

"Stop-and-Frisk" Policing in New York City

An historical evaluation of the controversial policy.

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Known today as the New York Police Department's infamous Stop-and-Frisk Policy, this controversial form of policing has been ever prevalent and often reformed in the criminal justice system of America for decades. According to the NCJRS 1969 Criminal Procedure Manual below, the "Stop-and-Frisk" policy allows police officers to stop, interrogate and search New Yorkers "when an officer has probable cause, with or without a warrant." Officers use this policing tactic as a way in which they question and search people they think have committed a crime or are planning to commit one. Overwhelming evidence compiled through decades of Supreme Court rulings, data collection, and task force initiatives suggests that the Stop-and-Frisk policy is used as a method of racial profiling, specifically for the harassment of Black and Latino citizens. Through violations of the U.S. Constitution's Fourth and Fourteenth Amendments, the sparking of a nationwide debate, and a plea for reform, the following policy assessment will evaluate the

tactics, violations, and consequential impacts this controversial policy has had on the state of New York throughout the decades.

"Stop and frisk" is a common procedure practiced by police officers in the United States. When an officer has probable cause to make a lawful arrest, with or without a valid warrant, it is axiomatic that an incidental frisk for dangerous weapons is justified. But when a "stop and frisk" is based on something less than probable cause for arrest it has been attacked as being violative of the Fourth Amendment to the Constitution of the United States.

Criminal Procedure Manual, 1996, NCJRS

Historical Context of Stop-and-Frisk

Today, in the year 2020, "Stop-and-Frisk" policing continues to be controversial, sparking national debate and calls for reform throughout the criminal justice system. However, the evolution of the New York City Police Department's aggressive Stop-and-Frisk program is one that has a deeply rooted history, and it is essential to examine the policies, reforms, rulings, and tactics that have led to the controversial policy today:

"Discretionary Policing"

The political landscape of the 1960s was a period characterized by civil unrest and dissatisfaction of many of the social and political conditions of the time, particularly with the treatment of minorities. Exploring the contexts in which Stop-and-Frisk policing came to be today, the political unrest in Detroit is an excellent model for examination. In much of the City, many black Detroiters became increasingly concerned with growing rates of poverty and crime in their city. In 1964 and 1965, in response to a city-wide outcry, Mayor Jerome Cavanagh and members of the City Council passed a series of "get-tough" ordinances. **These new ordinances were incredibly significant, as they expanded police officers' authority on the streets.** These new tools, created through Detroit's "get-

tough” policies, became known as “discretionary policing,” or “laws whose enforcement was based on individual officers’ judgment.” These policies initiated debate throughout Detroit, as well as sparking conversations around the nation, and were used to contextualize the introduction of Stop-and-Frisk in the mid-1960s.

Most officers join the force “with the idea of trying to help people and what happens is a disillusionment,” he went on. “They feel that they’re a minority, that they’re misused.”

“With the police officer’s discretionary judgment may come the illusion of power.” Dr. Symonds said. “Even psychiatrists, when they help people, begin to think they can walk on water or even give advice about the stock market. The police officer has to have the humility and self-confidence to recognize he is only one part of the criminal justice system.”

Men in Blue Have Mood to Match, Sam Roberts, August 28, 1983, Nexis Uni

Detailing these new discretionary policing policies, Dr. Symonds (see graphic at left) describes the “illusion of power” that comes with any job,

even psychiatrists, when it comes to discretionary policing. This is indeed highlighted in the fact that in 2010, police made 93 stops for every 100 residents just in the neighborhood of Brownsville, Brooklyn. This is a clear abuse of police tactics and power, not only in these numbers, but in the fact that police presence is qualitatively and quantitatively different in predominantly white areas versus minority areas of the city.

Debate

Examining the creation of discretionary policing in the 1960s, many in Detroit, including middle-class moderate African Americans, supported the politicians who backed stop and frisk tactics and their attempts to reduce crime through these new discretionary policies. However, there was also a question: whether or not these new policies truly intended to combat and fix crime, or if they intended to create a new order in which police officers were given the freedom to profile and arrest civilians at free will.

