that cameras help prosecute crime, there is little evidence that cameras prevent crime.

Chief Dyer was able to corral dissent through the appointment of an advisory committee dedicated to reviewing how the police would use the new system of surveillance. This committee helped develop a policy manual that governed the new surveillance system. The committee also was a venue for asking questions about how the police would ensure that they did not violate privacy rights.

Chief Dyer effectively demobilized public opposition to the new surveillance system through symbolically providing a means for public input on the surveillance system. While Chief Dyer had a strong partner in the mayor, he was instrumental in marshaling the political resources to curry support for the video surveillance program. Like other successful policy entrepreneurs, Chief Dyer framed the social problem in a manner that made the policy solution seem logical, if not inevitable. The Operation in Roeding Park and the publicity surrounding it, amplified by the mayor’s decision to demolish the public toilets, provided Chief Dyer with an opportunity to introduce video policing as a normalized tool of law enforcement. While civil libertarians pushed back on privacy concerns, there was no public outcry about the potential criminalization that increased surveillance of Black and Brown disadvantaged communities might cause. Mayor Autry championed the installation of the video policing system for a cost of \$1.3 million. The Fresno City Council approved it in June 2006 (Leedy 2006).

Conclusion

Sex panic and the criminalization of same-sex erotic activity has historical roots in California, yet the 2002 lewd conduct sting known as

Operation Protect Our Children was unusual because law enforcement in general no longer prioritized policing cruising areas. While LGBTQ+ rights were broadly accepted, especially when cloaked in respectable homonormativity, stigma against same-sex erotic activity remained, particularly when linked (however nebulously) with children. After two decades of increasingly neoliberal governance, which stripped away much of the funding for public activities like parks and recreation in budgets, prevailing metanarratives of fear and criminality drove increasingly carceral budgets that significantly enhanced the financing of law enforcement agencies. This case demonstrates how entrepreneurial law enforcement efforts can weaponize stigma about same-sex erotic activity, perceived as reckless, non-normative and a threat to children, to further its own opportunistic aims to increase its budget and presence in neighborhoods of color.

We could find no evidence that elected officials or community members openly opposed the addition of the increased policing budget. While there was isolated pushback against the installation of surveillance cameras, the link between the cameras and public safety, especially in calls to protect children, stymied opposition to the increased investment in policing. The men arrested for lewd conduct were simply collateral damage and not seen worthy of defense.

In the years that followed the installation of the surveillance cameras, the Fresno Police Department budget has continued to grow, as has the number of police officers on patrol. Each increase, the Fresno Police Department has argued, allows officers to build relationships with the community members in the areas they patrol, especially those living in neighborhoods in the southern area of the city where Roeding Park is located. According to law enforcement, public safety is achieved not through investment in communities but by investment in the police who patrol them.

This argument reflects an approach to crime deeply embedded in policing as a professional organization. In the 1980s, the “broken windows” theory of crime became prominent (Wilson & Kelling 1982). This theory reasons that small transgressions inevitably lead to larger ones,

and police deployed to target small infractions will keep crime at bay. As Soss and Weaver (2017, 570) write:

Thus, as new policing models proliferated in the 1980s, 1990s, and 2000s—trumpeted through a string of tactical campaigns titled “Operation” such-and-such—the core preoccupation of policing became the elimination of disorder and the regulatory enforcement of codes against disordered people and places. Efforts to address underlying community problems through social investment took a backseat as policing strategies and petty arrests took pride of place.

While this new mode of crime prevention was purported to mend relationships between vulnerable communities and the police, in reality it gave the police “broad warrant for expansions of state authority and controlling interventions into the lives of race-class subjugated communities” (Soss & Weaver 2017, 570).

In this context, the police practices of surveillance and increased patrolling in Brown and Black poor neighborhoods act as generative forces in defining the boundaries of communities and the people who live in them. These policing practices “[offer] Americans race- and class-based lessons on who is a citizen deserving of fairness and justice and who constitutes a group of dangerous others deserving of severe punishment, monitoring, and virtual branding” (Justice 2014, 162). While The Operation began as a police action to address erotic activity in parks, it fueled longstanding racist state practices about place. The story of Roeding Park is illustrative of how the democratic intent behind the establishment of public parks has been obscured by the growth of policing and governing through crime.

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