

Name: \_\_\_\_\_ Class: \_\_\_\_\_

## Stop and Frisk: Right or Wrong?

By Mike Kubic  
2016

*Mike Kubic is a former correspondent of Newsweek. In the following article, Kubic examines the rationale behind "Stop and Frisk," a controversial law enforcement tactic, and explores preliminary data on the impact of its decline. As you read, identify the evidence used in the article to address this controversial issue.*

*"Government is, or ought to be, instituted for the common benefit, protection, and security of the people..."*

– Virginia Bill of Rights, article 1, ratified in 1776

*"The right of the people to be secure against unreasonable searches and seizures, shall not be violated..."*

– Constitution of the United States, Fourth Amendment, ratified in 1791



*"Frisked" by Wisconsin Jobs Now is licensed under CC BY-NC 2.0*

- [1] To be protected by the government and, at the same time, be secure against an illegitimate<sup>1</sup> use of its powers are bedrock American values going back to the founding of our republic. But despite their importance, their practical application – by finding the correct balance between the benefit of police protection from potential danger, and the harm to freedom when the same police stop and search a suspect – continues to be controversial.

In the U.S., police officers stop and frisk<sup>2</sup> individuals without an arrest warrant<sup>3</sup> thousands of times a day. When are they crossing the line, and when are they simply serving and protecting the public?

In 1968, this question was tackled by the U.S. Supreme Court in a case (John W. Terry v. State of Ohio) involving a Cleveland police officer who arrested and frisked three suspiciously behaving individuals. Although two of them carried hidden revolvers, they claimed they did nothing illegal, and that by searching them, the police officer had violated their rights under the Fourth Amendment.

The Court, which was known for its liberal opinions, sided – with only one justice dissenting<sup>4</sup> – with the defendant, the State of Ohio representing the police officer. The ruling, written by Chief Justice Earl Warren, said that:

1. **Illegitimate (adjective):** not in accordance with the law or with accepted standards of what is right
2. When an officer "frisks" an individual, he or she searches them, usually with their hands in order to see if they are hiding a weapon or something else (such as drugs) in their clothes.
3. A warrant is a legal document that allows someone to do something, especially one that is signed by a judge or magistrate and gives the police permission to arrest someone or search them or their property.
4. **Dissent (verb):** to express disagreement

*“Police may stop a person if they have a reasonable suspicion that the person has committed or is about to commit a crime, and may frisk the suspect for weapons if they have reasonable suspicion that the suspect is armed and dangerous, without violating the Fourth Amendment prohibition on unreasonable searches and seizures.”*

- [5] Two subsequent Supreme Court decisions granted officers limited approval to frisk individuals for weapons – even if their behavior was not suspicious, as long as the officers still considered them to be potentially dangerous.

## The ‘Terry Stops’ Controversy

The Court’s decisions, which made an officer’s “suspicion of danger” grounds for a “reasonable search,” have been cited for decades to justify widespread “Terry stops” – the stopping and frisking of individuals without a prior authorization by a judge. In New York City, the practice was initially praised. It was used only in high-crime areas and was believed to have contributed to the 29% drop in the city’s violent crimes from 2001 to 2010. Nevertheless, the “Terry stops” had detractors.<sup>5</sup>

One of them, former New York City Police Commissioner Ray Kelly, charged in 2000 that stop-and-frisk abuses “corrode<sup>6</sup> trust” between the police and communities, which makes everyone less safe. Other critics have complained that the “Terry stops” were overused, peremptory,<sup>7</sup> and unfair. When most of the 684,000 people who were stopped and searched in New York City in 2011 were reported to be African-Americans or Latinos, the police were accused of racial and ethnic profiling.

The Big Apple’s Mayor Michael Bloomberg defended the focus on people of color on the assertion that African-Americans and Latinos were statistically more likely to be violent criminals and victims of violent crime, but the critics were not convinced.

