

*Key Issues in the Police Use of  
Pedestrian Stops and Searches*

*Discussion Papers from an Urban Institute  
Roundtable*

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# Preface

In the activities routinely associated with a patrol officer's job, engaging with citizens in public spaces features prominently. One form of such engagement is the street stop, whereby an officer stops and questions a pedestrian based on reasonable suspicion that the pedestrian is—or was recently—engaged in unlawful activity. Street stops may lead to a limited search, called a “pat down” or frisk. If the officer obtains probable cause that the pedestrian is or was involved in a crime, the stop could lead to a full body search.

The limited research on this topic has shown that the use of street stops has increased dramatically in major cities across the United States in the past decade, with most documented stops occurring in communities of color.<sup>1</sup> While the constitutionality of street stops has been well established,<sup>2</sup> legal precedent does not ensure that officers are applying the prerequisites of reasonable suspicion and probable cause appropriately. Concerns about disproportionate or inappropriate use of street stops have raised questions regarding the value of street stops and whether officers may be employing stops excessively or inappropriately. Indeed, while pedestrian stops may help investigate, intervene in, and prevent crime, they also present an opportunity for officers to abuse their powers. The potential for—and actuality of—such abuse threatens civil liberties and police-community relations, particularly in the high-crime communities of color in which police presence is often most prominent.

On September 12 and 13, 2011, the Urban Institute (the Institute) convened a national roundtable<sup>3</sup> to examine how and why law enforcement agencies engage in pedestrian stops and searches, share the current research knowledge on this topic, and discuss the public safety implications of this practice. The roundtable was specifically designed to be about—and for—law enforcement, as no previous discussions on this topic had taken place with law enforcement as the primary audience.<sup>4</sup> To frame this discussion, the Institute invited a select group of prominent researchers and practitioners to write papers that highlighted various facets of pedestrian stops; Urban Institute researchers contributed an introductory paper to frame the key components for discussion. The papers provide an overview of the issues related to pedestrian stops and searches from diverse perspectives—researchers, practitioners, and representatives from citizen groups—and introduce the concepts discussed during the roundtable. The papers also address whether pedestrian stops may disproportionately impact communities of color and explore how citizens' perceptions of the way in which police conduct stops may have implications for police legitimacy. They also discuss how pedestrian stops and searches could be conducted in a manner that preserves—or even enhances—police-community relations.

The Urban Institute’s overview paper, by Pamela Lachman, Nancy La Vigne, and Andrea Matthews, explores the historical context of pedestrian stops and searches, the related legal precedents, and the theoretical underpinnings behind the practices’ effectiveness, as well as lessons learned from related policing practices like place-based and community-oriented policing. Next, Northeastern University’s Jack Greene surveys policing theories and discusses how they relate to the use of pedestrian stops. His paper also provides guidance on how street stops and searches might control crime, as intended, along with how these stops might produce unintended, negative consequences. In her paper, Carla Shedd of Columbia University discusses how street stops and searches have shaped communities of color by targeting the youth who live there. Additionally, Tom Tyler (of Yale University) and Jeff Fagan (of Columbia University) focus on how pedestrian stops may undermine law enforcement’s legitimacy in the community, particularly in neighborhoods where the vast majority of pedestrian stops occur. Finally, a paper by Garry McCarthy, superintendent of the Chicago Police Department, focuses on the critical need for police agencies to engage in a multipronged approach to pedestrian stops that holds officers accountable for their conduct.

Each discussion paper in this volume articulates key concerns and potential benefits of pedestrian stops and searches for both police departments and the broader community. The papers describe what prior research can shed light on this topic, while also identifying remaining gaps in the literature. The issues raised are of utmost importance to police departments seeking to implement pedestrian stops in a manner that reduces crime while adhering to the principles of police legitimacy and remaining receptive to community concerns about the potential negative consequences of pedestrian stops.

The discussion papers in this volume reinforce that even if pedestrian stops and searches are a valuable law enforcement tool, a number of potential challenges and concerns are associated with this policing practice. As noted by Greene and by Lachman, La Vigne, and Matthews, existing theory on effective policing strategies suggests that pedestrian stops, if linked to a broader crime control effort, could help reduce crime. However, Shedd, Tyler, and Fagan discuss the number of risks posed by engaging in pedestrian stops, noting that these interactions can harm police legitimacy and relationships with communities. These risks increase when the police target pedestrian stops in particular areas, and the people who live in those areas do not perceive the practice as helping to reduce crime. Despite these potential threats, law enforcement agencies still may have the opportunity to develop a pedestrian stops strategy that maximizes the potential gain and minimizes the harm.

While pedestrian stops and searches may have a detrimental effect on police-community relations, they also present an opportunity to enhance interactions between law enforcement

and members of the public. Following the normative perspective of justice, pedestrian searches could be practiced in a manner that preserves—or even enhances—legitimacy. Tyler and Fagan argue that citizens care more about fairness than the efficacy of police practices. People evaluate the police based on normative values (e.g., fairness in procedures, fairness in distribution of justice) as opposed to their performance (e.g., reduction in crime, number of arrests, etc.). However, if police officers fail to take into account these perceptions of justice, they will no longer be seen as legitimate in the eyes of the general public. This begs the question: how can law enforcement executives ensure that pedestrian stops are conducted legally, justifiably, and respectfully?

McCarthy suggests that pedestrian stops and searches are an important tool in any patrol officer's tool box, but they must be conducted in a way that increases, rather than diminishes, the legitimacy of the policy in the public's eye. As noted in the papers in this volume, both theory and prior research suggest that implementing pedestrian stops equitably and respectfully, and targeting stops in the areas where crime is most likely to occur, could yield an overall positive impact on public safety. Yet, the potential unintended negative consequences of this practice loom large: a disparate impact on communities of color, combined with diminished police legitimacy, could make residents disinclined to report crimes, provide tips, and serve as witnesses, all of which are crucial to help police protect and serve the community.

While the Urban Institute roundtable and associated discussion papers were designed to provide an overview of existing knowledge on the topic, as well as potential concerns and benefits associated with pedestrian stops, they raise far more questions than they answer. Many existing gaps in the literature on the impact of stops and searches, if filled, could provide a tremendous resource to police agencies interested in enhancing the benefits of pedestrian stops while minimizing the likelihood of their negative impact. For example, research has not tested whether stops and searches in and of themselves achieve their intended impact on crime, nor has it explored whether the stops are more or less effective when focused on specific areas or individuals.

The field also remains uninformed regarding the manner in which stops are conducted and how that might affect police-community relations in a way that enhances or detracts from public safety goals. In addition, scant information exists to guide law enforcement agencies in their efforts to ensure that pedestrian stops and searches are conducted lawfully and comport with agency goals of community policing. The Urban Institute roundtable provided a forum for researchers and practitioners to discuss these gaps and their implications for practice. However, in order to develop meaningful policy options, the ultimate goal for the field must be to define a rigorous, comprehensive research agenda on

this topic that can yield guidance to law enforcement professionals and the communities they serve. This would help police determine how to conduct pedestrian stops and searches in a manner that enable officers to protect themselves and the public while reducing the likelihood that the stops will undermine police legitimacy.

## Notes

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<sup>1</sup> See, for example, Report of Jeffrey Fagan, Ph.D., to the U.S. District Court for the Southern District of New York. *David Floyd et al. v. City of New York et al.* 08 Civ. 01043 (SAS).

<sup>2</sup> “Examining Law Enforcement Use of Pedestrian Stops and Searches” by Pamela Lachman, Nancy La Vigne, and Andrea Matthews (this volume) reviews the relevant case law related to pedestrian stops.

<sup>3</sup> See Appendix A for a list of the roundtable participants.

<sup>4</sup> Community groups were represented during the lunch session of the roundtable to provide their perspectives about the impact of pedestrian stops and searches in the high-crime communities of color in which they live.

# Examining Law Enforcement Use of Pedestrian Stops and Searches

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Pamela Lachman, Nancy La Vigne, and Andrea Matthews  
The Urban Institute

This paper provides background information and context regarding how stop-and-search practices have been implemented and what the public safety implications are for this practice. We explore the history and legal precedents of the use of pedestrian stops and searches and examine the theoretical underpinnings behind their effectiveness, as well as lessons learned from related policing practices, such as place-based and community-oriented policing. We also address the degree to which pedestrian stops may disproportionately impact communities of color and the role that perceptions of the disparate use of this practice may have on police legitimacy. We focus specifically on the implications of this practice for policing and crime control rather than exploring the broader implications of pedestrian stops for community residents or people who are stopped. The paper concludes with a discussion of how pedestrian stops and searches could be conducted in a manner that preserves—and ideally enhances—police-community relations, followed by a summary of areas in need of future research.

## History of and Legal Precedent for Pedestrian Stop-and-Search Practices

For more than 50 years, police departments across the United States have been experimenting with different methods of community engagement to enhance crime control and prevention efforts. Foot patrol officers have had a key role in these strategies, providing the most direct link between law enforcement and the public. Research has demonstrated that patrol officers are an integral component of a successful community policing strategy, producing positive impacts on crime and community perceptions of safety (J. A. Greene 1987; Kelling et al. 1981; Trojanowicz 1983; Walker and Katz 2002). But research also suggests that when officers interact with citizens in an aggressive or seemingly arbitrary manner they can have a negative impact on police-community relations, threatening the public's confidence in and respect for law enforcement (J. A. Greene 1987). Residents' attitudes toward law enforcement are often based on their own experiences witnessing, hearing about, or being part of interactions with patrol officers. One of the most common contexts for these experiences is when officers stop, and potentially question and search, people in the communities they are patrolling. Residents' attitudes toward law enforcement

are relevant for police because citizen cooperation is imperative in the process of investigating crimes; a police agency's ability to solve crimes and make arrests is dependent on the public's confidence in law enforcement (Police Executive Research Forum 2009).

Legal precedents support stopping and searching pedestrians for crime control and investigatory purposes. In the U.S. Supreme Court case *Terry v. Ohio*,<sup>1</sup> the majority opinion upheld a police officer's right to stop an individual on the street if the officer has a "reasonable suspicion" that the individual is engaged in criminal activity. Further, the Court held that an officer may then frisk the pedestrian, provided the officer has a reasonable suspicion that the individual is carrying a weapon; after this court decision, these stops were commonly referred to as "Terry stops." A number of subsequent Supreme Court cases further expanded the definition of reasonable suspicion and the authority of police officers to conduct pedestrian stops, frisks, and searches. *Adams v. Williams* expanded the criteria for reasonable suspicion for stops beyond articulable facts observed by an officer to include tips from known informants, and held that the officer's corroboration of these tips upon stopping the pedestrian could constitute reasonable suspicion for a frisk.<sup>2</sup> *Alabama v. White* held that anonymous tips (as opposed to tips from known informants) can meet the criteria of reasonable suspicion if considered in conjunction with corroborating evidence or observations by officers.<sup>3</sup> Further, *U.S. v. Sokolow* set the precedent for officers to stop pedestrians based on suspect profiles provided the officer can articulate facts suggesting that a pedestrian fits into the profile, including probabilistic factors and nonbehavioral clues—in this case, carrying a large volume of cash and wearing clothing and paraphernalia that seemed consistent with officers' impression of clothing a drug runner would wear.<sup>4</sup> *Illinois v. Wardlow* further broadened the criteria for reasonable suspicion to include a pedestrian fleeing from police without prior contact with investigating officers.<sup>5</sup> The Supreme Court additionally affirmed the power of states to enact laws requiring that civilians provide their names to officers conducting *Terry* stops.<sup>6</sup>

In another related case, the Supreme Court also clarified the power of police to conduct searches and seizures subsequent to pedestrian stops, holding that frisks used to identify potential weapons are limited to areas in which a weapon may be hidden but can include areas aside from a pedestrian's body,<sup>7</sup> such as bags and other belongings. Further, the court later ruled that contraband aside from weapons, such as drugs and drug-related paraphernalia, confiscated in the course of a frisk may serve as the basis for criminal charges, as long as that contraband was found inadvertently during a limited search for weapons.<sup>8</sup> Finally, the Supreme Court ruled on the issue of how long *Terry* stops may last in *U.S. v. Sharpe*, holding that there is no maximum time limit in which officers may detain pedestrians in the course of a *Terry* stop, because officers have the power to investigate the reasonable suspicion that served as the basis for the stop with diligence.<sup>9</sup>

Despite the substantial legal precedent that supports law enforcement's use of pedestrian stops and searches, Skogan and Meares (2004) found that officers are not necessarily aware of, nor do they routinely comply with, the limitations of this practice; officers also do not always meet the criteria of a lawful search. For example, applying the *Terry v. Ohio* standard, Skogan and Frydl (2004) concluded that an alarming share of stops do not meet constitutional standards, with 14 percent of documented stops in New York City failing to meet the original reasonable suspicion standard set forth by the court in the 1968 ruling. Another study found that up to 29.7 percent of pedestrian searches in a medium-sized American city were unconstitutional (Gould and Mastrofski 2004).