As stated, the policy of aggressive stop and frisk practices reflects theoretical and strategic innovations derived from what has become popularly known as Broken Windows theory.²⁶ The originators of the Broken Windows theory, James Q. Wilson and George L. Kelling, argued that police should address minor disorders to strengthen police-citizen interactions, and consequently, informal social control.²⁷ For Wilson and Kelling, signs of physical and social disorder invite criminal activity.²⁸ Disorder indicates to

Broken Windows Theory, Fordham Urban Law Journal, 2000

“Broken Windows”

A city embroiled in economic crisis and crime, these new discretionary ordinances were furthered by Detroit’s taking on of the ‘broken

windows’ tactic. According to the Fordham Urban Law Journal (2000), the Broken Windows Theory is one that encourages the

policing and surveillance of visible signs of crime and "minor disorders" in order to increase police-citizen interaction and social control. Stop-and-Frisk practices are derived from this popular theory.

While many people credit Broken-Windows policing for lowering the city's crime rates, this tactic is, in fact, also known to have spiraled the Stop-and-Frisk policies that are largely criticized as disproportionately targeting and criminalizing minorities. Stop-and-Frisk is commonly seen as originating in New York City in the 1990s, yet looking in depth at the political origins of Detroit, Stop-and-Frisk policies were in fact first implemented in the mid-1960s as radical Civil Rights movements spread throughout the nation.

Proposal of "Stop-and-Frisk" Laws: Detroit and Beyond

It was in the context of rampant unemployment, growing working-class radicalism, and urban rebellions around the country, that Mayor Cavanaugh proposed his 'Stop and Frisk Law' in 1965. While much of Detroit was unanimously against his proposal, these introductions to Stop and Frisk law provide context. During the time of Detroit's new policy proposals, around the nation's many cities, law enforcement began to prioritize and implement stopping, frisking, and interrogating civilians as a way to conduct surveillance of 'suspicious' people. This strategy has always been a common tactic - a way in which an officer stops and searches a person they deem suspicious - but it was not until 1964 when New York State passed the country's first law under the name "Stop-and-Frisk."

Terry v. Ohio

Known today as the "Stop and Frisk" case, the 1968 United States Supreme Court case, *Terry v. Ohio*, is essential in understanding the standards and reasoning of the procedures applied to the Stop-and-Frisk laws today. The case represents two major debates in the politics of the "Stop-and-Frisk" policy. A clash between the Fourth amendment - the protection of unreasonable searches and

seizures and intrusive conduct by police (specifically when no crime has been committed) - and the responsibility of a police officer to investigate and diffuse suspicious behavior in order to prevent crime.

A Cleveland plainclothes detective observed three suspects casing a store for a stickup in the mid-afternoon. He approached the suspects, identified himself, asked their names, and patted them down. The officer felt a pistol on Terry which he removed. Terry was charged with carrying a concealed weapon, and he moved to suppress the weapon as evidence. The motion was denied by the trial judge, who upheld the officer's actions on a stop and frisk theory. The Ohio Court of Appeals affirmed, and the Ohio Supreme Court dismissed Terry's appeal. The U.S. Supreme Court found that the officer's actions were proper and upheld Terry's conviction. The Court also detailed procedures that officers must follow in searching citizens and obtaining evidence admissible in court. First, the officers must reasonably conclude that a crime is about to be committed, and there is reason to fear their lives and the lives of others are in danger, because the suspect may be armed. After identifying themselves, officers can pat down a suspect and reach into a pocket only if they encounter an object that feels like a weapon. Accompanying the video is a booklet that summarizes the incident and the case's progress through the courts and that explains the rationale for the Supreme Court's decision.

