

---

Senior Project in Economics, School of Natural and Social Sciences

---

# **The Unintended Consequences Stop and Frisk has on Community Policing**

Bachelor of Arts Candidate :

Angelica Cruz

Senior Project Sponsor:

Dr. Liya Palagashvili

Second Reader:

Dr. Up Sira Nukulkit

Purchase College, State University of New York

Purchase, New York

May 2020

## **Table of Contents**

Abstract (Page3)

Introduction (Page 4)

Section 1. Background (Page 6)

Section 2. Terry v. Ohio 1968 (Page 8)

Section 3. Floyd v. City of New York( Page 10)

Section 3.1. Does Stop & Frisk Deter Crime and/ or Remove Weapons? (Page 14)

Sections 4. Unintended Consequences of Racial Profiling (Page 20)

Section 4.1. Unintended Consequences of Racial Disparities (Page 21)

Section 4.2. Impact on Community Mistrust (Page 23)

Section 5. Unintended Consequences on Community Policing (Page 25)

Section 5.1. What is Community Policing? Why is it important? (Page 26)

Section 5.2 .Why community can breakdown with stop & frisk? (Page 34)

Conclusion (Page 36)

## Abstract

New York City's Stop and Frisk program refers to a police strategy where police execute potential searching after stopping people in check points. However, the strategy was controversial since it was associated with perceived racial profiling. In this paper, I first review the historical and legal background of Stop and Frisk. Then I review the empirical literature on the consequences of Stop and Frisk in New York City. Finally, I provide a theoretical contribution connecting the consequences of Stop and Frisk to Community Policing. Effective community policing requires trust between police and the community to enable co-production of public safety. Stop and Frisk can cause greater police mistrust and thus harm elements of community and police co-production, as citizens are less likely to report crimes, or discuss what they saw as witnesses when there is greater mistrust between police and citizens. As a result, one unintended consequence of Stop and Frisk is a negative impact on Community Policing programs.

## Introduction

New York City's Stop and Frisk program refers to a police strategy where police execute potential searching after stopping them in the check points. However, the strategy was controversial since it was associated with perceived racial profiling. The Black Americans and the Latinos were the most affected people. In 2011, the data compiled by the NY Liberties Union state that 52.9 % of the searches were Black Americans, 33.7 % encompassed the Latinos while 9.3 % comprised of the whites. This seems to indicate that law enforcement bodies mostly targeted black Americans and Latinos. The discrimination policy in the US does not limit disparate search and seizure more so if the actual practice does not depict discrimination intention. According to Gelman et al. (2007) conducted multiple analyses of data about racial disparities while executing searches at the roads from 1988 to 1989. The majority of the analysis was based on racial disparities and their impacts, and it summed up that racial disparities and profiling against the blacks were highly depicted in NY concerning who should stop while executing searches at the check-points. An unbiased officer would stop the same number for pedestrians from the black and white origin to conduct searches and seizures. This had an impact on the economic wellbeing of the blacks since unexpected stopping disrupted their plans to attend to their businesses.

The study discusses the impact of unintended stop and frisk on community policing. In my research I attempt to understand why stop and frisk was prolonged for so many years and the imprint it had left when the policy was abolished. In efforts to mend the burned bridges community policing was a tactic that is, theoretically meant to be a solution. Community policing lets local community members be a part of the safety protocols used to protect the town or county. In providing this theoretical contribution, I am connecting stop and frisk to the

potential impacts it can have on community policing through racial profiling that breakdown community and police trust.

## Section 1: Background

Stop and frisk has been implemented in NYPD tactics up until 2014. This tactic imprinted a menacing look to the police department due to systematic racism, annual increase arrests, and the belief that the stops were made off of racial bias and not constitutional reasoning as news outlets started to report during the Floyd v. City of New York case. This paper will focus on the evolution of stop and frisk since the Terry vs. Ohio Supreme court case (1968), provide an evaluation of whether the program was effective in reducing crime, and investigate the unintended consequences the program had on citizens and officers.

The legal definition of Stop and Frisk is referred to as brief non-intrusive police stop of a suspect. The fourth amendment law of the United States Constitution is part of the Bill of Rights which protects citizens against unreasonable search and seizures. It mandated that an arrest warrant and/ or search warrant with probable cause needs to describe the location and reasoning behind either warrant. Because of the fourth amendment, it is a requirement that before stopping someone, the police must have a reasonable suspicion that a crime has been, is being, or will be committed by the suspect. Let's take New York's stop and frisk policy as an example. New York's Stop and Frisk policy is known as a UF-250 report that is easily abused in the process of removing weapons. As reported by Cornell Law, New York Stop and Frisk is, "a practice of temporarily detaining, questioning, and at times searching civilians and suspects on the street for weapons and other contraband." Would you say that this allows officials to skip the warrant,

which can help increase the quotas set by for profit-prisons? Does this policy enforced by law officials in certain states, such as New York violate the fourth amendment rights of their inhabitants?