In recent years, stop-and-search practices have prompted a number of lawsuits. In New York City, a federal class-action lawsuit was filed against the city on the grounds that the police department's stop, question, and frisk policy was unconstitutional.<sup>10</sup> The New York Civil Liberties Union also sued the department for maintaining a database with names of individuals who have been stopped, arguing it was an undue invasion of privacy; however, this case was dismissed.<sup>11</sup> In Philadelphia, the American Civil Liberties Union of Pennsylvania argued that the police were stopping blacks and Latinos without cause and that the practice was racially biased. The case was settled in June 2011; the city denied wrongdoing and rejected claims by plaintiffs but agreed to a consent decree in which an external auditor would regularly review the city's stop-and-frisk data.<sup>12</sup> The degree to which these lawsuits exist despite ample legal precedent condoning stop-and-search practices suggests that it is the manner in which police engage in stops and searches that raises concern among community members and civil liberties advocates.

## **Theoretical Underpinnings and Related Policing Strategies**

Pedestrian stops and searches are often incorporated into "hot spot" policing and community policing strategies, which are largely supported by deterrence theory. The fundamental aspect of deterrence is that individuals are rational beings. Individuals weigh the benefits and risks of their behavior in determining how risky it is to commit a crime; if people are not rational, then deterrence has no impact (Paternoster 1989). Additionally, deterrence is only effective if individuals feel that the criminal justice system treats them fairly; otherwise, they do not respond to the negative consequences of their actions (Sherman 1993). General deterrence theory suggests that when police increase their presence in high-crime neighborhoods, would-be criminals perceive the risk of apprehension as too great, prompting a decline in criminal activity. Specific deterrence theory posits that upon being stopped and searched, individuals will either desist, take their criminal behavior elsewhere, or be apprehended by the police (Felson and Boba 2009). In the context of

pedestrian stops, deterrence theory would predict that as the number of pedestrian stops increases, overall rates of arrest and weapons seizure will decrease, as citizens (both the individuals who were stopped previously, as well as those who are aware of the increasing number of stops in the community) will refrain from carrying weapons for fear of being arrested. However, researchers have not tested whether stops and searches have a specific impact in a specific place, a notion supported by hot spot policing, which employs a targeted law enforcement presence in high-crime areas (Eck and Maguire 2000; Sherman, Gartin, and Buerger 1989; Skogan and Frydl 2004; Weisburd, Maher, and Sherman 1992).

Hot spot policing strategies are based on the observation that crime tends to cluster around the same places where the same people are concentrated (Spelman and Eck 1989; Weisburd and Braga 2006), and therefore enforcement efforts should be targeted in those areas. In general, the literature indicates that uniformly implemented community-oriented tactics such as foot patrol, business storefront offices, newsletters, and community meetings do not reduce crime and disorder; but, when combined with a targeted approach such as hot spot policing, these tactics can be very effective in reducing crime, disorder, and the fear of being victimized (Weisburd et al. 1992) and can have a specific impact on violent crime hot spots (Ratcliffe et al. 2011). Thus, if targeted in specific high-crime areas, pedestrian stops and searches could be used as a component of hot spot policing.

However, focusing police interventions in crime hot spots may increase fear of crime in the community. Under the hot spot policing approach, crime is the metric by which police officers are allocated to specific places; sending police officers into a community under the explicit assumption that it is a high-crime area may prime police officers to view activities in the neighborhood, innocuous or otherwise, as suspicious (Correll et al. 2007). These preconceptions may affect how police interact with citizens, threatening police-community relations and thus the effectiveness of community policing strategies. Recent research suggests that if hot spot policing strategies are designed to minimize these “backfire” effects, the strategies can have a positive impact on public safety without increasing fear of crime and reducing police legitimacy (Weisburd et al. 2011).

While community policing shares the same public safety goals as traditional policing, its focus is on outcomes related to citizens’ perceptions of safety and satisfaction with police. With pedestrian stops and searches, regardless of whether these activities have positive public safety outcomes (i.e., gun seizures, reductions in crime), if they have a negative impact on police-community relations, the overall outcome would be mixed. Indeed, the results of studies examining the effectiveness of community policing are largely inconclusive. Eck and Maguire (2000) concluded that only 20 percent of studies found an increase in community policing presence resulted in crime reductions; 50 percent of studies found no effect on

crime, and the remaining 30 percent observed an increase in crime. These mixed findings may be a function of how community policing is operationalized on the street. It stands to reason that, while enhancing police presence in communities is a crucial component of community policing, the way in which officers police those communities may be more important than their presence there.

## **Impact on Communities of Color**

When it comes to police-community relations, understanding if stop and search policies disproportionately affect minorities is crucial. Fagan and Davies argue that stop-and-search practices implemented through order-maintenance policing have created a dynamic that amounts to policing “poor people in poor places” (2000, 496). Members of these communities may view police practices as unjust, further limiting law enforcement’s ability to be a positive presence in these neighborhoods (J. A. Greene 1999; Howell 2009). However, pedestrian stops also provide law enforcement with an opportunity to communicate with members of the public, helping those who are stopped better understand the purpose of the stop. In this context, it is not the stop itself, but the manner in which it is conducted that can either enhance or harm police-community relations. Researchers have examined stops and searches conducted by the New York City Police Department (NYPD) and identified racial disparities in stops across precincts and neighborhoods (Gelman, Fagan, and Kiss 2007) as well as officer-level variation in stops (Ridgeway 2007) and outcomes associated with citywide implementation.<sup>13</sup> When Gelman and colleagues (2007) accounted for race-specific estimates of crime participation and controlled for precinct variability in their assessment of the NYPD data, they found that racial disparities in the implementation of stop and frisk remained: minorities were stopped 1.5 to 2.5 times more often than whites. Even when controlling for a number of factors, including the crime rate in neighborhoods where stops occur, researchers have found that minorities are stopped at disproportionately higher rates compared to their white counterparts (Gelman et al. 2007).<sup>14</sup>

However, some of the same studies suggest that the racial differences in the composition of stops in New York City may not actually be disproportionate. Ridgeway (2007) found that blacks in New York City were stopped at a rate 20–30 percent less than their representation in crime suspect descriptions, and arrest data and suspect descriptions showed that police stopped minority populations in a manner informed by crime concentrations. Weitzer (2000) claimed that because crime rates tend to be higher in both black and white lower-class communities than in middle-class areas, residents of lower-class areas have more contacts with police and, hence, a greater number of opportunities that might result in conflict. Police have reasoned that consideration of race in decisionmaking is justified by statistics that

demonstrate racial minorities make up a disproportionate number of suspects, accounting for the higher rates of police-minority contact (Skogan and Meares 2004).

Regardless of the justification for higher rates of stops in minority communities, police and citizens have different perceptions of what amounts to and how to define racially biased policing. The research on the racial disparities in motor vehicle stops and searches is most relevant to this discussion. Lundman and Kaufman (2003) found that African American men report more instances of being stopped than any other group studied. However, this is not necessarily proof of racial bias in motor vehicle stops. Fridell and colleagues (2001) observed that officers tend to define racial bias in vehicle stops as stopping someone based solely on their race, and perceive that as long as another factor supports making the stop, the stop is not biased.

Engel (2005) suggests that citizens' perceptions of injustice are not based solely on favorable stop outcomes, but rather on citizens' perceptions of inequalities and unfair procedures disproportionately employed by police during vehicle stops. However, the perception of fairness in vehicle stops may vary by the officer's and citizen's race (Fridell et al. 2001). Thus, in the context of community policing, the manner in which police engage in stops and searches can enhance or minimize perceptions of racial disparity and police legitimacy.

## **Consequences for Police Legitimacy**

Maintaining police legitimacy and accountability is a key concern associated with implementing pedestrian stop-and-search policies, as these policies have the potential to impact relationships between law enforcement and community members. Citizen perceptions of law enforcement are relevant to how the public views specific police practices; when people perceive that the police are targeting them without cause, the authority of the police is delegitimized, but when people believe they are being treated fairly, they are more likely to believe that police actions are justifiable (Tyler and Wakslak 2004). Scholars have observed that police effectiveness is largely dependent on the degree to which the public respects law enforcement (J. R. Greene 2000; Sunshine and Tyler 2003). Police departments need the public to view them positively in order to function effectively; without that support, law enforcement's authority is diminished (Tyler and Huo 2002). Moreover, research suggests that citizens are much more likely to share stories of negative police-citizen interactions than stories of positive interactions. Thus, each negative police-citizen interaction has the potential to harm overall police-citizen trust in a community (Fridell et al. 2001).

While pedestrian stops and searches may have a detrimental effect on police-community relations, they also present an opportunity to enhance interactions between law enforcement and members of the public. Notwithstanding the legal issues raised in lawsuits of pedestrian stops, research shows that in general, police officers largely adhere to the law when conducting stops and that most citizens—even those found guilty of wrongdoing by police—are generally satisfied with their interactions with the police (Skogan and Meares 2004). Research also indicates that citizens who view the police as legitimate are more likely to comply with the law and help the police maintain order and reduce crime in their community (Hawdon, Ryan, and Griffin 2003). Interactions with community residents provide officers with an opportunity to reinforce these positive views; however, the problem arises when officers fail to adhere to the law and/or comport with departmental policies during interactions with the public.

Tyler's theory of a normative perspective of justice suggests that the public's perception of whether police practices are fair is perhaps the most crucial component in ensuring that police actions are embraced by the community (Tyler and Huo 2003). Engel (2005) supports this notion but indicates that there are significant differences in the way blacks and whites view police, due to historical perceptions of how law enforcement interacts with predominantly black communities. This history has been built upon a wide array of disparate policies that were developed and implemented solely along racial lines, and it leads the public to question whether there is parity in the treatment of blacks and whites by law enforcement, and why treatment may be different in each community (Engel 2005). These factors make the careful and ethical application of police stop-and-search powers critical in preserving relationships with the community.

## **Implementation Challenges**

Prior research and implementation efforts related to stop-and-frisk policies have emphasized a number of challenges associated with effectively implementing pedestrian stop policies. To be effective, police departments must employ stops and searches in a manner that is consistent with the goals of police legitimacy, and they must implement policies, trainings, and practices supporting their appropriate use. For example, the Boston Police Department has developed training bulletins that specify the mandatory criteria for pedestrian stops based on Massachusetts case law.<sup>15</sup> This is a crucial component of successful implementation, as research has found that a small number of officers are responsible for the vast majority of stops and searches (Ridgeway 2007). Without proper training and accountability, these officers may conduct their stops in a way that threatens police-community relations.

Departments can also adopt data collection and public relations strategies to communicate their stop-and-search policies to the public in a manner that preserves police legitimacy. For example, the consent decrees that are the result of civil liberties lawsuits or investigations by the U.S. Department of Justice Civil Rights Division may also produce future data to examine how stop-and-search policies are implemented in several jurisdictions and provide an opportunity to test how prior research and existing policing theories apply to pedestrian stops. Both the Philadelphia Police Department and the Oakland Police Department have implemented auditing processes as part of settling lawsuits against their stop-and-frisk strategies (Oakland Police Department 2010).<sup>16</sup> These auditing processes entail routine reporting of stop-and-search data, which requires officers to diligently record and report the information (e.g., where the stop occurred, the reason for the stop, the outcome of the stop), and theoretically hold officers accountable for engaging in stops in a manner that is legal and consistent with department policy. The Newark Police Department, under the leadership of former director Garry McCarthy, developed a community relations strategy that encourages officers to “sell the stop” to pedestrians, explaining its purpose and how it is designed to improve public safety.<sup>17</sup> This type of sales pitch could be a useful strategy in preserving, or even enhancing, police legitimacy and police-community relations.

## **Conclusion**

While pedestrian stops and searches are arguably an important tool in any patrol officer’s toolbox, policing theories indicate that they could reduce crime but also threaten police-community relations. Research has shown the potential for a disparate impact of stops on minorities; that impact, combined with diminished police legitimacy, could make residents disinclined to report crime and cooperate with law enforcement in order to aid police investigations, producing a long-term negative impact on public safety. Despite the knowledge generated on this topic by prior studies, it is clear that more research is required to develop, implement, and evaluate efforts to employ stop-and-search practices in a manner that achieves desired public safety goals while preserving police-community relations.