[Terry v. Ohio Report Summary, 1983,](#)
[NCJRS](#)

In the 1983 NCJRS police summary report shown here, the instances that led to the U.S. Supreme Court's decision are summarized. As the report explains, a Cleveland detective

observed three suspects casing a store, as what he believed to be a stickup. John Terry, a black man, was consequently frisked on a Cleveland street corner by a detective who thought he looked suspicious. The attorney for Terry, Louis Stokes, argued that probable cause should have been established and his client's Fourth Amendment rights were violated. However, the 1968 Court Decision ruled that the detective had acted constitutionally and the officer's actions were proper, upholding Terry's conviction.

"There must be a narrowly drawn authority to permit a reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed and dangerous individual, regardless of whether he has [or has not] probable cause to arrest the individual for a crime. The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger" (*Terry v. Ohio*, 391 U.S. ____ (1968)).

[Supreme Court Decisions 1953-1968,](#)
[The Library of Congress Legislative Reference Service, August 7, 1968,](#)
[ProQuest Congressional](#)

An Important Precedent:

The decision established an important precedent: a stop can be made if an officer has reasonable suspicion of a crime. It therefore allows police officers to interrogate and frisk suspicious individuals

without probable cause for an arrest, providing that the officer can articulate a reasonable basis for the stop and frisk. The excerpt on the left comes from the *Terry v. Ohio* Supreme Court decision, and details the exact guidelines for the validity of reasonable suspicion and the ways in which Stop-and-Frisk procedures can be carried out. Through the outcome of this case, *Terry v. Ohio* radically expanded police authority in which officers can investigate crimes where there is a reasonable basis for suspicion. This case was the first major Supreme Court decision to challenge the existing

practices of Stop-and-Frisk and ultimately helped to codify it as a policy for the future.

NYPD Street Crime Unit

Following these new precedents and continuing the goal to make the streets safer by removing drugs, armed persons, etc., the New York Police Department created the Street Crime Unit (SCU) in 1971. This unit was known as an elite squad, made up of nearly 400 officers who were dispatched throughout minority, ‘high crime’ neighborhoods each night, with the goal to catch criminals, chase them down, and get illegal guns off the street.

With a city-wide unit the patrol officers may be deployed where crime analysis has indicated the greatest need, with little or no organizational disruption. Clearly, taking officers from one precinct to deploy them in another, especially if decoy work is performed on a part-time basis, would disrupt the administration of the precinct's regular police work. Also, members of a precinct street crime unit might become known to the local criminal and thus rendered ineffective. A city-wide unit, with its mobile capabilities, avoids this problem. A central operational structure also permits greater selection and training efficiency and more uniform quality of personnel.

[New York City Police Department, Street Crime Unit, Andrew Halper, January 20, 1976, HathiTrust Digital Library](#)

According to Andrew Halper, author of *New York City Police Department, Street Crime Unit* (January 20, 1976), a key argument in favor of the NYPD SCU, rather than precinct level operation, is the fact that “city-wide

patrol officers may be deployed where crime analysis has indicated the greatest need, with little or no organizational disruption” (14).

However, during the operations of the NYPD’s Street Crime Unit, from 1971-2002, the unit was often criticized and accused of racial profiling and disproportionate policing. According to the [United States Commission On Civil Rights](#), in 1998, the SCU filed 27,061 *Stop and Frisk* reports - a 37 percent increase from 1997.

Additionally, the demographics of the reporting shows 64.5 percent were black, 20.7 percent Hispanic, 6.3 percent white, and 0.5 percent Asian. However, through the racial and ethnic composition of the communities where the SCU was deployed, (approximately 45 percent black, 28 percent Hispanic, 22 percent white, and 4 percent Asian), these numbers reveal the disproportionate nature

of the SCU’s Stop-and-Frisk practices. Therefore, a conclusion can be drawn that the SCU was more commonly deployed disproportionately in African American and Hispanic neighborhoods.

