

A road map for the lawful use of stop-and-frisk in Philadelphia—and elsewhere

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Violent crime, and how to reduce it, dominated the 2023 Philadelphia mayoral campaign.

As [a candidate](#), Cherelle Parker suggested she would support using [stop-and-frisk](#) to combat gun violence. After being elected, Parker reiterated her stance, but emphasized "[there is no place for unconstitutional stop-and-frisk](#)."

The [ACLU of Philadelphia](#) objected to the incoming mayor's position during the campaign. The civil liberties advocacy organization pointed to the [lawsuit it brought](#) against the Philadelphia Police Department in 2010, [stop data](#) that continued to show persistent racial disparities, and the [lack of empirical support](#) for the effectiveness of the strategy.

As criminologists with expertise in [policing and law](#), we previously explained that stop-and-frisk can be both constitutional and useful if [carefully controlled](#). We agree with the Philadelphia Inquirer observation that this "[requires a change in culture and accountability](#)."

Below, we explain what stop-and-frisk is and how it has been used in Philadelphia. Then we describe those critically important controls.

What is stop-and-frisk?

In the landmark 1968 ruling [Terry v. Ohio](#), the U.S. Supreme Court authorized [law enforcement](#) to briefly detain and question criminal suspects based on reasonable, "articulable" suspicion. This standard of proof involves [more than a hunch](#)—but less than [probable cause](#)—that the person stopped is involved in criminal activity. If there are reasonable grounds to believe the person is armed, officers may conduct a limited pat-down to check for weapons.

Over the next few decades, [police departments across the United States](#) morphed this tool into a broad, [unconstitutional crime-control strategy](#) that Howard University Law Professor Andrew E. Taslitz writes often relied on "[stereotypes, assumptions, \[and\] guilt-by-association](#)."

History of stop-and-frisk in Philadelphia

In Philadelphia, stop-and-frisk gained a foothold in the 1990s. By 2007, it was broadly instituted [as a formal policy](#).

Two years later, Philadelphia [police](#) stopped [more than 253,000](#) people. African Americans accounted for more than 70% of these stops even though they comprised [43% of the city's population](#) at the time. Only 8.4% of stops resulted in arrests.

These disparities led to the [class-action lawsuit](#) in 2010.

Philadelphia settled the lawsuit in 2011 by entering into a [consent decree](#), a [type of legal agreement](#). The city promised to train its [police officers](#) on the legal parameters for valid stop-and-frisks, monitor how police conduct them, and discipline those who engaged in unconstitutional practices.

Philadelphia curtailed its use of stop-and-frisk in 2015 but never entirely abandoned the tactic. [Racial disparities persist](#). Nearly 40% of stops conducted in 2019 lacked reasonable suspicion, thereby violating the [Fourth Amendment](#) protection against unreasonable search and seizures.

Measuring effectiveness

As the ACLU of Pennsylvania noted, at best "stop-and-frisk is a scary inconvenience." The "average Philadelphia [pedestrian stop lasts 13 minutes](#)"—long enough to delay people for work, child care or other key responsibilities.

Worse, encounters with the police have the potential to turn violent, with [police disproportionately using force](#) again Black and Hispanic men.

And as the deaths of [Michael Brown](#), [Eric Garner](#) and [Tyre Nichols](#) illustrate, stop-and-frisks against men of color can end with police using deadly force. Notably, Black men are [2.5 times more likely](#) than white men to be killed by police, although police killings are the sixth-leading cause of death among [men of all races aged 25 to 29](#).

Despite these consequences, Philadelphia's recent surge in violence prompted [calls for re-implementation](#) of a broad stop-and-frisk strategy.

Some people believe the strategy works because between 2007 and 2009, a period when Philadelphia aggressively employed stop-and-frisk, homicides decreased [by roughly 22%](#). But [crime data](#) shows that when the city reduced its use of stop-and-frisk under the terms of the consent decree, [violent crime](#) did not significantly increase.

As Philadelphia's public radio station WHYY explained, the "[major spike in gun violence didn't begin until 2019](#), and it worsened during the sustained period of socioeconomic instability following the COVID-19 pandemic." Indeed, [firearm violence and homicides rose nationwide during](#) the pandemic. [Experts say](#) this trend "is much more likely related to unemployment, racism, mental health, and other systemic causes than it is to [policing practices](#)."

Perhaps counterintuitively, aggressive policing strategies like stop-and-frisk have the potential to increase crime. That's because they can create [more distrust](#) of law enforcement [among people of color whom police target](#). In turn, people in communities of color may then be less likely to call police and cooperate with them.

A road map to avoid past problems

So what would we tell Mayor-elect Parker and her choice for [police commissioner](#), Kevin Bethel, if they asked us how to make it work? We

would share these evidence-based suggestions that could minimize bias if stop-and-frisk were more widely implemented in Philadelphia.

– Enhance and sustain efforts to recruit diverse officers. Like [many police departments](#), Philadelphia's faces [staffing shortages](#). The city is using its recruitment efforts as an opportunity to attract a [racially diverse applicant pool](#), a positive step. We'd also suggest evaluating [police recruits' racial attitudes](#) and [eliminate](#) anyone from that pool who demonstrates racial biases.

– Pair stop-and-frisk training with [implicit bias training](#), which educates officers on the subtleties of how racial biases can affect their decision-making. Police departments can also provide [procedural justice training](#), which promotes [fair, respectful treatment](#) of community members.

– Train police on the constitutional requirements of the tactic. As the court-appointed monitor for the New York City Police Department, [Peter Zimroth](#), observed, officers need to understand the [legal framework](#) for stop-and-frisks, and the types and levels of proof they need to satisfy before making them.

– Implement community engagement strategies to offset some of [the harms](#) that stop-and-frisk can cause. For example, Mayor Parker's [current safety plan](#) includes hiring 300 foot and bike patrol officers who have the potential to engage the community in [ways that build support for policing operations](#). That's smart, if they adhere to constitutional mandates and the tenets of community policing and procedural justice.

– Require officers to [complete a written report](#) for each stop-and-frisk, and have supervisors review them regularly.

– Require officers, [with their body-worn cameras turned on](#), to articulate why they are stopping someone. Their reasons should also be conveyed

to the person who is stopped.

– Harness body cam footage to monitor stop-and-frisk. [Researchers examining the NYPD's program](#) concluded that body cams increased compliance with stop-and-frisk reporting requirements. Supervisors should routinely review footage to assess the constitutionality of stops and the interactions that follow. Police departments might explore using [artificial intelligence technology](#) to examine the vast amounts of footage they capture.

By following these guidelines, we believe police in Philadelphia—and elsewhere—can use stop-and-frisk as a lawful mechanism to reduce crime and violence, while honoring residents' constitutional rights. Without these essential controls, however, the failed history of stop-and-frisk is doomed to be repeated.

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