## References

- Correll, Joshua, Bernadette Park, Charles M. Judd, Bernd Wittenbrink, Melody S. Sadler, and Tracie Keese. 2007. "Across the Thin Blue Line: Police Officers and Racial Bias in the Decision to Shoot." *Journal of Personality & Social Psychology* 92(6): 1,006–23.
- Eck, John E., and Edward R. Maguire. 2000. "Have Changes in Policing Reduced Violent Crime? An Assessment of the Evidence." In *The Crime Drop in America*, edited by Alfred Blumstein and Joel Wallman (207–65). New York: Cambridge University Press.
- Engel, Robin Shepard. 2005. "Citizens' Perceptions of Distributive and Procedural Injustice during Traffic Stops with Police." *Journal of Research in Crime and Delinquency* 42(4): 445–81.
- Fagan, Jeffrey, and Garth Davies. 2000. "Street Stops and Broken Windows: Terry, Race, and Disorder in New York City." *Fordham Urban Law Journal* 28(2): 457–504.
- Felson, Marcus, and Rachel Boba. 2009. *Crime and Everyday Life*. 4th ed. Thousand Oaks, CA: SAGE Publications.
- Fridell, Lorie, Robert Lunney, Drew Diamond, and Bruce Kubu. 2001. "Racially Biased Policing: A Principled Response." Washington, DC: Police Executive Research Forum.
- Gelman, Andrew, Jeffrey Fagan, and Alex Kiss. 2007. "An Analysis of the NYPD's Stop-and-Frisk Policy in the Context of Claims of Racial Bias." *Journal of the American Statistical Association* 102(479): 813–23.
- Gould, Jon B., and Stephen D. Mastrofski. 2004. "Suspect Searches: Assessing Police Behavior under the U.S. Constitution." *Criminology and Public Policy* 3(3): 315–62.
- Greene, Jack R. 1987. "Foot Patrol and Community Policing: Past Practices and Future Prospects." *American Journal of Police* 6(1): 1–16.
- . 2000. "Community Policing in America: Changing the Nature, Structure, and Function of the Police." In *Criminal Justice 2000*. Vol. 3, *Policies, Processes, and Decisions of the Criminal Justice System* (299–370). Washington, DC: National Institute of Justice.
- Greene, Judith A. 1999. "Zero Tolerance: A Case Study of Police Policies and Practices in New York City." *Crime & Delinquency* 45(2): 171–87.
- Hawdon, James E., John Ryan, and Sean P. Griffin. 2003. "Policing Tactics and Perceptions of Policing Legitimacy." *Police Quarterly* 6(4): 469–91.
- Howell, K. Babe. 2009. "Broken Lives from Broken Windows: The Hidden Costs of Aggressive Order-Maintenance Policing." *New York University Review of Law & Social Change* 33:271–329.
- Kelling, George L., Antony Pate, Amy Ferrara, Mary Utne, and Charles E. Brown. 1981. *The Newark Foot Patrol Experiment*. Washington, DC: Police Foundation.
- Lundman, Richard J., and Robert L. Kaufman. 2003. "Driving While Black: Effects of Race, Ethnicity, and Gender on Citizen Self-Reports of Traffic Stops and Police Actions." *Criminology* 41:195–220.
- Oakland Police Department. Office of the Inspector General. 2010. "Audit of Task 34: Vehicle Stops, Field Investigations, and Detentions." Oakland, CA: Oakland Police Department.
- Paternoster, Raymond. 1989. "Decisions to Participate in and Desist from Four Types of Common Delinquency: Deterrence and the Rational Choice Perspective." *Law and Society Review* 23(1): 7–29.

- Police Executive Research Forum. 2009. "The Stop Snitching Phenomenon: Breaking the Code of Silence." Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
- Ratcliffe, Jerry H., Travis Taniguchi, Elizabeth R. Groff, and Jennifer D. Wood. 2011. "The Philadelphia Foot Patrol Experiment: A Randomized Controlled Trial of Police Patrol Effectiveness in Violent Crime Hotspots." *Criminology* 49(3): 795–831.
- Ridgeway, Greg. 2007. "Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices." Santa Monica, CA: RAND Corporation.
- Sherman, Lawrence W. 1993. "Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction." *Journal of Research in Crime and Delinquency* 30(4): 445–73.
- Sherman, Lawrence W., Patrick R. Gartin, and Michael E. Buerger. 1989. "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place." *Criminology* 27:27–56.
- Skogan, Wesley G., and Kathleen Frydl, eds. 2004. *Fairness and Effectiveness in Policing: The Evidence*. Washington, DC: National Academies Press.
- Skogan, Wesley G., and Tracey L. Meares. 2004. "Lawful Policing." *Annals of the American Academy of Political and Social Science* 593:66–83.
- Spelman, William, and John E. Eck. 1989. "Sitting Ducks, Ravenous Wolves, and Helping Hands: New Approaches to Urban Policing." *Public Affairs Comment* 35(2): 1–9.
- Sunshine, Jason, and Tom R. Tyler. 2003. "The Role of Procedural Justice and Legitimacy in Shaping Support for Policing." *Law & Society Review* 37(3): 513–48.
- Trojanowicz, Robert C. 1983. "Evaluation of a Neighborhood Foot Patrol Program." *Journal of Police Science and Administration* 11:410–19.
- Tyler, Tom R., and Yuen J. Huo. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.
- Tyler, Tom R., and Cheryl J. Wakslak. 2004. "Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority." *Criminology* 42(2): 253–81.
- Walker, Samuel, and Charles M. Katz. 2002. *The Police in America: An Introduction*. 4th ed. Boston, MA: McGraw-Hill.
- Weisburd, David, and Anthony A. Braga, eds. 2006. *Police Innovation: Contrasting Perspectives*. New York: Cambridge University Press.
- Weisburd, David, L. Maher, and Lawrence Sherman. 1992. "Contrasting Crime General and Crime Specific Theory: The Case of Hot Spots of Crime." In *Advances in Criminological Theory*, vol. 4, edited by Freda Adler and William S. Laufer (45–70). New Brunswick, NJ: Transaction Publishing.
- Weisburd, David, J. C. Hinkle, C. Famega, and J. Ready. 2011. "The Possible 'Backfire' Effects of Hot Spots Policing: An Experimental Assessment of Impacts on Legitimacy, Fear, and Collective Efficacy." *Journal of Experimental Criminology* 7(4): 297–320.
- Weitzer, Ronald. 2000. "Racialized Policing: Residents' Perceptions in Three Neighborhoods." *Law & Society Review* 34(1): 129–55.

## Notes

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<sup>1</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>2</sup> *Adams v. Williams*, 407 U.S. 143 (1972).

<sup>3</sup> *Alabama v. White*, 496 U.S. 325 (1990).

<sup>4</sup> *U.S. v. Sokolow*, 490 U.S. 1 (1989).

<sup>5</sup> *Illinois v. Wardlow*, 528 U.S. 119 (2000).

<sup>6</sup> *Hübel v. Sixth Judicial District Court of Nevada*, 542 U.S. 177 (2004).

<sup>7</sup> *Michigan v. Long*, 463 U.S. 1032 (1983).

<sup>8</sup> *Minnesota v. Dickerson*, 508 U.S. 366 (1993).

<sup>9</sup> *U.S. v. Sharpe*, 470 U.S. 675 (1985).

<sup>10</sup> *Floyd, et al. v. City of New York, et al.*, 1:2008 cv 01119.

<sup>11</sup> *Lino, et al. v. City of New York, et al.*, 2011 NY Slip Op 51204(U).

<sup>12</sup> See “ACLU-PA Reaches Agreement with City of Philadelphia in Stop-and-Frisk Challenge,” American Civil Liberties Union, June 21, 2011.

<sup>13</sup> Report of Jeffrey Fagan, Ph.D., to the U.S. District Court for the Southern District of New York. *David Floyd et al. v. City of New York et al.* 08 Civ. 01043 (SAS).

<sup>14</sup> See also Fagan, *op cit.*

<sup>15</sup> *Commonwealth v. Narcisse*, 457 Mass. 1 (2010).

<sup>16</sup> See also unpublished analysis of pedestrian stops, Philadelphia Police Department, 2011.

<sup>17</sup> Unpublished Newark Police Department community relations strategy, 2011.

# Police Field Stops

## *What Do We Know, and What Does It Mean?*

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This paper reflects on the deterrent effects of police field stop practices. It also considers allied practices falling under the general heading of police crackdowns. In each case, police stop and question people in particular settings with the intent of creating a general deterrent effect by dissuading those disposed to criminal or deviant behavior under threat of detection and arrest, or individual deterrence by arresting those who despite police presence commit crimes nonetheless. While much of policing is couched in terms of crime prevention, much of the tactical work of the police is aimed at creating risk for potential offenders.

It is clear that there are distinctions between the general practices of stopping and questioning people on the street and other forms of crackdowns—curfews, drug marketplace interventions, roadway checkpoints for alcohol, and similar stopping and questioning interventions. Nonetheless, much of policing has shifted to what may be broadly construed as “problem-focused”—that is, attempting to address discrete crimes in discrete places at discrete times (Goldstein 1990). All these interventions, of course, focus on the deterrent effects of the police.

This discussion paper considers the deterrent effects of police field stops as well as police crackdowns. It is focused on what is known about the effectiveness of such strategies as well as the unintended and potentially negative consequences of such interventions. We begin with a consideration of policing and deterrence and then move on to the applications of field stops and crackdowns (as these have been merged in problem-oriented policing responses used to address specific and persistent crime and disorder problems, sometimes called “broken windows” or “zero-tolerance” policing). More recently, field stop interventions have been expanded under the umbrella of terrorism and homeland security. This discussion is followed by one considering the potential collateral damages of police field stop interventions. Finally, we consider the policy implications of the cumulative research findings.

## **Policing and Deterrence**

According to Sir Robert Peel, founder of the Metropolitan Police of London in 1829, the sine qua non of the police is the absence of crime. The police are to be considered successful

when crime is low, indicating that criminals have been deterred or prevented from committing crime. Much of the history of policing has been associated with crime, its cycles, and how the police go about the business of addressing crime, even though crime accounts for a small portion of police activity or the efforts the police expend daily. Yet, criminal behaviors are the most significant, not because of their frequency, but rather because of their consequences for the public and the police.

Even at a time when crime is declining in the Western world, fear and concern with crime continues to rise, attesting to the symbolic importance of crime in free societies (Simon 2007). The second of Peel's principles stressed that policing requires the support and acceptance of the public to be effective. Democratic policing especially requires the citizenry to legitimate legal institutions in part by accepting their actions and decisions. Such legitimating provides the normative authority of the police to impose law on the populace (Manning 2010). Both substantive and procedural justice requires public acceptance of the legitimacy of the law enforcers (Tyler 2006). The tension between deterring or preventing crime, on the one hand, and the need for civic support, on the other hand, remains the paradox of policing—enforcing the law but within the bounds of public acceptance.

The origins of organized policing in London in the early 1800s and later transposed to America and elsewhere place the police at the center of crime control, especially in public places. In many respects, how the police actually prevent crime is less clear than is the absence of crime as a measure of police effectiveness. While we may measure drops in crime locally, nationally, or internationally, such drops are often accompanied by many explanations, only one being the effectiveness of the police (Blumstein and Wallman 2000; Zimring 2007).

It has been said that when crime goes down it has many parents, but when it goes up it is an orphan; quick claims to the success of police interventions should be mindful that social complexity often trumps the actions of a single agency (Moynihan et al. 2011). From the perspective of the police, the discussion about crime reduction has largely been translated over the years into matters of police deterrence; that is, placing the police in places and at times where they can interdict or otherwise confound the criminal enterprise, either as capable guardians, as deft responders, as maintainers of social communities, or as those who address “broken windows.”

From the “watch and the ward” era of policing in the 1700 and 1800s, police officers roving throughout communities have sought to use their visibility and presence to prevent crime from happening, while at the same time being able to respond to crimes quickly when and where they occur. In many respects, policing in the Western world has always focused

on deterring crime. How such deterrence was to actually happen was less clear; rather, the ideas associated with policing generally presumed a deterrent effect by the very presence of the police.

Being there, being present, being visible, and often taking aggressive action are cornerstone elements of police deterrence strategies. Flashing police car lights, sirens, and direct physical interventions with the public constitute the array of deterrence interventions, although what connects all these interventions is the potential for police use of force (Brodeur 2010).

One continuing aspect of police deterrence theory and practice is stopping and questioning “suspicious persons”—those who don’t fit the locale, or those who may be seen as “symbolic assailants” (Skolnick 1966); the young, marginal, or new to the community. Such interventions involve face-to-face confrontations with people on the streets or through aggressive traffic enforcement, the general premise being deterrence. In this case, the police presence is situational, conforming to everyday patterns of public access and transport (Felson 2002). Under the postulates of situational crime prevention, crime occurs when there is a motivated offender, an available victim, and the absence of a capable guardian. In the case of police deterrence, visibility enhances guardianship, thereby deterring crime.