If the police suspect that this individual is armed and can potentially harm other people, the police are allowed to give a ‘quick’ pat-down of the outer layer of clothing. Stop and frisk is also referred to as a Terry stop. This comes from the Supreme Court case, Terry vs. Ohio, that took place in 1968.

According to the UF-250 report (open to the public by NYPD), there are 18 circumstances that law enforcement can stop and frisk a civilian. The 18 circumstances are:

- suspicious object
- actions of violent crime
- fits description, casing
- suspicious bulge
- acting as a lookout
- witness report
- suspicious clothing
- ongoing investigation
- drug transaction
- proximity to crime scene
- furtive movements
- evasive response
- associating with criminals
- changed direction
- high crime area
- time of day
- sights and sounds of criminal activity

Not all of these circumstances are able to be proven with real evidence, however it can lead to the discovery of an actual weapon and/ or drugs. Thus, making this a viable before 2014 policy under the New York State court of law over turning the 14<sup>th</sup> amendment right. Since this policy has been implemented there have been over 5 million cases of stop and frisk since 2002. After the year of 2013, Federal Judge of Manhattan, Shira Scheindlin, determined that stop and frisk

violates both the Fourth and 14th Amendment, by subjecting innocent people to searches without any evidence or reasonable suspicion of wrongdoing, according to abajournal.

## Section 2. Terry v. Ohio 1968

The first known case of police stop and frisk in the United States was in 1968 and jumpstarted the landmark Supreme Court Case Terry v. Ohio. In 1968, the Republican Richard M. Nixon had beat his opponent Democrat official Hubert H. Humphre. During this time period, racism and segregation were still dominant issues in the United States. These issues not only divided communities and schools by race, it had branded a 'criminal' label onto people of color. The definition of a criminal was known as a colored wo/man not a person that has committed a crime. This stands true in the case of Terry vs. Ohio. Terry and two other men were spotted walking up down the same street having a conversation when they were spotted by an undercover policeman, wearing regular clothes. The officer believed that these men were attempting to commit a robbery in one of the stores on the street they were pacing back and forth on. The officer, then approached the men and performed a pat down search before questioning. The officer found a concealed weapon on Terry and one of the other men, Chilton. All three men were taken to the police station. Terry and Chilton were arrested for possession of a weapon and sentenced to three years in jail.

Terry and Chilton were found guilty, however appealed the case making it a supreme court case. This case's decision ruled that a person's fourth amendment rights are not violated when a police officer stops a person as long as they have suspicion that the person committed, is committing or is about to commit a crime, according to Cornell Law (Terry v. Ohio 1968). The

practice is followed by police departments all over the country because this was a supreme court case, thus commencing the stop and frisk era in the United States.

Terry v Ohio is known as a landmark case because it dealt with the stop and frisk practice that police officers use to date, in some states like New York, this policy was enforced with more emphasis than others. It challenged the practice in stating whether or not it violated the fourth amendment protection provided in the United States constitution. Many see stop and frisk as an unreasonable search and/ or seizure which is exactly the privilege that the founding fathers created the fourth amendment for.



### Section 3. Floyd v. City of New York

The Center for Constitutional Rights filed the federal lawsuit *Floyd v. City of New York*. This lawsuit was challenging the New York Police Department's practices of racial profiling and unconstitutional stop and frisks of New York City citizens. More specifically those of whom that have been stopped without any cause. Floyd was walking from home and/or class during both of his police stops by their house, or simply walking down the street.

In a landmark ruling on August 12, 2013, which lasted as a nine-week trial, in reality lasted a little over eight to nine months, a federal judge found the New York City Police Department liable for a pattern and practice of racial profiling and unconstitutional stops to the residents of New York City. Under a new administration, the City agreed to drop its appeal and begin the process ordered by the city courts. After attempts by the police unions to derail the process, the United States Court of Appeals allowed the City to officially withdraw its appeal in October 2014, and the joint reform process began.