The New York Civil Liberties Union (NYCLU), protested that “[n]o research has ever proven the effectiveness of New York City’s stop-and-frisk regime, and the small number of arrests, summonses, and guns recovered demonstrates that the practice is ineffective.” NYCLU also has pointed out that other big cities, which did not use “Terry stops” – for example, Los Angeles, New Orleans, Dallas and Baltimore – had experienced even larger drops in criminal violence than New York.

- [10] The opposition to the police stops and searches was so resolute<sup>8</sup> that by January 1, 2014, when Bloomberg was succeeded by Mayor Bill de Blasio, the “Terry stops” in New York City practically came to a halt. Moreover, since then, the use of police force to stop and search suspects has come under severe scrutiny from coast to coast. In 2014, while “Terry stops” faced mounting critique, there was intense public fury over the deaths of black men and women in officer-involved shootings. Two of the best-known victims – both young black men – were Michael Brown<sup>9</sup> in Ferguson, Missouri, and Laquan McDonald<sup>10</sup> in Chicago, Illinois. The outrage has triggered widespread demonstrations, and in some cities resulted in a significant decline in the use of police force when apprehending alleged law breakers.

---

5. **Detractor (noun):** a person who criticizes the importance, value, or effectiveness of someone or something

6. **Corrode (verb):** to gradually make something worse or weaker; to gradually destroy; to eat away at

7. **Peremptory (adjective):** leaving no opportunity for denial or refusal

8. **Resolute (adjective):** having or showing a significant amount of determination

9. The shooting of Michael Brown occurred on August 9, 2014, in Ferguson, Missouri, a northern suburb of St. Louis. Brown, an unarmed 18-year-old black man and recent high school graduate, was fatally shot by Darren Wilson, a

## An Uncertain Balance

The extent and the implications of this change are still unclear. The F.B.I. crime statistics have shown a slight uptick (1.7 percent) of violent criminality nationwide during the first six months of 2015 compared to the same period in 2014. On the other hand, a recent study of the so-called “Ferguson Effect”<sup>11</sup> by Blake Consulting, a firm specializing in police practices, questioned just how much the outrage over the Missouri killing has slowed down law enforcement.

The study received 489 responses from patrol-level officers in small suburban towns (with approximately 25 officers), and large metropolitan departments (with more than 3,000 police officers). Almost two-thirds of the respondents (61.1%) believed criminal activity in 2015 had increased in their jurisdictions; 29.5% thought crime had remained the same, and 9.2% believed crime had gone down. More than one-half (55%) believed the crime rate increase in their jurisdictions was due to less “proactive” enforcement.

In New York City, the near-discontinuation of the “Terry stops” has not been followed by a significant increase in violent crime. In late summer of 2015, Mayor de Blasio proudly announced that “We are the safest big city in America” and promised that “We will continue to be. We will, in fact, go farther.”

But the situation has been dramatically different in Chicago, where the police department now requires patrol officers to fill out detailed reports every time they make a street stop as of January 1, 2016. Following this time-consuming step – which, presumably, was an attempt to discourage such unbridled<sup>12</sup> actions as was the killing of Brown and McDonald – the Windy City’s police made only 6,818 arrests in January, a 32% drop from nearly 10,000 arrests a year earlier. The number of street stops plummeted to less than 16% of the 61,330 stops made in January 2015.

- [15] According to a *Chicago Tribune* article published on March 31, 2016, the city’s violence during the first quarter of the year reached levels “unseen in years,” with 135 homicides. The number of homicides shows a 71% jump over the 79 killings that occurred during the same period in 2015.

When asked to comment on the usefulness of the “Terry stops,” Chicago’s new interim police Superintendent Eddie Johnson emphasized the need to protect citizens against crime without subjecting them to “unreasonable” stops and searches.

In his judgment, he said, “We just have to make sure we stop the right people at the right times, for the right reasons.”

---

white Ferguson police officer. The large-scale nationwide protests that followed the killing received considerable international attention and generated vigorous debate about the relationship between law enforcement and African Americans.