The Street Crime Unit

In 1998, the SCU filed 27,061 stop and frisk reports, which was the greatest number generated by any NYPD unit.^[104] This figure represented a 37 percent increase over the SCU’s reported UF-250 figures for 1997. However, according to the NYPD’s preliminary tabulation that was prepared for the April 19, 1999, City Council hearing, the Street Crime Unit only produced 8,722 UF-250s in 1998. The demographics of UF-250s subjects were as follows: 64.5 percent black, 20.7 percent Hispanic, 6.3 percent white, and 5 percent Asian.^[105]

Police Practices and Civil Rights in New York City: Stop, Question, and Frisk, N.d., United States Commission On Civil Rights

Daniels v. New York

Following accusations and statistical evidence of racial profiling and disproportionate policing, as well as the the controversial killing of Amadou Diallo, an innocent 23 year old immigrant killed by 4 NYPD SCU plain-clothed officers, many were calling for the disbanding of the Street Crime Units. From these pleas came the significant 1999 Supreme Court Case, *Daniels v. City of New York*.

The plaintiffs, represented by various counsel--primarily including Moore & Goodman, LLP; the Center for Constitutional Rights; Debevoise & Plimpton; and Van Lierop & Burns, LLP--asked the court for damages and declaratory and injunctive relief. The plaintiffs claimed that the SCU’s stop-and-frisk practice violated the Fourth and Fourteenth Amendments to the United States Constitution as without reasonable suspicion required by the former and contravening the Equal Protection Clause of the latter.

Stop-and-Frisk (NY), David Postel, November 11, 2013, Civil Rights Litigation Clearinghouse

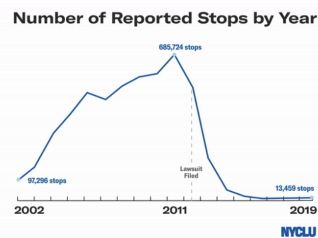
On March 8, 1999, the Center for Constitutional Rights filed a class action lawsuit in the U.S. District Court for the Southern District of New York. They wanted to challenge the NYPD’s policy of conducting stop-and-frisks without reasonable suspicion of criminal activity, as required by the Fourth Amendment. The plaintiffs, consisting of individuals who had been subjected to Stop-and-Frisks, alleged that officers selectively targeted them on the basis of their race and national origin and "violated the Fourth and Fourteenth Amendments to the United States Constitution" required by the Equal Protection Clause (Postel, 2013). The plaintiffs sought damages and a judgment declaring that the NYPD

Street Crime Unit operations were unconstitutional and an order eliminating the SCU or barring it from continuing to make improper stop-and-frisks.

The Court Ruling - and the Fall of the SCU

On September 24, 2003, both parties agreed to a Stipulation of Settlement, in favor of the plaintiffs, approved by the Court. While the case was in progress, in 2002, the NYPD disbanded the SCU, a decision that was likely influenced by the tragic, controversial shooting of Amadou Diallo, as well as the CCR’s lawsuit.

Stop-and-Frisk and Racial Profiling



Stop-and-Frisk Data, 2002-2019,
NYCLU

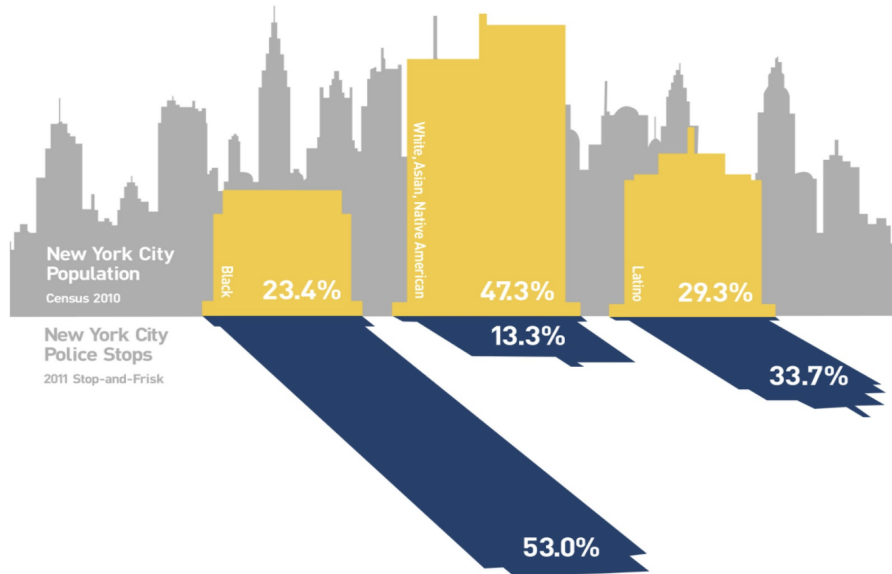
Unfortunately, the practices of racial profiling did not stop with the disbanding of the NYPD’s SCU. In data provided by the [NYCLU](#), shocking analysis revealed that “innocent New Yorkers have been subjected to police stops and street interrogations more than 5 million