The Floyd case stems from landmark criminal court racial profiling case, *Daniels, vs. City of New York*, which led to the disbanding of the infamous Street Crime Unit and led to a settlement with the City of New York in 2003. The Daniels settlement agreement required the NYPD to maintain a written racial profiling policy that works closely with the United States and New York State constitutions and to provide stop-and-frisk data on a quarterly basis between the years of 2003 through 2007. However, an analysis of the data revealed that the NYPD had continued to engage in suspicious and racially pretextual stop and frisks, and thus compelled Floyd filed.

Floyd focuses not only on the lack of any reasonable suspicion to make these stops, in violation of the Fourth Amendment, but also on the obvious racial disparities in who is stopped and searched by the NYPD. Roughly 85 percent of those stopped are Black and Latino, even though these two groups make up only 52 percent of the city's population, which constitutes a violation of the Equal Protection Clause of the Fourteenth Amendment, not just the Fourth Amendment. A landmark case, Floyd continues working with collective groups and directly affected communities to fight for racial justice.

The NYPD in 2011 stated that the fourth amendment is not violated in the stop and search. Law enforcement's method is to maximize the criminalization through the law and keep costs as low as possible. That is the goal, at least. According to Pennsylvania Law Review (1953), there were 6% arrests made out of each person stopped and searched. There were 350,743 Black or African American citizens endured this violation and 223,740 Latinos or Hispanics were affected. According to my calculation for 49 stops of Caucasian New Yorkers only one weapon was found, for every 71 stops a weapon was found for Latino New Yorkers and for African American New Yorker out of every 93 stops 1 weapon would be found on average. This scholarly article is essential because many citizens are already concerned about their safety but now to have law enforcement making a split-second decision that can determine whether or not someone is simply stopped and frisked or will end up in jail or potentially dead, depending on the situation. This is why the program became controversial: If the very men and women that vow to protect our life's and the lives of our loved ones. Wouldn't you want to know if they meant that vow or if they are going to make multiple arrests based off of the incentives of profits?

A 'typical' stop and frisk candidate had been chosen out of bias from the 18 circumstances from the UF-250 report, listed earlier. The proceeding of stop and frisk is a monetary cost to those whom are constantly targeted, the low-income communities. The monetary cost imposed on the targeted pedestrians is fear for law enforcement and suppression from justice. This shows that there is a percent increase in monetary cost. Typically, the innocent walking New Yorker could walk on a sidewalk. Not too long ago, there was a lot of segregation and discrimination that still imposes a cost to the walking pedestrian, but it is seen as a for-profit due to a system created to promote efficiency.

Which leads to the second part of the argument. There are some who say there is a conformed pattern in law enforcement arrests from the search policy. This could mean that the law enforcement officers although being trained, potentially not trained enough. Such as tenure, location, quotas and more that could interfere with the safety of the city. A solution could be to add another topic to cover in the academy required by law for police officers to complete. This way we can avoid unnecessary chaos and turmoil long brewing between citizens and police.

Exploring a simpler reason, for such a low rate of convictions and arrests do officers easily dismiss civilians concerns during frisks? By concerns, I refer to the force that they use when someone is being detained. According to the 2010 census, 23.4% of the population in New York City was African American. In 2011, 53% were stopped and frisk by police, making them the group most stopped. In second were the Latinos, they made up 29.3% of the population and 33.7% fell victim to stop and frisk. Whites and Native Americans took up the majority of the population at 47.3%, yet only 13.3% were stopped by police. What is the real pattern behind unconstitutional stop and frisk? Lack of knowledge on behalf of the civilian is a common denominator within the issue that seems to come up in these cases. Most citizens who

are stopped did not know their rights when being stopped. Which, in many cases has led to the officers taking advantage of the person in question. For those who are Native American and Caucasian citizens, their stops are three times less likely to end in an arrest, completely opposite to the colored predominate neighborhoods.

The court accepted the preliminary injunction on behalf of Shira Scheindlin. The injunction shows the true reasoning behind most of these crimes pertaining to stop and frisk. In this article, is another case of stop and frisk going wrong. Many of the targeted are young males within the ages of 13-25. In this case, this is a 17-year-old male living in the Bronx. The article proves the NYPD had done a cross systematically on private property.

### Section 3.1. Does Stop & Frisk Deter Crime and/ or Remove Weapons?

In the 1960s, Economist Nobel Prize winner, Gary Becker, had a spike of interest in inconsistencies with the criminal justice system. The first known article that applies the economic point of view on discrimination pertaining to police stops was published by Knowles, Persico, and Todd (2001). The article brought to light a question in regard to the fourteenth amendment and the obvious racial discrepancies in searches and seizures. The article brought forth a pattern in police stops and racial disparities.