Initial and follow-up studies regarding the deterrent effect of the police relative to general police interventions produce disappointing conclusions. To the best of our ability to measure the deterrence effects of policing, the findings suggest that rapid response is confounded more by citizen reporting behavior than by police response (Black 1997; Cordner, Greene, and Bynum 1983); random patrol produces little in the way of a deterrent effect (Kelling et al. 1974); and police follow-up criminal investigations are driven more by what officers arriving at the scene of the crime do than through the sleuthing of investigators (Greenwood, Petersilia, and Chaiken 1977). Taken together such analyses suggest that the dominant strategies of the police produce marginal gains in terms of deterrence. Nonetheless, these strategies remain the mainstays of modern-day policing. More recently, much has been made about addressing minor offenses as a way of curbing major ones (Wilson and Kelling 1982; Kelling and Coles 1996)—the so-called “broken windows” theory. Under this reasoning, extending the police “crime attack” model to public-order crimes is often recommended as a way of deterring more serious crime.

Despite such assertions, an important conclusion drawn from the National Research Council’s assessment of policing (2004) is that general police strategies, often aimed at order maintenance to deter serious crime, have not been supported in the research conducted to date. The report concludes, “There is a widespread perception among police policy makers

and the public that enforcement strategies (primarily arrest) applied broadly against offenders committing minor offenses lead to reductions of serious crime. Research does not provide strong support for this proposition” (229). One study conducted by Kelling and Sousa (2001) in New York City found that arrests for minor crimes impacted overall crime rates in the precincts observed. Harcourt and Ludwig (2006) challenged Kelling and Sousa’s analysis in a reanalysis of the data, instead finding that declines in precincts with high violent crime are likely the result of reversion to the mean following high levels during earlier times. As such, tactics associated with zero-tolerance responses to misdemeanor behavior in these and other precincts appear to dissipate once the initial levels of these crimes are introduced into the statistical models together with a wide range of demographic and police force size variables. Nonetheless, over the years police officers have continued to assert themselves in public places by stopping, questioning, frisking, and sometimes arresting “suspicious persons.” Such tactics like those of random car patrol, neighborhood foot patrol, order-maintenance policing, police crackdowns, field interrogations, and the like rest on a deterrence hypothesis with mixed empirical support, the general conclusion being that generalized and unfocused police activities produce little in the way of deterrent effects, except perhaps on robbery rates.

At the same time, treating places rather than people as crime inspiring, as suggested through “hot spots analysis,” provides evidence that policing specific and concentrated places with aggressive police interventions can deter certain crimes in those places without considerable displacement (Weisburd and Eck 2004; Sherman and Weisburd 1995). Shifting from people to locations is also consistent with the way in which police patrol services are organized. While there may be some argument about whether crime mapping and targeted response yields substantial crime impacts, evidence suggests that targeted police responses in targeted places, for targeted crimes yield results. As suggested by Braga and Weisburd (2006, 342), “when police departments focus their efforts on identifiable risk, such as crime hot spots, repeat victims, and serious offenders, they are able to prevent crime and disorder.”

## **Field Stops/Crackdowns as a Police Tool**

It is perhaps a truism that when a crime occurs in any particular location the police may stop and ask people about what they might have seen, or rather interrogate them because they resemble the description of offenders. Such crime- and place-specific responses bear the scrutiny of the law, most in the community, and common sense. A crime was committed in a specific location; the police have received information about the crime and possible offender(s) from the victim, and consequently the police canvas the area stopping and questioning those on the street who might amplify information about the crime or offender.

Similarly, the police acting on descriptions of offenders or their vehicles stop and question individuals matching such descriptions with the anticipation that such interventions may catch those responsible for the crime.

Having a place-, time- and crime-specific approach to stopping and questioning people who may have a) witnessed crime, b) experienced crime themselves, or c) been the perpetrators of crime in these locations has legal, community, and some evidence-based support. But the conditions of knowing the places, times, and events for such interventions are not trivial; otherwise policing can be seen as selectively intrusive, most particularly to minorities, the poor, and the recently immigrated who live in communities most frequently targeted for aggressive police action. Concerns with racial profiling and the disproportionate impact on otherwise law-abiding people are given voice absent a clear focus on what the purpose, target, and nature of the interventions will be.

As previously suggested, the evidence on the deterrent effects of field stops is limited and has produced mixed results. As reported in the National Research Council report on policing (2004), the scientific rigor of the handful of studies that exist relative to field stops and aggressive traffic enforcement is spotty, and the number of studies small, yielding often contradictory results.

In the 1970s, San Diego, California, and Kansas City, Missouri, police leaders and researchers sought to better understand the role of police tactics, focusing on place-based strategies versus person-based strategies (Kansas City) as well as the role of “field interrogations” on street-level suppressible crime (San Diego). In Kansas City, the findings suggested that providing information to patrol officers on criminal offenders produced increased arrests, while location-oriented patrol was seen as a bit more effective than person-oriented patrol (that is, the surveillance of known offenders or groups); however, neither of these forms—location or person-oriented—produced more than did traditional patrol unit activities (Pate, Bowers, and Parks 1976), suggesting that their impact was marginal.

In San Diego, some level of field interrogation activity compared with none was associated with deterring suppressible crimes in particular locations—crimes such as burglary, petty theft, disturbances, and malicious behavior (Boydston 1975)—although the frequency of arrests was not affected by the frequency of field interrogations. The study found that when field interrogations were implemented, some public-disorder crime declined, and when field interrogations were withdrawn, public-disorder crimes increased. Finally, police-community relations were not affected by field integrations at some low threshold level, meaning that the public had some tolerance for a low level of such interventions, but if the practice was to increase, public acceptance would decline.

An alternative analysis of the deterrence effects of police presence has been extended to traffic enforcement. Again, the study findings are mixed and affected by study designs. Wilson and Boland (1979) found that aggressive and visible traffic enforcement produced lower robbery levels, although the study design was weak. In another study conducted by Sampson and Cohen (1988), the findings suggested that as arrests for DUI and disorderly contact increased in certain communities, robbery rates declined, although once again the study design could not assign cause and effect. In a study conducted by Weiss and Freels (1996) using a more controlled research design than its predecessors, the findings suggested no significant differences in reported crimes in treatment (increased traffic enforcement) and control areas.

Following the Sampson and Cohen study, MacDonald (2002) found in a study of 164 American cities that community policing produced little in the way of deterrent effects for violent crime, but proactive policing was related to reductions in violent crime over time. Most recently, Kubrin and colleagues (2010) replicating the research of Sampson and Cohen (1988) found that proactive policing reduced robbery rates in a large sample of U.S. cities between 2000 and 2003.

In several critiques of New York's crime drop, researchers have found that while the New York decline was impressive, it was not singular: a number of large American cities also experienced comparable declines without implementing zero-tolerance or aggressive police tactics. For example, in a review of the literature on declining crime relative to the New York experience, Harcourt (2001, 90–121) concluded that cities like Boston, San Francisco, San Diego, Los Angeles, Houston, Dallas and San Antonio, among others, all posted significant declines of crime at the same time as New York but without the corresponding aggressive police tactics being used.

More recent findings of Greene (1999) examining zero-tolerance practices in New York City and comparing them with problem-oriented policing practices in San Diego found that both cities witnessed declines in crime, but New York experienced significant increases in citizen complaints and lawsuits alleging police misconduct and abuse of force, much of which was associated with aggressive, zero-tolerance tactics of the NYPD.

Police crackdowns follow a similar logic to those of field interrogations of stopping and questioning tactics, thereby producing a deterrent effect. Crackdowns can be well planned, structured, and targeted or they can be loosely constructed with admonitions to “get out there and make your presence felt” (Scott 2004). Nonetheless, well-structured crackdowns are meant to increase police visibility, target places and types of crime or disorder for

intervention, and specify what actions the police should take in addressing these areas and problems.

Sherman (1990) in a review of police crackdowns found that of 18 studies reviewed, 15 appeared to demonstrate initial deterrent effects, although many of these effects quickly dissipated over time, while some (5 sites) produced a residual deterrent effect, lasting after the crackdown was completed. Crackdowns and high-visibility policing have been associated with police responses to guns and firearms violence, drug use and drug markets, and traffic enforcement and drunken driving, among others. Such crackdowns appear to produce at least immediate effects in the targeted locales, but most of these effects are not longstanding (Scott 2004).

## **The Consequences of Zero-Tolerance**

Sir Isaac Newton's third law of motion states that for every action there is a corresponding and opposite reaction, indicating that forces occur in pairs. Such a postulate is well established in classical mechanics and has a social analogue as well. In the social world, ideas associated with zero-tolerance can be seen as in reaction to what is a perceived laxity in the social contract. Those arguing for zero-tolerance often point to a failure in society to control certain types of marginal and often offensive behaviors. Such a failure to control these minor behaviors, it is argued, leads to more serious infractions.

Inevitably, the voices supporting zero-tolerance argue that more conservative approaches to defining social facts will lessen or deter what are portrayed as socially unacceptable behaviors. The opposite reaction to this, of course, is associated with the overreach of the law, or what has been called "net widening." Just as important, the actions of the police often produce reactions, some of which are opposite the intended consequences. So, understanding the application of zero-tolerance and other forms of aggressive police action is more than observing the action and its effects, but also examining the reactions that are produced. Some of these reactions can be seen as collateral damage caused by aggressive policing, and they almost always call police legitimacy into question, thereby potentially violating Peel's second principle, that policing must occur with the consent of those policed.

## **Collateral Damage in Field Interrogations**

As is perhaps the case with all forms of intervention (medical, social, economic, and legal), too much intervention can produce unintended and unwanted side effects. Too much use of

antibiotics has resulted in more resistant strains of infection; too much policing can have negative consequences as well.

Of course, police stopping individuals or vehicles reside in the often-vague legal area of probable cause and mere suspicion. Such stops are therefore contextual in their application; that is, determining what behaviors or conditions create a police reaction to a particular individual or motor vehicle warranting additional police attention. In the case of stops, some suspicion is a necessary condition prior to police intervention; in the case of probable cause, the legal threshold for the stop increases. Absent either condition (suspicion or probable cause) law and public sentiment would discourage police randomly stopping people. But, of course, the conditions can be broadly stated such as a neighborhood with significant gang activity, an open-air drug market, a place where violence periodically erupts, and the like.

Police stops of any variety represent the intrusion of the government into individual affairs, warranted or not. When there is some agreement that police intervention is necessary even if that agreement is, as Bittner suggested, produced by a public concern that, “something-that-ought-not-to- be-happening-and-about-which-someone-had-better-do-something-now” (1970, 249), then police legitimacy is accepted in such circumstances. When there isn’t agreement about police interventions, or when they have a disproportionate impact in groups defined by race, nationality, gender, sexual preference, religion, or age, then the police lose civic legitimacy or the respect of the populace.

It is a delicate balance in focusing concentrated police effort on crime and disorder problems, while assuring the public that such tactics are not discriminatory or negatively impacting social groups. Several generalized police tactics involving stopping individuals for police attention have resulted in substantial complaints against the police.

Much of the literature on the use of racial profiling in drug and traffic enforcement have produced public ire with the police; reduced acceptance of policing, particularly in minority and immigrant communities; raised barriers of community distrust of the police; and resulted in legal interventions by the U.S. Department of Justice and through the civil court system (Harcourt 2004). The experiences of American policing with racial profiling provides a current and poignant illustration of when the general approach to stopping and questioning individuals by the police produces unintended consequences and negative results. This has become even more poignant in police practices following September 11, 2001 (Ashar 2002).

## Policy Implications

Any field-based intervention system focused on stopping and questioning individuals on foot or in motor vehicles must be clearly designed, targeted, and problem specific. This is even more the case as policing through the United States has become focused on matters of terrorism and homeland security.

Unlike crime, terrorism has no independent reporting system per se. That is to say, the police do not have a system of reporting terrorism events or suspicions that creates some idea of the concentration of potential terrorism problems or points to the need to address such problems (see Greene 2011). Police “intelligence” regarding groups or individuals suspected of terrorism plots, purchases of regulated or prohibited items or substances (e.g., explosives, weapons, other contraband), or the financing of terrorism through conventional crime has its own reliability and validity problems and is subject to the influence of the amount of effort the police or others put into intelligence gathering. Somewhat like drug crime, what the police do can increase or decrease the measured level of these crimes.

Perhaps more important, stopping and questioning individuals in public settings requires some a priori idea that an individual or place is suspect. Random stops for terrorism bely the complexity of terrorism and the investigation of such behavior. Recent court cases and reports regarding the use of stop and questioning tactics in New York City (Gelman, Fagan, and Kiss 2007; Ridgeway 2008)<sup>1</sup> suggest the potential for racial and religious profiling in such circumstances. Moreover, how police deploy stop, question, and frisk practices speaks to how police interact with the general citizenry, how these interventions are understood and accepted or not by the community.