times since 2002, and that Black and Latino communities continue to be the overwhelming target of these tactics.”

The Bloomberg Administration

While examining the key actors of the Stop-and-Frisk policy, it is important to recognize the Bloomberg Mayoral administration, where at the height of stop-and-frisk in 2011, under his administration, over 685,000 people were stopped. Nearly 9 out of 10 stopped-and-frisked New Yorkers have been completely

innocent. As represented in this image from the University of Michigan Law School’s *Civil Rights Litigation Clearinghouse*, during the 2011 NYPD Stop-and-Frisk police stops, the amount of stops compared to the NYC population were disproportionately different, and majorly higher in minorities such as Blacks and Latinos, versus White, Asian, and Native Americans.



Stop-and-Frisk (NY), NYCLU, 2010, University of Michigan Law School, Civil Rights Litigation Clearinghouse

Floyd v. City of New York (2013)

Later that year, Judge Scheindlin ruled that the larger NYPD program of stopping and frisking people on City streets was unconstitutional in another class-action lawsuit, *Floyd v. City of New York*, and ordered a joint remedial process covering both *Floyd* and *Ligon*. A third case involving unlawful stop-and-frisk

NYCLU Settlement Summary, February 2, 2017

Just two years later, after the release of the startling statistics that revealed the use of racial profiling in Stop-and-Frisk practices, came another landmark Supreme Court Case, *Floyd*

v. City of New York (2013). In this case, Black and Hispanic individuals who had been previously stopped argued that the NYPD had violated their constitutional rights during the Stop-and-Frisk procedures. As indicated in this excerpt of an NYCLU settlement summary, after a previous case, *Ligon v. City of New York*, it was found that the NYPD was illegally stopping innocent people in public areas outside; Judge Scheindlin found that NYPD’s Stop-and-Frisk

program was “stopping and frisking people on City streets” and was therefore unconstitutional. In the Nexis Uni 2013 case summary of *Floyd v. City of New York* below, it was found that the city was indeed liable for violating the plaintiffs’ Fourth and Fourteenth amendments after they were targeted for stops because of their race.

Plaintiffs — blacks and Hispanics who were stopped — argue that the NYPD’s use of stop and frisk violated their constitutional rights in two ways: (1) they were stopped without a legal basis in violation of the [Fourth Amendment](#), and (2) they were targeted for stops because of their race in violation of the [Fourteenth Amendment](#). Plaintiffs do not seek to end the use of stop and frisk. Rather, they argue that it must be reformed to comply with constitutional limits. Two such limits are paramount here: *first*, that all stops be based on “reasonable suspicion” as defined by the Supreme Court of the United States; [1](#) and *second*, that stops be conducted in a racially neutral manner. [2](#)

HOLDINGS: [1]-The city was liable for violating plaintiffs’ [Fourth](#) and [Fourteenth Amendment](#) rights because it acted with deliberate indifference toward the police department’s practice of making unconstitutional stops and conducting unconstitutional frisks; [2]-The city adopted a policy of indirect racial profiling by targeting racially defined groups for stops based on local crime suspect data, which resulted in the disproportionate and discriminatory stopping of blacks and Hispanics in violation of the [Equal Protection Clause](#); [3]-Plaintiffs