In the article, the example given is a race-blind officer that is in the search of stopping people that are most likely to have contraband in their possession. When a police officer is looking to find an individual with contraband in their possession, there is a possibility that there will be an unprecedented amount of stops that can be detected in the race of each individuals that have been stopped. This can also arise from the different combinations of crime rates committed by a specific race. Although the officer is a race-blind officer, there should be equal discovering's throughout races. These discovering would be identified as hit-rate analysis and crime. The "hit-rate" analysis is a percentage of stops when contraband is found in the possession of individuals. This paper evaluated the malleability of policing by calculating and comparing hit-rates with different races. According to the author's theory, if hit-rate remain equal, then there is no evidence of racial bias, even when stop is different by race and ethnicity.

A large number of economists who have written papers pertaining to hit-rate analysis has questioned this work of literature for its limitations. For example, if the assumption is made that police officer are looking to get many objectives within a stop, then the end results disappears. Yet, if the original work of literature was to change their initial assumptions than the analysis

becomes much more multiplexed. This then brings up another question, if this theory is so complex, how do you evaluate the stop-and-frisk program? “How does an attorney determine if litigation is warranted? Or, if litigation has already occurred, how does a statistical expert evaluate whether police are implementing reforms that have produced substantial change?”

Most if not all, of the economic literature in the area of racial discrimination in searches and seizures focuses on issues with the Fourteenth Amendment. One overall course in this literature, in particular, seems to be that the more realistic the models become, the less useful they are for assessment. The authors of these models are in fact, economic theorists attempting to dissect and solve more clarified models that show the overall problem with these stops. They are not involved in a legal case and thus bound by the demands of the world, the facts and constraints it bears.

There are many questions pertaining to the fourteenth amendment, yet not many dialect and solutions on the fourth amendment issues. Perhaps due to the fact that the exact question is not as clear and is not the easiest to analyze economically. Ultimately, the core issue of the fourth amendment is a tradeoff between freedom and protection. Stop and frisk, is an alleged balance between both liberties to walk down a street without the fear and/ or having to face the reality of being stopped and/ or wrongfully accused of a crime and freedom to just simply walk down a street without fear being stopped. A larger number of law enforcement departments use stop and frisk as a tactic claiming that it reduces crime, without ample studies to support this claim.

An approach that can be taken to help determine the impacts of the stop and search policy is to compare changes over the course of a selected time period in who groups: a group having

no intervention and group b having interventions. This tactic was known as difference-in-difference approach. According to Abrams literature, difference-in-difference approach is defined as, “allows for the evaluation of an intervention by comparing changes over time in two otherwise very similar groups.” The example that is used by Abrams is,

“For example, consider a hypothetical where two precincts in South Philadelphia have similar demographics, patterns of crime, police presence, and other characteristics.

Perhaps due to budgetary constraints one of the two precincts is chosen to implement a large increase in the use of stop-and-frisk and the other is not.”

One way to gauge the ramifications of the policy is to verify the differences in crime rate within the two precincts before and after the implementation of the policy. Another way to assess the effects is by taking away the crime rates in both precincts before the spike of stop-and-frisk. By viewing the differences in crime rates for both locations, you might be able to take the controls of differences before the policy and find the aftermath of the policy thus finding a way to change them. Obviously, this example is much more simplified than the real-world estimations of the effects stop, and frisk has on crimes, which proves the study is not as simple as it appears to be.

We can still move forward in the search of the study by questioning the safety portion of the equation. Safety is a political trade off, made by how people choose to only trade off their own safety and liberty. If we have fair estimates for the consequences of stop-and frisk on crime, then people may be asked specific questions about the tradeoff being made. Abrams and his colleagues asked themselves a suggestive question.

“A recent study determined that an increase from 200,000 to 300,000 stops per year would eliminate thirteen robberies and twenty-two thefts a year. Would you be in favor of this

change? Alternatively, Halving the current rate of stops from 200,000 to 100,000 per year would result in an extra twenty robberies and thirty-two thefts per year. Would you be in favor of this change?"

The responses will vary but are more likely to be skewed to one side. There is the probability that many people believe that there is great use and value in the stop-and-frisk policy deeming it necessary, or vice versa. People may believe that there is no use and value in implementing the stop-and-frisk policy thus making it unrealistic to continue to practice. With the survey ideal, finding some sort of balance using the preferences of aggregate citizens and get started on a portion of an equation. Though the economic approach is complicated, there has been legal approaches that are clearer cut and concise, such as the Daniel's case. Daniel's case made it, so law enforcement would have more documentation for each of the stops and made sure that changes were made to the policy that the government has better approved.