10. The shooting of Laquan McDonald occurred on October 20, 2014, in Chicago, Illinois. McDonald, a 17-year-old black male armed with a 3-inch knife, was shot 16 times in 13 seconds by Jason Van Dyke, a Chicago police officer, from approximately ten feet away. Video of the shooting, captured on a police cruiser’s dashboard camera, was released to the public on November 24, 2015—over 13 months after the shooting and only after several independent investigators demanded release of records. Van Dyke was charged with first-degree murder a few hours after the video’s release.
11. The “Ferguson Effect” refers to the theory that increased scrutiny of police has led to an increased murder rate in major U.S. cities. Proponents of this theory believe that, since police could now be more fearful of facing retribution for their actions, they are less likely to intervene in potentially dangerous situations.
12. **Unbridled (adjective):** not held back or controlled



## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. Which of the following statements best describes a central idea of the text?
  - A. "Terry stops" are a justifiable practice because law enforcement must protect their communities from potential danger.
  - B. The decline of "Terry stops" has caused a clear and significant increase in national crime rates.
  - C. It is difficult to ensure that "Terry stops" are not "unreasonable," and that they target actual criminals.
  - D. "Terry stops" have contributed to a decline in crime in all major cities in the United States.
  
2. PART A: What does the word "regime" most closely mean as it is used in paragraph 9?
  - A. a government that disregards the human rights of people of color
  - B. a way of doing things that is imposed by those in power
  - C. a coordinated program for the promotion or restoration of health
  - D. a period during which a government wields absolute power
  
3. PART B: Which phrase from the text best supports the answer to Part A?
  - A. "between the police and communities" (Paragraph 7)
  - B. "under severe scrutiny from coast to coast" (Paragraph 10)
  - C. "uptick of violent criminality nationwide" (Paragraph 11)
  - D. "emphasized the need to protect citizens" (Paragraph 16)
  
4. What is the author's primary purpose in this text?
  - A. to detail widely held critiques of "Terry stops" and to demonstrate why they are false
  - B. to present suggestions for a growing issue and to provide a resolution
  - C. to present the facts on both sides of a debate and to highlight its complexity
  - D. to express appreciation for police officers who need to carry out "Terry stops"

5. In the last paragraph, the author ends the text with this quote: "We just have to make sure we stop the right people at the right times, for the right reasons." How does this quote contribute to the central ideas of the text?

---

---

---

---

---

---

---

---

## Discussion Questions

**Directions:** *Brainstorm your answers to the following questions in the space provided. Be prepared to share your original ideas in a class discussion.*

1. The Virginia Bill of Rights states that “Government is, or ought to be, instituted for the common benefit, protection, and security of the people...” Based on the information in this article, do you think the government upholds this? Defend your position using this text, your own experience, and other literature, art, or history.
2. How do the concepts of “suspicion of danger” and “reasonable search” (paragraph 6) compare to the ways you have seen police officers interact with people in your community? What is your perspective on “Terry stops,” based on interactions with law enforcement that you have witnessed firsthand or seen on social media?
3. How does paragraph 8 impact your reading of the text? Do you think it strengthens or weakens the author’s suggestion that the decline in “proactive” law enforcement may be leading to a rise in violent crime?
4. Do you think stop and frisk a fair system? In the context of this text, what would it mean for stop and frisk to be fair? Is it acceptable for policies to target black and Latino communities if they are considered effective?
5. In the context of the text, do “Terry stops” prioritize freedom or security? Is one more important than the other? Can we increase security without having a negative effect on freedom? Do freedom and security go hand-in-hand, or are they competing priorities?
6. What is the role of law enforcement in our society, given the points made in the text? Is our law enforcement system designed to promote freedom or security? How could it be improved?
7. Stop and frisk was designed to decrease crime and thereby increase peace in communities. Do you believe that stop and frisk succeeds or fails to promote peace? Why?