[Floyd v. City of New York, August 12, 2013, Nexis Uni](#)

Proponents and Opponents of "Stop-and-Frisk"

Proponent

It is proponents of Stop-and-Frisk, like former Mayor Bloomberg, that have only further ignored the issues and dangers of unconstitutionality that were brought up in the 2013 *Floyd v. City of New York* case. Throughout his administration, Bloomberg was a huge supporter in the practices of Stop-and-Frisk, always pushing the policy. Just a month before *Floyd v. City of New York* case, came political agony and debate as Mayor Bloomberg’s remarks defending Stop-and-Frisk sparked a deluge of criticism. Responding to accusations of racial profiling and stopping minorities, Bloomberg stated, “if you look at the crime numbers, that is just not true. The numbers don’t lie.”

“The numbers are the numbers, and the numbers clearly show that the stops are generally proportionate with suspects’ descriptions and for years now critics have been trying to argue that minorities are stopped disproportionately,” he said before the city’s gay-pride march Sunday. “If you look at the crime numbers, that is just not true. The numbers don’t lie.”

The comments, and the mayor’s defense of them, have touched a nerve, sparking a deluge of criticism. Mr. Bloomberg’s NYPD ramped up the stop-and-frisk tactic, conducting more than five million stops since the mayor took office in 2002—the vast majority of them being young black and Hispanic men.

Mayor Bloomberg Defends Race Comments on Stop-and-Frisk, July, 2013, ProQuest Congressional



Judge: NYPD stop-and-frisk policy violates rights

“We go to where the reports of crime are. Those unfortunately happen to be poor neighborhoods and minority neighborhoods” (1:05-1:15). -Michael Bloomberg

In a 2013 CNN reporting on Stop-and-Frisk misconduct, Bloomberg can be heard defending the conduct of the NYPD, again using the rationale that “stops are generally proportionate with suspects’ descriptions” and ignoring the implicit racial bias that occurred during the NYPD’s stop.

“Protecting New Yorkers and protecting their civil rights do not have to be competing interests,” state Sen. Eric Adams told the Amsterdam News. “We must give our law enforcers the tools they need to keep us safe - but the abuse of stop-and-frisk is not useful in preventing crime. In fact, it tears communities apart working with police - and that means crucial information isn’t shared to stop violence before it can occur.”

“All New Yorkers deserve to be protected from both crime and being unjustly targeted by the police, but unfortunately, under the Bloomberg administration, at least hundreds of thousands of our neighbors have had their rights violated by those meant to protect them,” said Jose Lopez of Communities United for Police Reform. “We will be working to ensure New Yorkers impacted by these dangerously counterproductive policies know the positions of the candidates and make their voices heard on the critical issues of safety and discriminatory policing.”

Activists Call to Action all Voters Stopped and Frisked, May 9, 2013, ProQuest Congressional

Opponents

With Bloomberg’s various controversial statements in support of Stop-and-Frisk practices, also

came the voices of many opponents to this form of policing. Democratic candidates, government officials, civilians, and advocacy groups around the country were quick to oppose this controversial policing tactic.

Former democratic New York Senator Eric Adams stated that "protecting New Yorkers and protecting their civil rights do not have to be competing interests," as well as stating that "the abuse of stop-and-frisk is not useful in preventing crime." Similarly, Jose Lopez, member of the advocacy group *Communities United for Police Reform*, stated that "under the Bloomberg administration, at least hundreds of thousands of our neighbors have had their rights violated by those meant to protect them." These debates have spread nationally, political movements have intensified, and advocacy groups have furthered their efforts throughout the nation.

The Obama and Trump Administrations

Along with proponents and opponents of Stop and Frisk, it is important to examine the attitudes regarding Stop-and-Frisk during the Obama and Trump administrations.