In Abrams paper of "Law and Economics of Stop and Frisk (2014)," he uses evaluations from two nearby cities, New York City and Philadelphia to put in to real life perspective his analysis.

"In my work, I make use of both regression and hit-rate analysis in studying Philadelphia stop-and-frisk data from 2010 to 2012. I have found some evidence of racial disparities in this time period, but these disparities vary over time in their strength and significance. In contrast, the Fourth Amendment analysis results are very consistent and stark.

Concretely, the Fourth Amendment analysis incorporates two approaches. Every time there is a stop in Philadelphia, a form must be filled out by the police officer performing the stop. In one approach for the Bailey analysis, attorneys David Rudovsky and Paul



Messing examine a sample of the stops and their explanations and analyze them for legal sufficiency. This approach reveals that about 40–50% lack legal basis for the stop; a figure that has been fairly consistent over the last three years since Philadelphia entered into a consent decree. The second approach is to examine the fraction of the time that police officers actually find a weapon, the suspected presence of which is the justification for performing a frisk. In New York from 2003–2013, approximately 1-in-50 frisks resulted in a weapon. In Philadelphia in 2012, approximately 1-in-600 stops resulted in a weapon.” (Abrams, Sections 5)

I wonder whether or not it is like fair rate, but rather if this was a political question that should be answered by the data that has been collected from an economic perspective? If there was another contrast that could be taken from this survey of data to be used to answer the political question?

Philadelphia did not fight litigation in court but entered into a consent to allow monitoring of its own stop-and-frisk program. New York City actively fought litigation in court. This act gained the attention of a lot of press. New York City was clearly against any changes. “Philadelphia started out with a higher stop-and-frisk rate than New York, with 253,000 stops in 2009 out of a population of about 1.5 million, versus 581,168 stops in New York for a population of about 8.4 million in the same year.” (Abrams, vol.46) Philadelphia’s rate of stop-and-frisk has remained constant since they agreed to allow monitoring of the stop-and-frisk program, with 215,000 stops in 2012. The rate for New York had a drastic decrease, the rate decreased more than half after the court had gotten involved. In 2013, New York City had conducted 191,558 stops, with a total decrease of 61,442 stops since 2009. With three or more years in passing, Philadelphia still has the same if not higher rate of wrongful stops, with such low rates of finding

items, such as weapons and drugs. Nothing changed in Philadelphia, even though they made changes. In this case, amenability was not worth more than fighting to keep their tactics intact.

Overall research shows that stop and frisk was only successful in removing weapons such as handguns and pocket knife. Legally, citizens can carry any blade under five inches of length is legal in New York State but not exotic knives like machetes. Stop and frisk removed an average of eighty-eight thousand weapons of the streets of New York City mainly in the Bronx, Kings, and Nassau counties. Though it did not directly or inherently reduce crime it seems that it has had somewhat of an effective solution in removing 1%-5% of weapons from New York City streets.

#### Sections 4. Unintended Consequences of Racial Profiling

In this section, I will attempt to evaluate the possible unintended consequences through the lens of racial profiling and minority detachment through the era of this policy.

Racial disparities and racial profiling are more than an annoyance, and it has adverse effects on the states' economy and national harmony (Can & Frantzen, 2019). The first consequence is that it compromises the state's future more so when youths are flooded with negativity about racial profiling actions during searches and seizures. The actions also establish disloyalty to our legal organizations due to their biasness, and citizens will not have confidence over them. Also, racial disparities and profiling lower patriotism since the targeted citizens feel that they are sidelined, and they do not enjoy their rights.

Moreover, the scenario adversely affects the community integration since others will feel inferior, for example, the non-whites. Also, there is a high probability that racial profiling and racial disparities can change citizens' behaviors; for instance, it can increase hatred (Can & Frantzen, 2019). It has adverse effects on the economy related to indirect and direct financial costs to businesses, individuals, and the general society. Also, racial profiling has an impact on the social effect that influences the bottom line employees, where they boycott businesses such as malls, private sector enterprises, and malls. Boycotting practices are executed by families, friends, and entire communities to the businesses for people favored during seizure and search by the police.