In democratic societies, the police are at once responsible for controlling social disorder and crime, while at the same time maintaining civic fidelity to the law and the enforcers of the law. Walking the tightrope between effectively enforcing the law, while maintaining fidelity to legal principles and beliefs, is the policy goal of modern-day law enforcement. Generalized and broadly cast approaches do not appear to produce reductions in crime, disorder, and fear, and they may decrease police legitimacy.

The continued use of such police tactics should consider models of medical intervention where concerns focus on (1) appropriate diagnosis, (2) matching treatment with diagnosis, (3) calibrating the appropriate dosage recognizing individual variation, and (4) watching for unintended consequences or especially negative side effects. All too often police interventions lack or are only marginally connected to these considerations.

Problem-oriented policing calls for appropriate diagnosis, prior to police action, but often this stage of the problem-oriented approach is underdeveloped (Clarke 1998), if developed at all. Similarly, in regard to selecting appropriate treatments to diagnosed conditions, the police can be said to have a limited number of treatments (saturation patrol, aggressive street tactics, and undercover operations) to apply in any circumstance. Under models of “broken windows” and “zero-tolerance,” the approach is likely to be one-size-fits all—that is, aggressive street enforcement. Dosage is also not well understood in policing. How many officers, for how long, in what places with what effects? Such questions remain unaddressed in the literature on policing and especially in the case of saturation or other aggressive field tactics. Lastly, the unintended consequences or side effects of such operations often surface as complaints against the police, court actions, Justice Department consent decrees, and the like, but understanding how such consequences are produced, with what treatments, and in what dosages are presently unknown as well. For all its symbolic and practical importance, policing remains adrift of understanding how formal social control affects crime and disorder at all levels, in varying social settings with various treatment strengths, and with what reactions to a range of police interventions.

Absent such knowledge, “more is less”—meaning that more of a particular police intervention has actually aggravated support (producing less support) for the police, most especially in communities where support for the police was already low. As suggested by Eck and Maguire and Weisburd and Eck (reported in Weisburd and Braga 2006, 312–13) and in the National Research Council report on policing (2004, 246–51), focused and targeted police responses with clear and measurable goals and objectives, specified tactics, and targeted places, times, and crime types are more likely to produce crime reductions, deterrence, and reductions in fear of crime, than do generalized approaches used by the police. Implementing police tactics that recognize the situational and contingent nature of police responses in time and place is a necessary requirement of police deployment to increase the likelihood of some impact, and to assure the public that circumstances and problems drive police tactics not prejudices toward any particular segment of society.

## References

- Ashar, Sameer M. 2002. “Immigration Enforcement and Subordination: The Consequences of Racial Profiling after September 11.” *Immigration and Nationality Law Review* 23.
- Bittner, Egon. 1970. *The Functions of Police in Modern Society*. Washington, DC: National Institutes of Mental Health.
- Black, Donald. 1997. *The Manners and Customs of the Police*. New York: Academic Press.
- Blumstein, Alfred, and Joel Wallman. 2000. *The Crime Drop in America*. Cambridge: Cambridge University Press.

- Boydston, John E. 1975. *San Diego Field Interrogations: Final Report*. Washington, DC: Police Foundation.
- Braga, Anthony A., and David Weisburd. 2006. "Conclusion: Police Innovation and the Future of Policing." In *Police Innovation: Contrasting Perspectives*, edited by David Weisburd and Anthony A. Braga. Cambridge: Cambridge University Press.
- Brodeur, Jean-Paul. 2010. *The Policing Web*. New York: Oxford University Press.
- Clarke, Ronald. 1998. "Defining Police Strategies: Problem-Solving, Problem-Oriented Policing, and Community Policing." In *Problem-Oriented Policing*, edited by Tara O'Connor Shelly and Anne C. Grant (315–30). Washington, DC: Police Executive Research Forum.
- Cordner, Gary W., Jack R. Greene, and Timothy S. Bynum. 1983. "The Sooner the Better: Some Effects of Police Response Time." In *Police at Work: Policy Issues and Analysis*, edited by Richard Bennett. Beverly Hills, CA: Sage Publications.
- Felson, Marcus. 2002. *Crime in Everyday Life*. 3rd ed. Thousand Oaks, CA: Sage Publications.
- Gelman, Andrew, Jeffrey Fagan, and Alex Kiss. 2007. "An Analysis of the New York City Police Department's 'Stop and Frisk' Policy in the Context of Claims of Racial Bias." *Journal of the American Statistical Association* 102(49): 813–23.
- Goldstein, Herman. 1990. *Problem-Oriented Policing*. New York: McGraw-Hill.
- Greene, Jack R. 2011. "Community Policing and Terrorism: Problems and Prospects for Local Community Security." In *Criminologists on Terrorism and Homeland Security*, edited by Brian Forst, Jack R. Greene and James P. Lynch. New York: Cambridge University Press.
- Greenwood, Peter, Joan Petersilia, and Jan Chaiken. 1977. *The Criminal Investigation Process*. Santa Monica, CA: RAND Corporation.
- Harcourt, Bernard E. 2001. *Illusion of Order: The False Promise of Broken Windows Policing*. Cambridge, MA: Harvard University Press.
- . 2004. "Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally." *University of Chicago Law Review* 71(4).
- Harcourt, Bernard E., and Jens Ludwig. 2006. "Broken Windows: New Evidence from New York City and a Five-City Social Experiment." *University of Chicago Law Review* 73(1): 271–320.
- Kelling, George L., and Katherine M. Coles. 1996. *Fixing broken windows: Restoring order and reducing crime in our communities*. New York: Free Press.
- Kelling, George L., and William Sousa. 2001. *Do Police Matter? An Analysis of the Impact of New York City's Police Reforms*. Report 22. New York: Manhattan Institute Center for Civic Innovation.
- Kelling, George L., Tony Pate, Duane Dieckman, and Charles E. Brown. 1974. *The Kansas City Preventive Patrol Experiment*. Washington, DC: Police Foundation.
- Kubrin, Charles E., Stephen F. Messner, Glenn Derane, Kelly McGeever, and Thomas D. Stucky. 2010. "Proactive Policing and Robbery Rates across U.S. Cities." *Criminology* 48(1): 57–97.
- MacDonald, John M. 2002. "The Effectiveness of Community Policing in Reducing Urban Violence." *Crime & Delinquency* 48:592–618.
- Manning, Peter K. 2010. *Democratic Policing in a Changing World*. Boulder, CO: Paradigm Publishers.
- Moynihan, Donald P., Sergio Fernandez, Soonhee Kim, Kelly M. LeRoux, Suzanne J. Piotrowski, Bradley E. Wright, and Kaifeng Yang. 2011. "Performance Regimes amidst Governance Complexity." *Journal of Public Administration and Theory* 21:141–55.

- National Research Council. 2004. *Fairness and Effectiveness of Policing: The Evidence*. Washington, DC: National Academies Press.
- Pate, Anthony, Richard A. Bowers, and Ron Parks. 1976. *Three Approaches to Criminal Apprehension in Kansas City: An Evaluation Report*. Washington, DC: Police Foundation.
- Ridgeway, Greg. 2008. *Analysis of Racial Disparities in the New York City Police Department Stop, Question, and Frisk Practices*. Santa Monica, CA: RAND.
- Sampson, Robert J., and Jacqueline Cohen. 1988. "Deterrent Effects of the Police on Crime: A Replication and Theoretical Extension." *Law and Society Review* 22(1):163-189.
- Scott, Michael, S. 2004. *The Benefits and Consequences of Police Crackdowns*. Response Guide #1. Madison: Center for Problem-Oriented Policing, University of Wisconsin.
- Sherman, Lawrence. 1990. "Police Crackdowns: Initial and Residual Deterrence." In *Crime and Justice: A Review of Research*, vol. 12, edited by Michael Tonry and Norval Morris (1-48). Chicago: University of Chicago Press.
- Sherman, Lawrence W., and David Weisburd. 1995. "General Deterrent Effects of Police Patrol in Crime "Hot Spots": A Randomized, Controlled Trial." *Justice Quarterly* 12(4): 625-48.
- Simon, Jonathan. 2007. *Governing Through Crime*. New York: Oxford University Press.
- Skolnick, Jerome. 1966. *Justice without Trial: Law Enforcement in a Democratic Society*. New York: John Wiley.
- Tyler, Tom R. 2006. *Why People Obey the Law*. Princeton, NJ: Princeton University Press.
- Weisburd, David, and John E. Eck. 2004. "What Can Police Do to Reduce Crime Disorder and Fear?" *Annals of the American Academy of Political and Social Sciences* 593:42-65. FTB 7/26.
- Weiss, A., and S. Freels 1996. "Effects of aggressive policing: The Dayton traffic enforcement experiment." *American Journal of Police* 15(3):45-64.
- Wilson, James Q. and Barbara Boland 1979. "Effect of the police on crime". *Law and Society Review*, 12: 367-390.
- Wilson, James Q. and George L. Kelling. 1982. "Broken windows: The police and neighborhood safety" *Atlantic Monthly*, March: 29-38.
- Zimring, Franklin E. 2007. *The great American crime decline*. New York: Oxford University Press.

## Note

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<sup>1</sup> See also *Floyd, et. al. v. City of New York, et. al.*, 2008. U.S. District Court for the Southern District of New York, 08 Civ. 01034 (SAS), October.

# What About the Other 99%?

## *The Broader Impact of Street Stops on Minority Communities*

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I have spent much of the last decade studying the criminalization of urban youth, and the consequences of what these young people experience daily in their neighborhoods and schools are very real. The complicated relationship residents of Brownsville, Harlem, or the South Side of Chicago have with police is all too clear when they see officers as protectors in certain circumstances and persecutors in others. While police may be heavily relied on for protection from actual criminal offenders in neighborhoods, residents are just as often at risk of being searched for drugs and guns when “walking while black/Latino/male.” The major consequence: these penalizing procedures have become normative in many urban contexts.

My research explicitly investigates how both race and place shape youth perceptions of injustice using a unique array of data sources, including a 2001 survey of approximately 20,000 Chicago public school 9th and 10th graders; 2005 interview data from 40 9th and 10th graders across four different public schools; 2010 follow-up survey and interview data from select students; ethnographic observations of a wide variety of schools and neighborhoods; and archival records. The analyses presented in my manuscript, *Arresting Development: Race, Place and End of Adolescence*, are grounded in theories on institutionalized spaces, social reproduction, relative deprivation, and procedural justice (Foucault 1986; Bowles and Gintis 1976; Runciman 1966; and Tyler 2006). The Chicago students that I follow, as we shall see, offer a profound reminder that we must broaden our concept of “justice” from an exclusive focus on police and jails to the broader context of social institutions such as schools that influence how youth learn about and experience equality and inequality. My central variable of interest, perceptions of criminal injustice, most often studied in adults, gauges the attitudes that these young people hold about social and structural disadvantage in general, as well as their feelings concerning discriminatory treatment by authoritative institutions and their representatives (Hagan, Shedd, and Payne 2005).

Indubitably, this research moves beyond Chicago’s borders to other areas where opportunity is distributed via zip code. America’s teenagers, who daily seek safe passage as they journey from home to school, are the guinea pigs for an enormous experiment in how we create (or fail to create) a citizenry that feels safe and that has faith in its country’s institutions. Police interactions play an integral role in shaping citizen beliefs about the workings of the American criminal justice system, and order-maintenance policing has

undeniably transformed the overall landscape of urban social control. However, the perspectives and experiences of those most affected by these policies are missing from the legal and social record.

The case of New York City is especially critical since its criminal justice policies serve as a model for the rest of our nation's cities. In light of the ubiquitous evidence of the rampant and disparate use of stop, question, and frisk (SQF) practices by police in some New York neighborhoods, now is the right time to take stock of the potentially devastating impact these practices could have on urban communities and our society at large.

The central concern of empirical investigations of legal socialization is to evaluate the ways in which people acquire attitudes and beliefs about the law. Perceived procedural justice is widely recognized as an important attitudinal outcome and evaluative criterion for the criminal justice process. The theory of procedural justice posits that process-based assessments can supersede outcome-based judgments, and much of the research designed to test this theory has focused on attributions of fairness and respect to the agents of law in the performance of their duties. Research, some focused specifically on New York City residents (Sunshine and Tyler 2003), has consistently shown that the perceived fairness and respect shown by police in specific encounters positively predict the public's perception of police legitimacy, obligation to obey the law, and cooperation with the police (Reisig, Bratton, and Gertz 2007; Tyler and Huo 2002; Tyler and Wakslak 2004).