The Obama Administration:

Pillar two emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values. Law enforcement agencies should collaborate with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.

[Final Report of the President's Task Force on 21st Century Policing, Barack Obama, May, 2015.](#)

During his administration, President Obama employed the justice department to investigate multiple big city police forces throughout the country. They found that many had used stop and frisk in a racially discriminatory manner. In response to such findings, police misconduct, and unrest in Ferguson, Missouri,

following the shooting of Michael Brown, President Obama created a Task Force on 21st Century Policing. The Task Force created multiple pillars to combat the controversies of policing. Pillar two of the Final Report details the guidelines, proper behaviors and responsibilities the police must carry out during Stop-and-Frisk procedures. He recognizes the "use of disrespectful language and the implicit biases that lead officers to rely upon race in the context of stop and frisk" (11). Obama therefore calls for policies that "reflect community values," and the need to collaborate with community members, "especially in communities and neighborhoods disproportionately affected by crime" (2).

The Trump Administration:

However, with the rise of the next administration, President Trump overturned much of Obama's progress, as he vowed to prioritize law and order above anything else. In 2017, attorney general Jeff Sessions announced his intention to roll back the department's previous oversight efforts and place fewer restrictions on local police departments.



Donald Trump Praises Controversial Policing Tactic, Stop And Frisk, For Crime Prevention | NBC News

"Strongly consider "Stop-and-Frisk." It works and it was meant for problems like Chicago. It was meant

for it. Stop-and-Frisk" (0:53-1:22). -Donald Trump

In an October, 2018 speech provided by NBC News, Donald Trump praises Stop-and-Frisk as a policing tactic and for its crime prevention. He urged the city of Chicago to "try to change the terrible deal the city of Chicago entered into with ACLU" on tracking the use of Stop-and-Frisk. He states that "stop and frisk works" and "should be strongly considered for problems like Chicago" (0:53-1:22).

However, as reported by the ACLU, Trump has previously stated that "before I took office less than two years ago, our nation was experiencing a historic surge in violent crime." Yet, according to the Brennan Center for Justice, the U.S. violent crime rate peaked in 1991 and has remained essentially stable during the three-decade downward trend. In other words, "there was no historic surge in violent crime because crime was stable at historically low levels when Trump first took office" (ACLU, Carl Takei, October 9, 2018).

Main Positions of Stop-and-Frisk

- 1) Undoubtedly, the New York City Police Department is in a large part responsible for the aggressive Stop-and-Frisk program that has led to explosive national debates and controversy.
- 2) Policy Makers such as Michael Bloomberg helped to propel, fuel, and fund Stop-and-Frisk as the number of NYPD stops each year grew to hundreds of thousands. -- In 2011, under his administration, Stop-and-frisk peaked as NYPD officers made nearly 700,000 stops.
- 3) Meanwhile, civilians, government officials (in opposition), and advocacy groups grew enraged as Stop-and-Frisk practices continued to disproportionately surveil minority neighborhoods,

and stop majorly black and Latino individuals, while nearly all were innocent.

- In **2019**, 13,459 stops were recorded.
8,867 were innocent (66 percent).
7,981 were Black (59 percent).
3,869 were Latinx (29 percent).
1,215 were white (9 percent).

[Stop-and-Frisk Data, NYPD Annual Reports, 2019, NYCLU](#)

While the [NYPD’s annual reports](#) show the number of stops are not nearly at 700,000 as they were in 2011, the number of Stop-and-Frisk stops per year are still startling. For example, in NYPD’s reports from

2019, 13,459 stops were recorded. Sadly, these numbers are clearly still largely racially disparate, with black stops at 59 percent, and white stops at only 9 percent. Additionally, 66 percent of these stops were of innocent individuals, which only further emphasizes the large percentage of police officers overusing their discretion.