## Section 4.1. Unintended Consequences of Racial Disparities

As discussed, the program was controversial because it seemed to be adversely affecting the minorities living in the City, such as the black Americans and the Latinos. In 2011, the data compiled by the NY Liberties Union state that 52.9 % of the searches were black Americans, 33.7 % encompassed the Latinos while 9.3 % comprised of the whites. This seems to indicate that law enforcement bodies mostly targeted black Americans and Latinos. The discrimination policy in the US does not limit disparate search and seizure more so if the actual practice does not depict discrimination intention. According to Gelman et al. (2007) conducted multiple analyses of data about racial disparities while executing searches at the roads from 1988 to 1989. The majority of the analysis was based on racial disparities and their impacts, where it summed up that racial disparities and profiling against the blacks were highly depicted in NY concerning who should stop while executing searches at the check-points. An unbiased officer would stop the same number for pedestrians from the black and white origin to conduct searches and seizures. The NYPD reports show that more people of color were stopped than Caucasian citizens. This had an impact on the economic wellbeing of the blacks since unexpected stopping disrupted their plans to attend to their businesses.

Gelman et al. (2007) justify two patterns utilized in their sample to confirm race variations while conducting searches. The statistics depict that 6 % of the individuals stopped were arrested where one out of fifteen whites were seized as compared to the one out seventeen for the blacks. The Hit-rate analysis is extensively used to show the intention of the police while executing searches and seizures on motorists and passengers. Presumably, an unbiased officer against the blacks should mitigate the less-productive stops targeting the blacks and higher the more productive stops for the whites. This is achieved when an officer was convinced or lured by

the prospect of executing an arrest. This implies that an unbiased inspection officer would attain concurrent arrest rates for both the whites and non-whites pedestrians. Remarkably, variations experienced in hit rates depicted prejudice against the race that has an insignificant impact on producing hit variations.

## Section 4.2. Impact on Community Mistrust

At the present time we have established that the original program, as pioneered by the NYPD, was called “Stop, question and frisk”. As discussed earlier, it is most certainly illegal for a police officer in America to stop and search citizens without probable cause because it is a violation of a person or persons 4th Amendment rights.

Now many researchers and politicians have grown an interest in racial profiling, which has become concern for them. However, in the early 2000s it was the citizens who were least aware of the racial bias against them. However, that is not the case now. Citizens throughout the last two decades have been adapted an awareness to profiling. Particularly, the minority citizens have grown a perception that when stopped by an officer of the law that they are stopped due to racial profiling. Thus, making them more prone to show a great dissatisfaction and fear with the law. There is much power in numbers. If a certain number of citizens perceive that racial profiling is occurring to a certain group of people then, it skews the data.

When the exploration of this topic came about, there was the challenge of how police officers are viewed in the eyes of the citizens they are meant to protect and defend. Since the awareness of racial profiling, whether or not someone believes they have been stopped for a valid reason or not, influences the future tactics of police behavior and how it is viewed. Even if the person being questioned does not believe they have been profiled racially, they are more likely to be skeptical with the police.

According to my research, discrimination is an economic theory of racial or gender inequality which results when economic agents have imperfect information about individuals they interact with. Economic agents such as consumers, workers, and employers. This theory is

relevant to the stop and frisk policy because racial discrimination is the main argument against it. As stated earlier in the paper, eighty-four percent of people stopped are people of color. As you can see is an alarming rate which brings about a strong distrust and disconnect between minority communities and the bluecoats. I allege that this was incentivized to target this group because they take up a majority of the low-income communities in cities like New York & Philadelphia. Which means they are less likely to hire decent lawyers and legal protection because they may not have the means in their income to do so.

## Section 5. Unintended Consequences on Community Policing

This section describes the theoretical considerations for why stop and frisk can have an impact on community policing. Because of perceived racial profiling, the community can lose trust of the police. Community and police trust are the backbone of successful community policing strategies. Moreover, when community and police lose trust, minority demographics are also less likely to report crimes. This is also a backbone of the community policing tactics—they rely on the fact that successful public safety is co-produced between police and the community (hence, community policing). Thus Stop & Frisk harm these elements of co-production, as citizens are less likely to report crimes, or discuss what they saw as witnesses, and so on. In this section, I introduce community policing and discuss how Stop & Frisk may have imprinted unintended consequences on community policing.