The normative approach to procedural injustice posits that compliance with the law occurs when people believe it is proper to comply, actively evaluate the justice or injustice of their interaction with the law, and assess the process of how legal directives are given independently of the outcome. The youth in my study clearly pay particular attention to the manner in which directives are given and rules are enforced, thus shaping the legitimacy they attribute to the rules and their determinations of justice in the outcomes. The current investigation of youth's attitudes on procedural justice (legitimacy and fairness of the "applied" law) allows exploration of Tyler's (2006) theory and findings in the same setting, but with a more youthful population whose school and neighborhood settings greatly influence their perceptions of injustice.

A comprehensive mixed-method research agenda that examines subjective expectations about the law that are directly linked to experiences with the law would address the existing gaps in the social scientific literature on order-maintenance policy by improving upon conventional, subjective approaches to the measurement of procedural justice. This new direction in understanding the perceptions and experiences of those subjected to SQF

policies would move researchers and policymakers toward a more clear and complete "social reality" of order-maintenance policing.

Most critical to the issue of legal socialization and police legitimacy is the reality that young people are often introduced to the criminal justice system without setting foot in a jail or courtroom. As neighborhoods and schools have become more securitized during the current era of mass incarceration, some youth end up on a "carceral continuum," in which supervision and surveillance exist at varying levels of severity (Wacquant 2001). Further, evidence is quite clear that the social concentration of the justice system's impact is neither evenly nor randomly distributed across people or places (Peterson and Krivo 2010; Sampson and Loeffler 2010; Cullen and Wright 2002).

For example, the *New York Times* recently exposed the rampant use of stop, question, and frisk practices by police in Brownsville, Brooklyn. From 2006 to 2010, within a perimeter of about eight blocks, the New York Police Department made 52,000 stops, with less than 1 percent of stops resulting in an arrest. In this area of 14,000 residents, young African American males overwhelmingly bore the brunt of these policies by incurring multiple stops per year as they went about their daily lives.<sup>1</sup> The truth is, the purported gains in crime control from using SQF will not offset the long-term damage done to our realization of the American ideals of fairness, equality, and democracy.

The example of Brownsville, Brooklyn, illustrates that the issue is about more than just race in our current so-called post-race era. Indeed, we must acknowledge that it is race combined with gender, age, demeanor, and place that determines who is—and is not—ensnared in New York City's ever-expanding web of police control. The fact that only 1 percent of Brownsville residents are arrested after being stopped, questioned, and frisked should have us all concerned about the impact of this kind of policing on the remaining 99 percent who are also subjected to this extremely invasive and overtly criminalizing experience. And the surveillance does not end there.

Many of these same young men who have become accustomed to being stopped and frisked in their neighborhoods are often subjected to similar practices at school (Kupchik 2010; Simon 2007; Devine 1997).<sup>2</sup> Schools—and even some homes, for those who live in public housing—have come to resemble correctional facilities. Metal detectors, surveillance cameras, and other mechanisms designed to monitor and control their inhabitants have become standard. Youth who must navigate these spaces are inevitably at high risk of negative police contact, which may lead to frustration, disengagement, and perhaps even delinquency.

A climate of fear persists in America's urban schools, even though students are much more likely to associate schools with "security guards, police tactics, and high-tech weapons-scanning devices," according to educational anthropologist John Devine (1997, 171). In this "new panopticon," teachers' preoccupation with students' minds is counterbalanced by the use of security forces to police the body of the inner-city students through the use of physical pat-downs, metal detectors scans, clear backpack requirements, and more. Students from each of the four schools included in the qualitative component of my research in Chicago Public Schools discuss school practices using policing terminology, such as being sent to the cell or interrogation room, being subject to hall sweeps—where one is automatically sent to the "police office" if they are not inside a classroom when the bell rings, regular drug and weapon sweeps, "pat-downs" or physical searches, routinely seeing students handcuffed after a fight, and much more.

In accordance with relative deprivation theory, people's assessments of their experiences and outcomes largely depend on the frame of reference within which they are conceived (Runciman 1966; Hagan et al. 2005). Young people's personal expectations and ideals of fair, humane, and legal treatment, as well as their social and structural location, inform normative orientations about the law and evaluations of their interactions with the law. It is these "cognitive landscapes" that ultimately impact their perceptions of social and criminal injustice (Sampson and Bartusch 2008). In contexts where police routinely abridge civil rights and treat people rudely, these expectations may be very low. By contrast, people who are conversant with civil rights law and who live in relatively affluent neighborhoods may have very high expectations (Brooks 2000). Thus, it is possible that someone who is subject to more actual unlawful policing may offer a less negative assessment of policing than someone subject to fewer violations because the former individual would have much lower expectations than the latter.

The consequence is greater numbers of young people who, shaped by their low expectations that police will fulfill their duties fairly, view society as fundamentally unjust. An even more disturbing result is the proliferation of young black and Latino men with low perceptions of injustice who have no idea that everyone is not stopped by police as often as they are because their worldview does not extend beyond their East Brooklyn or West Philadelphia neighborhood.

Prior studies suggest that the accounts of searches on police reports (Skogan and Meares 2004) do not always meet the criteria of a lawful search. These nuances cannot be captured without a mixed-method investigation of the location, circumstances, and respondents' reactions to their interactions with police as a result of being stopped, questioned, and frisked. A rigorous assessment of procedural legitimacy among those subject to SQF

practices is necessary to illuminate the criteria, referents, ideals, and understandings of the law against which they judge the legitimacy of their police encounters. A proposed study could address the following research questions:

1. How well do arrestees' and official accounts of SQF correspond with each other and with police protocols that have been developed for constitutional stops and searches?
2. Does the procedural legitimacy of stops vary by ethnicity, prior arrests, the characteristics of the neighborhood where the stop occurred, and other available social indicators?
3. What is the role of respondents' expectations and ideals of fair and just treatment by the police in their subjective assessment of the procedural justice of their stops?

The stakes here are high. The aggressive use of stop, question, and frisk may very well turn a law-abiding kid into a bitter person capable of embodying the negative stereotypes projected upon him or her. These low expectations are patently clear since individuals who are not arrested or given a summons will still have their personal information entered into a police database ... just in case they do something wrong in the future. It is imperative for us to change our views of these young men before they defect from the remaining 99 percent to then live up to society's low expectations of them as gun-wielding, drug-possessing criminal offenders.

## References

- Bowles, Samuel, and Herbert Gintis. 1976. *Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life*. New York: Basic Books.
- Brooks, Richard R. W. 2000. "Fear and Fairness in the City: Criminal Enforcement and Perceptions of Fairness in Minority Communities." *Southern California Law Review* 73(6): 1219–75.
- Cullen, F. T., and J. P. Wright. 2002. "The Changing Adolescent Experience: Societal Trends and the Transition to Adulthood." In *Criminal Justice in the Lives of American Adolescents: Choosing the Future*, edited by J. T. Mortimer and R. W. Larson. New York: Cambridge University Press.
- Devine, John. 1997. *Maximum Security: The Culture of Violence in Inner-City Schools*. Chicago: University of Chicago Press.
- Foucault, Michel. 1986. "Of Other Spaces." Translated by Jay Miskowiec. *Diacritics* 16(1): 22–27.
- Hagan, John, Carla Shedd, and Monique Payne. 2005. "Race, Ethnicity, and Youth Perceptions of Criminal Injustice." *American Sociological Review* 70(3): 381–407.
- Kupchik, Aaron. 2010. *Homeroom Security*. New York: New York University Press.
- Peterson, Ruth, and Lauren Krivo. 2010. *Divergent Social Worlds: Neighborhood Crime and the Racial-Spatial Divide*. New York: Russell Sage Foundation.
- Reisig, Michael D., Jason Bratton, and Marc G. Gertz. 2007. "The Construct Validity and Refinement of Process-Based Policing Measures." *Criminal Justice and Behavior* 34:1,005–28.

- Runciman, W. G. 1966. *Relative Deprivation and Social Justice: A Study of Attitudes to Social Inequality in Twentieth Century England*. London: Routledge.
- Sampson, Robert J., and Dawn Jeglum Bartusch. 1998. "Legal Cynicism and (Subcultural?) Tolerance of Deviance: The Neighborhood Context of Racial Differences." *Law and Society Review* 32:777–804.
- Sampson, Robert J., and Charles Loeffler. 2010. "Punishment's Place: The Local Concentration of Mass Incarceration." *Daedalus* 139:20–31.
- Simon, Jonathan. 2007. *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press.
- Skogan, Wesley, and Tracey Meares. 2004. "Lawful Policing." *Annals of the American Academy of Political and Social Science* 66(18).
- Sunshine, Jason, and Tom Tyler. 2003. "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing." *Law and Society Review* 37:513–48.
- Tyler, Tom. 2006. *Why People Obey the Law*. Princeton, NJ: Princeton University Press.
- Tyler, Tom R., and Yuen J. Huo. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.
- Tyler, Tom, and Cheryl Wakslak. 2004. "Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority." *Criminology* 42(2): 253–81.
- Wacquant, Loic. 2001. "Deadly Symbiosis: When Ghetto and Prison Meet and Mesh." *Punishment & Society* 3(1): 95–134.

## Notes

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<sup>1</sup> Ray Rivera, Al Baker, and Janet Roberts, "A Few Blocks, 4 Years, 52,000 Police Stops," *New York Times*, July 11, 2010.

<sup>2</sup> See also Carla Shedd, *Arresting Development: Race, Place, and the End of Adolescence* (book manuscript, under revision).

# The Impact of Stop and Frisk Policies upon Police Legitimacy

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In recent years, one of the major police approaches to maintaining order in large cities has been the widespread use of “stop and frisk” contacts between police officers and people in the community. Our concern is with how this practice shapes the attitudes of the people being stopped—that is, on whether stops build or undermine legitimacy. This approach recognizes that public trust and confidence in the police is an issue, with 40 to 50 percent of the population currently expressing a lack of trust and confidence in law enforcement (Skogan and Frydl 2004). Further, distrust has historically been and remains today much higher among minority group members. Studies consistently show that African Americans are 20–30 percent less likely to express confidence in the police and that this difference has not disappeared in recent years. A recent study by the Pew Research Center (2007) found that African Americans were 29 percent less likely to express confidence that local law enforcement will enforce the law, 29 percent less confident that the police would not use excessive force when dealing with the public, and 30 percent less confident that the police treat all races equally.

Research also shows that specific policing practices make the public less inclined to view law enforcement as legitimate. Interviews with young urban residents show that stop-and-search practices and frequent arrests for low-level public-order offenses are widely viewed as unjust because they are insensitive, harsh, or racially selective and potentially based upon prejudice.<sup>1</sup> These practices tend to reduce compliance and voluntary cooperation with law enforcement. “Intensive frisks and needless arrests can often be a source of friction,” thereby “undermining the very sense of legal legitimacy they were designed to foster” (Collins 2007, 426).<sup>2</sup> The damage can be especially great when street sweeps or arrests for loitering bear down on minority youth. The views of children and adolescents about law and the courts are shaped by many factors, including parents, teachers, gangs, and the media. But one key issue is personal interactions with the police (Fagan and Piquero 2007). Because adult orientations toward the law are often formed during adolescence, these precursors of adult attitudes are crucial.

As a result of public distrust, the police are currently not capturing the potential gains of heightened professionalism and improved performance. What are those potential benefits? Studies suggest that they include (1) greater public deference to the police when the police

have personal interactions with members of the communities they police, (2) increased compliance with the law, (3) higher levels of cooperation with police efforts to manage crime, and (4) stronger institutional support for police departments. How can these benefits be better captured?

Policing efforts are enhanced when the police can gain and maintain support from the public. This includes political support, but also involves law-related behavior. When the police deal with particular citizens, they gain when those citizens are more willing to defer to police authority and less likely to be hostile and resistant. Further, the police gain when people continue to adhere to their directives once they have moved on, so they do not have to repeatedly visit the same people and resolve the same conflicts again and again. Further, if most people in the community obey most laws most of the time, the police have more flexibility to concentrate their resources on hot spots or on repeat offenders. And, police efforts to combat crime are enhanced when people in the community both help with policing (for example by coming to community meetings or joining neighborhood watch) and aid in the fight against crime by reporting crime and identifying criminals living in their communities. It is especially beneficial if such efforts are voluntary.

How can such support and voluntary cooperation be encouraged? As the findings outlined make clear, a focus on creating police policies and practices that are viewed by the public as procedurally just will build and maintain police legitimacy. When evaluating any policy the police can ask two questions. First, of course, is whether the policy will further the goals of preventing crime and protecting officer safety. Second, how will the policy be perceived by the public? Will people view this practice as fair? By seeking to balance both these objectives—objective impact and impact on the views of the public—the police will be able to reap the benefits of public support and their own professional expertise. This approach applies to all police policies and practices, of which street stops are one area of concern. To address this issue it is important to examine the impact of stops upon perceived police legitimacy.