Political/Legal Stakes

If these Stop-and-Frisk practices continue the way they are, including racial profiling, disproportionately surveilling minority neighborhoods, ignoring public outcry, and with the attitudes of the current Trump administration, then the livelihood of not only our civilians are at stake, but the framework of the United States Constitution. When a policy exists that has continuously proved to be unconstitutional and in violation of the Fourth and Fourteenth Amendments, the value of our legal system as a whole is in danger, and the fabric of our society must recognize the need for institutional change.

Recommendations for the Future

It is through these explorations, statistics, and policy reports that one can argue the lack of necessity and success of the controversial Stop-and-Frisk policing.

Starting with the “Broken Windows theory,” arresting people for misdemeanors with the hope of preventing more serious crime,

Stop-and-Frisk policing only grew and intensified. Stop-and-Frisk went beyond this theory of crime prevention, as officers did not wait for a misdemeanor, they instead proceeded to stop, question and search anyone who looked suspicious. Yet, did Stop and Frisk really stop violent, serious crime? According to Elizabeth Hinton in her book, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, she argues that Stop and Frisk policing in fact creates crime rather than prevent it. This is only further supported through data presented by the [ACLU](#) stating that after New York City ended its Stop-and-Frisk policies under court supervision, “the number of street stops by police fell dramatically – the [number of stops](#) in 2015 was less than 5 percent of the number of stops in 2011 – and as those stops fell, the homicide rate also [continued to fall to record lows](#).” It is through these statistics that one could argue for the abolition of Stop-and-Frisk as a policy all together, with the creation of policy more grounded in community partnership and relationship - one that does not look for suspicion and wrong-doing at every corner.

Further, aside from being ineffective in limiting crime, Stop-and-Frisk is often unconstitutional, resulting in enormous racial disparities, and actually eroding community trust in the police. In a 2013 study by the Vera Institute of Justice, it was found that people of color are actually less likely to report crimes. These figures below represent the lack of trust citizens have with law enforcement, and the decrease in likelihood individuals have to report after being a target of Stop- and-Frisk.

- > Trust in law enforcement and willingness to cooperate with police is alarmingly low.
 - 88 percent of young people surveyed believe that residents of their neighborhood do not trust the police.
 - Only four in 10 respondents said they would be comfortable seeking help from police if in trouble.
 - Only one in four respondents would report someone whom they believe had committed a crime.

[Coming of Age with Stop and Frisk, September, 2013, Vera Institute of Justice](#)

- > Young people who have been stopped more often in the past are less willing to report crimes, even when they themselves are the victims. Each additional stop in the span of a year is associated with an eight percent drop in the person’s likelihood of reporting a violent crime he or she might experience in the future.

[Coming of Age with Stop and Frisk, September, 2013, Vera Institute of Justice](#)

It is for these above reasons that it is important to focus on policing and reform and understanding the impact of Stop-and-Frisk policing in the state of New York. Resources such as Obama’s Task Force on 21st Century Policing can serve as an excellent model for ways in which reform should be focused. Policy makers of New York, as well as current and future administrations, must create their own task force that first and foremost recognizes the implicit racial biases that lead officers to rely upon often unconstitutional practices of Stop and Frisk. New York policy makers and the NYPD must work to create plans that reflect and collaborate with community members, perhaps by recognizing the disproportionate levels of surveillance and Stop-and-Frisk practices that are saturated in minority communities.

On a more general level, in an attempt to remedy many of the nation's crime problems throughout the country, I propose the decriminalization/legalization of certain drugs. I believe this would not only remove many of the major consequences of Stop-and-

Frisk and the racially disparate impact of thousands of people, specifically minorities stopped on the streets for drugs, but also solve much of the incarceration problem in America. Nearly 1.9 million inmates of American prisons are there for substance involved crimes, and the decriminalization/legalization of drugs would help to remedy this. While our nation has miles to go in healing the broken criminal justice system of America, by acknowledging many of these problems, most of which pertain to Stop-and-Frisk policing, as well as working for reform, the United States can begin to justly function again.

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