## Section 5.1. What is Community Policing? Why is it important?

Community Policing is generally defined as a law enforcement philosophy that allows officers to continuously operate in the same area in order to create a stronger bond with the citizens living and working in that area. This allows public safety officers to engage with local residents and prevent crime from happening instead of responding to incidents after they occur. Community policing is a strategy used in police departments that focuses on building ties with members of their communities and towns. The central objective of community policing is for the members of the police force to build one-on-one relationships with as many community members through programs and events held. Another way for police to connect with locals is through workshops such as “Coffee with a Cop”, that way locals can get to know who is protecting them from crime and so that police force can put a face to the name.

Another way for law enforcement officials to create a connection with locals is by foot patrol. Foot patrol is when officers observe the conditions in and around buildings, parking lots where they are stationed for that day. This tactic works better for rural areas and they do in cities. During foot patrol, policemen are supposed to check doors and windows for any safety violations recorded. Studies have shown that activities such as Coffee with a cop and foot patrol made members of communities more open to reporting crime, which is supposed to help the force catch criminals. In Re-evaluating community policing in a Polycentric system, speak about a community policing study conducted in Indianapolis,

“Ostrom and her colleagues empirically tested the effectiveness of community policing using a multiple methods approach with an emphasis on fieldwork. In one of their first studies, they compared three Indianapolis area communities that had their own

independent police departments to three other demographically similar areas in Indianapolis that were served by the larger consolidated city police department. Ostrom found that police performance as measured by citizen satisfaction was more highly rated in the smaller police departments” (Boettke et al, 2014).

In conclusion to Ostrom’s study, larger law enforcement departments are biting off more than they can chew. Studies have shown that a smaller officer to citizen ratio is more efficient and better rated by communities. I’ve noted that the performance reports are directed by citizens, which leaves me to wonder what the department’s perspective of this study is. On another note, there is more control and cooperation from citizens in smaller districts and towns. In the city of New York, there roughly 3 million inhabitants

This practice became more prominent in the early 1980’s which increased data sampling and observationally examined. In my research, I noted that community policing has three main objectives:

“(1) the focus of policing should be community building through crime prevention, (2) decision-making and assessment should take place within a co-productive framework, with police and the community sharing responsibility, and (3) police departments should be small, decentralized, and autonomous, with strong linkages to the community.”

(Greene, 2000).

Now this is where foot patrol comes into the picture. Foot patrol helps remove some of that fear that citizens have and thus creating a foundation for community-police relationships. With these new relationships, this allows for community members to express their concerns and find solutions to those needs, if there is one. As previously established, this policing strategy has been

proven to work best in rural areas as opposed to urban areas such as cities and towns. It is difficult to have a program like community policing in big cities because the size of the population is too large for any singular or collective police departments to manage. According to the NYPD website, there are 36,000 sworn officers into the New York City Police Department as of the end of the 2018 fiscal year and there were an estimated 8.5 million New York City residents.

Community policing has been around for nearly over half a decade but only became a promising strategy of policing since the 1990s. Around 1994, a Crime Bill was passed to engage all of the new incoming training officers at that time. From the Crime Bill, Gary Gordner wrote *Community Policing: Principles and Elements* of which there are four components to properly explain this strategy and how it works. The four dimensions are:

1. The Philosophical Dimension
2. The Strategic Dimension
3. The Tactical Dimension
4. The Organizational Dimension

1. The Philosophical Dimension

The philosophical dimension shies away from traditional policing training and targets the thought process and belief system behind the action. This dimension of community policing focuses on the input of the citizens, personal service and broad function. Citizen input is a subject that becomes more of an independent variable, in a democratic society, where citizens have a say in their government. Because citizens have a say officers, government agencies and

state officials are to be responsive to their consumers responses and demands, holding them accountable.

Out of the different sectors law enforcement mentioned above, police departments deal with the most in person interactions than government agencies and state officials. According to ncdsv.org, “Also, from a more selfish standpoint, law enforcement agencies are most likely to obtain the citizen support and cooperation they need when they display interest in input from citizens.” You would give support to a friend of yours if they were selling chocolates because that is someone whose face you could put a name to and you have a personal relationship with, in other words, you are familiar with. Same concept applies when officers are holding events like advisory board meetings, surveys, town meetings. If one attends a town meeting they are there to give your input. Most suburban communities are more aware and involved in these functions while urban communities are less aware and interested causing the demand for community policing to decrease.

are more likely to not only attend but actually be open to what the officers are saying and give their own opinions about the topic.

A common complaint made by the public is the lack of interest officers portray about themselves. People feel as though citizens are handled as numbers not like the human beings they are. To be clear, this is not to be said about every face-to-face meeting, some are pleasant and good willed. As made possible, officers should treat citizens like customer and do their best to keep them happy and satisfied. Using business cards, voicemails, and recontact procedures aid in keeping a sustainable relationship with their consumer.