## **How Does the Public Evaluate the Legitimacy of Police Street Stops?**

Research is very clear in suggesting that the primary issue shaping people's views about police legitimacy when people deal personally with the police is whether they believe that the police are exercising their authority through fair procedures—that is, on *procedural justice*. Procedural justice is more important than is either the valence or the fairness of the

experience. So, the police can most effectively build and maintain legitimacy by policing in ways consistent with public views about procedural justice.

Procedural justice as understood in American communities is defined in terms of four issues. First, people want to have an opportunity to explain their situation or tell their side of the story in a conflict. This opportunity to make arguments and present evidence should occur before the police make decisions about what to do. People are interested in having a forum in which they can tell their story; that is, they want to have a voice.

Second, people react to evidence that the authorities with whom they are dealing are unbiased. This involves making decisions based upon consistently applied legal principles and the facts of the case, not officers' personal opinions and biases. Even if officers are acting without bias, they may be perceived as making decisions unfairly by those they are dealing with, and it is important for officers to provide evidence leading the people they are dealing with to understand the basis of their actions. For this reason, transparency or openness about how decisions are being made facilitates the belief that decision-making procedures are neutral when they reveal that decisions are being made in rule-based and unbiased ways. In the case of street stops, this involves explaining why people are being stopped: that is, what police policies and goals are involved.

Third, people are sensitive to whether they are treated with dignity and politeness, and to whether their rights as citizens are respected. The issue of interpersonal treatment consistently emerges as a key factor in reactions to dealings with legal authorities. People believe that they are entitled to treatment with respect and react very negatively to dismissive or demeaning interpersonal treatment.

Finally, people focus on cues that communicate information about the intentions and character of the legal authorities with whom they are dealing ("their trustworthiness"). People react favorably to the judgment that the authorities with whom they are interacting are benevolent and caring, and are sincerely trying to do what is best for the people with whom they are dealing. Authorities communicate this type of concern when they listen to people's accounts and explain or justify their actions in ways that show an awareness of and sensitivity to people's needs and concerns.

Studies show that when the public believes that the police exercise their authority in procedurally fair ways, they accept the legitimacy of the police and defer to police authority, both in particular situations and through general increased compliance with the law and cooperation with the police. And, of particular importance is that the use of fair procedures encourages voluntary acceptance of police and legal authority. This is important because it means that people are more willing to take the responsibility for accepting the behavioral

limits in the law upon themselves. Absent such community buy-in, the police must often revisit problem people and situations and try to motivate unwilling members of the community to change their behavior by threatening or using force.

## **How Important Is Procedural Justice?**

The findings of procedural justice research can be illustrated using studies of police-citizen encounters, which examine why people accept the legitimacy of police intervention and voluntarily defer to decisions made by police officers, accepting those decisions willingly (Tyler and Huo 2002). What is found to shape willingness to accept police decisions? People are more willing to accept police decisions when they received outcomes they judged to be favorable, or at least fair. However, they are most strongly influenced by procedural fairness. This includes whether they evaluate police decisionmaking as fair and/or whether they evaluate the police as treating them fairly. In other words, the key issue shaping acceptance is procedural justice—that is, the manner in which the police exercise their authority, not the favorability of the outcome. And, in particular, people pay attention to their interpersonal treatment by the police. This procedural fairness influence is five to six times as strong as the influence of outcomes (Tyler and Huo 2002).

Studies further show that procedural fairness is central to the reactions of people of all the ethnicities studied—whites, African Americans, and Hispanics—to their personal experiences with the police. Although minor differences in the issues of concern within varying ethnic groups can be identified, the overall finding is that people of all groups want basically the same thing—procedural fairness—when dealing with the police. And, when we distinguish between quality of decisionmaking and quality of interpersonal treatment, it is the quality of interpersonal treatment that emerges as central in the personal experiences that minority group members have with legal authorities.

Procedural justice research findings make several points relevant to street stops. The first is that interactions with the police in which nothing legally important happens can have a strong influence upon the people involved. Even if a street stop does not result in an arrest or incarceration, it may still have a strong impact upon the views that the person has about the police. In particular, harassment or disrespect during the stop undermines legitimacy, even if the duration of the stop is brief.

On the other hand, research suggests that it is possible to deal with the public and even deliver negative outcomes, such as a ticket or an arrest, without undermining legitimacy if the police conduct themselves in ways that people view as fair. Studies of street stops in

New York City suggest that among those people who received a negative outcome but evaluated the police as acting through fair procedures, both legitimacy and willingness to cooperate increased following an interaction with the police (Tyler and Fagan 2008). Hence, regulation and legitimacy do not have to be traded off. The police can enforce the law and build legitimacy at the same time. The key is to frame interactions using the principles of procedural justice.

## **Implications for Policing**

We need to broaden the framework within which we understand police stop-and-frisk practices. Instead of solely considering impact upon crime rates, we also need to consider impact upon public legitimacy. Basically the argument is that to the degree that there is evidence that street stops have objective benefits in violence or crime reduction, then it is important to conduct those stops in ways that not undermine and, if possible, maintain or even build police legitimacy among the people in the policed communities. For example, a study of street stops in Australia showed that the police could build legitimacy through fair treatment during brief encounters involving testing for drunken driving (Bennett and Mazerolle 2010).<sup>3</sup>

One core question to begin with is whether the widespread use of stop-and-frisk approaches does in fact lower the rate of violence crime. In particular, does this policing approach reduce violence crime by making it less likely that people will be carrying guns on the street? Further, it may influence other forms of crime, such as drug use, for similar reasons. Addressing this question is complex because it is difficult to address the counterfactual argument that people would be carrying guns or drugs except for the concern about being stopped and searched by police officers without conducting experiments in which police stop-and-frisk policies are systematically varied and the consequences examined.

In addition, we need to recognize the importance of determining what the police should do by considering how the public evaluates policing practices. Allowing the community to participate in determining how their community will be policed heightens legitimacy and increases cooperation. Hence, the public needs to have a role in determining what approaches the police will use within their community. This highlights the reality that many minority communities are high-crime areas and the residents seek police assistance in managing crime problems. It is not to be automatically assumed that community residents will oppose police presence on their streets.

Third, people will accept police actions such as stops and searches when they see a valid policing purpose. Hence, the police need to explain the reasons for engaging in such policies as stop and frisk. This is true both of people in general and of those who deal directly with the police. For example, Sherman found that motorists were more willing to accept car searches for guns when the police explained the reasons for those searches (Sherman 2002). Similarly, Mazerolle showed that when the police took the time to explain to motorists the reasons behind random breath-test stops in Australia, those stopped for such tests increased their trust and confidence in the police.<sup>4</sup> And, people have been found to accept police practices such as bag searches for explosives when they understand the reasons for these police actions (Tyler et al. 2010).

Finally, we need to train officers that when they are interacting with the public, acting with courtesy and respect are always important. Even when the public accepts the need for the police to intrude into their lives, they respond negatively to police behavior that is disrespectful or harassing. In many of the anecdotal critiques of stop-and-frisk practices in New York City, for example, it is not the fact of being stopped that is mentioned. Rather, people focus upon police disrespect or rudeness, on unneeded harassment, or on actions that are unrelated to legitimate policing functions, such as dumping the contents of backpacks onto the street.

## References

- Bennett, Sarah, and Lorraine Mazerolle. 2010. "The Queensland Community Engagement Trial." Brisbane: University of Queensland.
- Collins, Reed. 2007. "Strolling While Poor: How Broken-Windows Policing Created a New Crime in Baltimore." *Georgetown Journal on Poverty Law and Policy* 14(3): 419–39.
- Delgado, Richard. 2008. "Law Enforcement in Subordinated Communities: Innovation and Response." *Michigan Law Review* 106:1193–212.
- Elefalk, K. 2007. *Citizen's Surveys and Police Work: Lessons Learnt in Swedish Police Work*. Scania: Police Authority.
- Fagan, Jeffrey, and Alex R. Piquero. 2007. "Rational Choice and Developmental Influences on Recidivism among Adolescent Felony Offenders." *Journal of Empirical Legal Studies* 4(4): 715–48.
- Howell, Babe K. 2009. "Broken Lives from Broken Windows: The Hidden Costs of Aggressive Order-Maintenance Policing." *New York University Review of Law and Social Change* 33(3): 271–329.
- Pew Research Center. 2007. "Optimism about Black Progress Declines: Blacks See Growing Values Gap between Poor and Middle Class." Washington, DC: Pew Research Center.
- Sherman, Lawrence. 2002. "Trust and Confidence in Criminal Justice." *National Institute of Justice Journal* 248:22–31.
- Skogan, Wesley, and Kathleen Frydl, eds. 2004. *Fairness and Effectiveness in Policing: The Evidence*. Washington, DC: National Academies Press.

- Tyler, Tom R., and Jeff Fagan. 2008. "Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?" *Ohio State Journal of Criminal Law* 6:231–75.
- Tyler, Tom R., and Yuen J. Huo. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.
- Tyler, Tom R., Stephen Schulhofer, and Aziz Z. Huq. 2010. "Legitimacy and Deterrence Effects in Counterterrorism Policing: A Study of Muslim Americans." *Law and Society Review* 44(2): 365–402.

## Notes

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<sup>1</sup> For example, the police are criticized because "day after day, the cops continue harassing and degrading these innocent New Yorkers" and "the people getting stopped and frisked are mostly young, and most of them are Black and poor" (Bob Herbert, "Watching Certain People," *New York Times*, March 2, 2010).

<sup>2</sup> See also Delgado (2008) and Howell (2009).

<sup>3</sup> Another study showed that Swedish police could build legitimacy by a policy of follow-up calls to show concern about victim well-being (Elefalk 2007).

<sup>4</sup> Lorraine Mazerolle, Sarah Bennett, and Emma Antrobus, "Testing Police Legitimacy...One Breath at a Time: The Queensland Community Engagement Trial (QCET)," unpublished manuscript, University of Queensland, 2011.

# Using Stop and Search Powers Responsibly

## *The Law Enforcement Executive's Perspective*

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Superintendent Garry McCarthy  
Chicago Police Department

Line officers have long used pedestrian stops and searches to preserve officer safety and police communities effectively. Over the course of time, this law enforcement practice—originally framed with a focus on officer safety<sup>1</sup>—has expanded to address possessory crimes and broader threats to community safety.<sup>2</sup> The broad scope of allowable justifications for pedestrian stops and searches has enhanced law enforcement executives' concerns with implementing pedestrian stops in a manner that is consistent with principles of community policing and does not threaten community perceptions of police legitimacy. Indeed, pedestrian stops and searches can and should be approached as part of a coordinated policing strategy designed to disrupt crime while preserving positive relations between officers and their community.

Successful implementation of pedestrian stops and searches requires attention to several key issues identified in the literature and in policy discussions. Current literature and practice suggest that command staff and line officers should view pedestrian stops as not just a means of crime control, but also as an opportunity to promote positive relations with the community, where stops are conducted in accordance with community policing principles, and officers are held accountable through departmental procedures that promote integrity. This paper offers the law enforcement executive perspective of stop-and-search practices, describing how stops should be communicated when integrated into a coordinated crime control strategy; providing examples of ways in which officers should be trained in conducting effective and respectful stops; offering strategies to hold officers accountable for doing so; and illustrating examples of community engagement that can further enhance the odds of positive outcomes from pedestrian stops—both on behalf of public safety and police-community relations.

### **Pedestrian Stops as Part of a Coordinated Strategy: The Importance of Communication**

Increasingly, police departments are integrating stop-and-search policies into crime control initiatives for which the purpose of the stop is broader than protecting officer safety. In these instances, it is crucial to explain the reasoning for the stop and to respect the rights of the person being stopped in order to preserve—if not enhance—police-community

relations. When pedestrian stops and searches are a tactic used in an overarching strategy, it is particularly important for officers to articulate the purpose of the stop in the context of that strategy and its goal, and to note the particular reasoning for the stop. The explanation of the stop's purpose and its rationale can be an important component in communicating the department's strategy to community members.

This communication is an important step in establishing a joint community–law enforcement problem-solving approach that is central to the community policing model (Office of Community-Oriented Policing 2009). Although crime control initiatives are vital to the success of any law enforcement agency, command staff must also implement strategies and programs to increase police-community relations and bolster officer morale. Creating positive police-community interaction can help police officers recognize that they are valued members of their community and their commands. Officers need to take ownership of their communities and feel proud of the goals set by the department and the daily achievements of officers within the community. By accomplishing these goals, police agencies give their officers a sense of responsibility over the neighborhoods that they police.

Implementing effective stop-and-search tactics in the broader context of a crime-reduction strategy requires police officers to thoroughly understand their department policies and useful procedures to help convey these policies to the community. Beyond communicating the reasons for the stop and the procedures involved, officers who take pedestrian stops as an occasion to share their departments' policing strategy with the community can turn pedestrian stops into opportunities for communication between law enforcement and community members. In this way, pedestrian stops and searches can become a way for police to interact positively with community members and serve a greater community policing strategy, as defined by departmental procedure. In addition to conveying police procedures to the individual being stopped, police agencies should welcome the opportunity to educate the general community on the criteria for the stop and search of an individual. Providing this information to the community can help police agencies cultivate a positive perception of police-community interactions for those community members witnessing a stop and search.

## **How to Conduct Street Stops**

Using pedestrian stops and searches as opportunities to improve relations with the community places a substantial focus on the conduct of the line officers making the stops. In the event that a field interrogation of a subject leads to a search of that individual, additional measures should be taken to protect the person's rights against unconstitutional

search and seizure. A stop leading to a search that is solely justified under officer protection is limited in scope and should be presented as minimal and non-invasive.<sup>3</sup> By taking these simple steps, this encounter (which typically has a negative connotation) should not necessarily harm police-community relations and may in fact enhance that relationship by clearly communicating the need for and goals of pedestrian stops.

Indeed, every law enforcement encounter should be a teachable moment. Police officers should strive to build a relationship with the community, focusing on maintaining police legitimacy.<sup>4</sup> To do so, police officers who stop to take law enforcement action against individuals must strive to “sell the stop.” Even in the case of negative encounters, it is imperative that police officers explain the logic behind the street stop and take the individual through the process step by step. This includes greeting the pedestrian respectfully, explaining the reason for the stop, explaining the stop within the context of the department’s overall crime reduction strategy, and then taking the pedestrian through each step of the stop as it proceeds. Explaining the logic behind the stop, or “selling” it to the pedestrian, encourages the officer to treat the pedestrian with respect and explain departmental policy and strategy. Even if a stop results in an arrest, that pedestrian and his or her fellow community members can distinguish between an encounter in which the pedestrian was treated with procedural fairness and one in which he or she was not. The law enforcement officer’s demeanor and interaction with the pedestrian (the selling of the stop) is the most important determinant in whether the pedestrian and bystanders will believe the stop was legitimate.

These changes in officers selling the stop and being cognizant of their interactions (with the community at large, victims, witnesses, and suspects alike) require officer training and clear, supportive, and well communicated departmental procedures. Police procedures, policies, and training can all be built around fostering a legitimate police-community relationship, which will result in a more positive experience for both the community member and the police officer engaged in the encounter. Departmental policies concerning pedestrian stops and searches should reflect two goals: to educate officers on how to conduct pedestrian stops and searches in a way that protects the rights of civilians and improves community-law enforcement relations; and to maintain an efficient and equitable system of monitoring conduct during stops to hold officers accountable. All policies must be applied equally and streamlined so they are clear, easy to understand, and do not contradict each other. New policies, updates, and revisions should be easily accessible electronically to every officer with the expectation that each officer retains a working knowledge of current law and policy.

Departmental policies should incentivize officers to conduct pedestrian stops that are constitutionally justifiable and respectful of the pedestrian and the community. One way to attain that goal is to require officers to document each stop they make and to describe their reason for initiating the stop in narrative form. This information can then be reviewed by a supervisor and entered into a database. The purpose of maintaining this contact information is twofold. The stored information acts as a type of transparency for police street stops,<sup>5</sup> while also generating a searchable database that can be analyzed to detect patterns of both criminal behavior and officer misconduct. In addition, it is crucial that we recognize that an important purpose of the street encounter is to develop police-community relations. The connections and ties formed between police officers and the communities they serve during street encounters will serve both sides in good times and bad. By instituting the requirement of documenting every stop the officer makes, the likelihood of unjustified stops is greatly reduced. In this manner, departmental policies can support officers conducting legitimate stops and searches, hold officers accountable to standards of behavior consistent with community-oriented policing, and generate useful data that can be employed to reduce crime.

## **Accountability and Culture Change**

Holding officers accountable for how they conduct stops and searches has implications beyond reporting procedures. Officer training, communication of departmental rules, reporting and accountability measures, and disciplinary actions should all be formulated with a focus on supporting the community-oriented policing model and creating a culture of integrity within the department. The policy guidelines concerning stops and searches can be more effectively implemented in a community where both officers and residents respect each other. Officers must adopt a customer service orientation in their professional conduct when interacting with the public, subordinates, peers, and supervisors. It is particularly imperative that patrol officers maintain a cooperative partnership with the community they serve. In addition, it is important that police departments are structured and operate in a way that encourages police integrity at all levels of command (Walker 2007, 2).

Toward this end, department policy and training on stop-and-search procedures should go hand in hand. Although adhering to department policy is imperative during stop-and-search situations, additional training components concerning the “attitude” of the stop must be enforced. Encouraging strict adherence to departmental policy when conducting a stop, however, may not be enough to bolster police-community relationships during the stop. Training in verbal direction, demeanor, respect, and empathy for each person stopped can produce positive interaction between the police and the community.

Training curricula in stop-and-search situations should be multifaceted. While it is critical that every officer comprehends the laws governing stops and searches, the real innovation for change consists of how we train our officers to interact with the public during stop-and-search situations. During training, the officers need to be presented with appropriate strategies that will help develop and improve the relationship between the police and the community. Training should teach officers how to communicate in ways to defuse conflict and redirect behavior. Training should also emphasize the importance of acting professionally and respectfully in all instances and maintaining a high degree of integrity.

Cultural sensitivity also needs to be a component of training. Officers should be educated about the importance of understanding and respecting various cultures and being sensitive to cultural differences within the communities they serve. Cultural sensitivity can play a major part in how police-community relations evolve. Officers who show a blatant disrespect for the culture in which they serve can undermine the goal of fostering an important relationship with the community. Conversely, officers who show an interest in the culture of the communities in which they serve often enjoy a successful police-community relationship, increased cultural knowledge, and more effective crime control outcomes.

One persistent major concern within communities is an officer's negative demeanor and attitude toward residents during any type of police-community interaction. This is a major cultural stigma with which the police and community continue to grapple. During a typical tour of patrol, officers encounter numerous situations in which they are often expected to change their behavior rapidly. Some situations may require a stern demeanor while others require a more empathic approach. It often takes more time than an initial response to determine the volatility of the situation that the officer faces and to adjust one's behavior accordingly.

This open-minded approach to civilian encounters is a key feature of changing both the patrol officer's and the community's standards of police-pedestrian dynamics. It is important to reiterate to officers through policy, training, and mentoring that an initial stop of a suspect is only the beginning of the fact-finding process, which does not have to start in an adversarial manner. In some instances, the officer's response will escalate dependent on the subject's behavior, but the initial interaction in a stop and search should be considered an opportunity for a positive police-community experience. Positive, collaborative, and culturally aware police behavior is likely to yield a positive impact on the community's response to police presence as well.

Certain cultural shifts will be necessary to both implement and sustain these kinds of stop-and-search policies. Cultural shifts need to be addressed from the top down in any

police organization (National Institute of Justice [NIJ] 2005, 8). This can be accomplished by training incoming personnel going through the academy and by conducting in-service cultural awareness training for officers already on the job. Each command level should also conduct streaming video training and roll call training specific to their areas of responsibility. As the culture of police-community interaction changes, the cultural shift in police organizations will progress naturally. Officers who see favorable results from a positive interaction with their communities will consistently emulate the behavior that leads to such outcomes.

## **The Community's Role in Stop and Search**

The community may also play a significant role in holding officers accountable to standards of practice that are respectful and promote police legitimacy (NIJ 2005, 6). Some ways of holding officers accountable for their actions may originate outside departmental policy, and should be embodied in the department's rules and procedures. Advances in technology in the last decade have also provided a level of predetermined deterrence to the occurrences of unjustifiable stops. Images are typically captured on digital media throughout most major cities and provide tangible documentation of unjustified stops and searches. This method of officer accountability can serve as a form of self-policing for some officers while serving as an absolute deterrent for others. Evidence of police misconduct captured on digital media must be investigated completely and the officer(s) disciplined accordingly, and both patrol officers and community members should be notified of the department's policies regarding the submission of digital documentation of misconduct. Community members should be assured that if they submit media showcasing questionable behavior on the part of an officer, the incident will be investigated completely. Conversely, officers should know that accusations against them will be investigated fairly, and that the consequences of inappropriate conduct, if proven, are predictable and real (NIJ 2005, 1–8).

Citizen reporting of inappropriate police behavior is likely to be more effective and of higher quality if the community and law enforcement have forged a positive, collaborative relationship. Just as police departments must shift their standards of operation to cultivate positive relationships with the community, the community must also take necessary cultural shifts to build a strong relationship with the police. Community members should be informed that not all stop-and-search situations are negative or derogatory. This awareness can be raised through changes in interaction with officers who communicate effectively with pedestrians who are stopped and searched, and through public communication that stop and search is a useful tool that can improve the community and deter crime. The community cultural shift will occur as the number of positive police-community interactions rise. A

trusting relationship evolves between the community and the police when the police presence is perceived as positive within that community.

## **Toward a Safer Community**

The best practices regarding police use of stop and search practices described above have a single overriding theme: public safety. Public safety can be achieved through many means, from deterring pedestrians from carrying firearms to encouraging witnesses to participate in investigations. Both goals can be accomplished when pedestrian stops are conducted lawfully and respectfully, and when the community is well educated on the reasons for and purpose of pedestrian stops. Doing so will engender increased community support for all manner of crime control and prevention initiatives while preserving an important tool in the patrol officer's toolbox. Indeed, if the community as a whole is witnessing an increase in quality of life due to positive interactions with police officers, community members will be more likely to support police stop-and-search interactions. Residents will begin to recognize stop and search as a positive, effective police tool as opposed to a community intrusion. Community support, combined with officer training and accountability, will ensure that patrol officers are better able to conduct justifiable stop and searches that are both effective and productive.

## **References**

- National Institute of Justice. 2005. "Research for Practice: Enhancing Police Integrity." Washington, DC: U.S. Department of Justice.
- Office of Community-Oriented Policing. 2009. "Community Policing Defined." Washington, DC: U.S. Department of Justice.
- Tyler, Tom R. 2004. "Enhancing Police Legitimacy." *Annals of the American Academy of Political and Social Science* 593:84–99.
- Walker, Samuel. 2007. "Police Accountability: Current Issues and Research Needs." Washington, DC: National Institute of Justice.

## **Notes**

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<sup>1</sup> *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>2</sup> *U.S. v. Sokolow*, 490 U.S. 1 (1989).

<sup>3</sup> See the Supreme Court's holding in *Terry v. Ohio*, 392 U.S. 1 (1968).

<sup>4</sup> For a thorough discussion of police legitimacy, see Tyler (2004).

<sup>5</sup> For more discussion on enhancing police integrity through early intervention systems, see Walker (2007).

## **Appendix A: Urban Institute Pedestrian Stops and Searches Roundtable Participants**

September 12-13, 2011

### **Participants:**

Anthony Batts, Chief (former), Oakland Police Department

Ron Davis, Chief, East Palo Alto Police Department

Robin Engel, Professor, University of Cincinnati

Dean Esserman, Chief, New Haven Police Department

Jeffrey Fagan, Professor, Columbia University

Ed Flynn, Chief, Milwaukee Police Department

Jack Greene, Professor, Northeastern University

David Harris, Professor, University of Pittsburgh

Nancy La Vigne, Director, Justice Policy Center, The Urban Institute

Garry McCarthy, Superintendent, Chicago Police Department (*discussion paper author, did not attend*)

Tracey Meares, Professor, Yale University

Barney Melekian, Director, Office of Community Oriented Policing Services

Blake Norton, Project Director, Council of State Governments Justice Center

Michael Owens, Professor, Emory University

Charles Ramsey, Commissioner, Philadelphia Police Department

Carla Shedd, Professor, Columbia University

Frank Straub, Director (former), Indianapolis Department of Public Safety

James Tignanelli, President, Police Officers Association of Michigan

Jeremy Travis, President, John Jay College of Criminal Justice

Tom Tyler, Professor, New York University (*discussion paper author, did not attend*)

David Weisburd, Professor, George Mason University and Hebrew University

### **Facilitator:**

Tony Thompson, Professor, New York University

### **Panelists:**

Nwamaka Agbo, Ella Baker Center for Human Rights

Rufus J. Faulk, Boston TenPoint Coalition

Michael Walker, Partnership for a Safer Cleveland