## 2.The Strategic Dimension

This Strategic Dimension is the physically executed stage. By implementing the topics discussed in the philosophical dimension to re-focus current policies that are already in place. It allows for a much smoother transition and a for officers to grow a deeper sense of devotion to the interaction had with locals. For example, for every patrol run, implementing a few minutes of foot, scooter and bicycle patrol to different areas within that departments assigned region. It could also assist in regaining trust and boosting public image to use walk and rides where calls have been received.

One of the main aspect's community policing tries to highlight is prevention emphasis. Prompt reactions to calls and reports, completing extensive invest, and having mentoring programs are all great examples of crime prevention techniques officers use on the job. There are a vast variety department can acquire to adapt while keeping a steady focus on geographic dynamics such as CPTED, Business Crime Prevention, or even Community Crime Prevention. CPTED stands for Crime Prevention Through Environmental Design of which officers go into areas and see what makes them a hot spot for crime. Business Crime Prevention is a program that works with local businesses to aid in security measures and procedures that could be useful in preventing crime. Community Crime Prevention can also be known as neighborhood watch or block watch which is when local departments would closely with specific groups of residents to prevents crime.

### 3.The Tactical Dimension

Some people believe “community policing is a philosophy, not a program” and we have established that stop and frisk did not have the success rate it was projected by Mayor Bloomberg. Although community policing has many benefits they may not be visible in the

immediate future. Because community policing is still a relatively new ideal that is being adapted to still keep key aspects the same for officers. The last dimension focused on turning the philosophy of community policing into action. The Tactical Dimension focused on strategizing the philosophies to create programs and adaptive behaviors to instill in training.

To this dimension there are three tools that are used in each program, the first being problem solving. Problem solving is the most important tactic to end the division between citizens and officers. When an officer uses an incident-oriented approach this leads to a professional and straight-forwards transaction. A straight-forwards transaction does not lead you to identify if there is more to this case. Not saying that every transaction shouldn't have a sense of professionalism but rather it is not leaving a meaningful impact with their consumers.

The next tool that this dimension equips you with would be partnerships. Community policing needs partnerships from citizens, schools and other organizations working together in finding and fixing issues. Citizens know where they live better than officers would because they are in that area more than anyone. Citizens and their neighbors are more aware of areas where public safety is at risk and are more likely to have accurate eye witness reports. It is clear that there are limitations to a partnership, particularly with citizens, with any police departments but it would be crazy for these departments to be the only ones assuming the burden for controlling crimes.

Police encounters aren't always pleasant between officers and citizens. Officers have to do the job where others cannot. Inevitably unpleasant interactions are arrests, tickets, orders to desist and any time they cannot better things for a victim. Community policing brings to light a lot of these issues and officers in the program are encouraged to turn these situations into

positive interactions, which is the last tool this dimension uses. Some methods use to onset positive interactions for both parties are interactive patrol, citizen led meetings, school-based policing. Interactive patrol is when too many officers patrols a public space. In cases such as the one listed officer should stop and hold a conversation with people to create a personalized relationship rather than just watching. Citizens led meetings such as block watch and civic club meetings can show the community that officers are open to listen and use to people's opinions. School-based Policing is when officers take the time to go into school and interact with today's youth, their mentors, school teachers, and staff.

#### 4. The Organizational Dimension

The organizational dimension is where police departments have to make structural changes in organization, management, and administration. The dimension of organization is not directly a part of community policing but it imperative to its success. The first vital element to this dimension is structure. In more ways than one, community policing seeks to restrict agencies for a more decentralization and more team building exercises that aid in problem solving as discussed in earlier dimensions. The second crucial element is management. Community policing puts more of a focus on organization in culture and value and leaves the traditional style of written rules and discipline. Using a mission followed by strategic planning reorients the task focus to use their training to find a solution to the problem not attack the problem. That way that it does not harm the bond that is being mended by local citizens and the police departments.

Lastly, information needs to be managed correctly. According to Gary Gordner, "In the never-ending quality vs. quantity debate, for example, community policing tends to emphasize quality. This emphasis on quality shows up in many areas; avoidance of traditional bean-

counting (arrests, tickets) to measure success, more concern for how well calls are handled than merely for how quickly they are handled, etc.” Which leads back to focusing on the elevated need for very specific and detail information to the unit of analysis. The highlight to the implication of information appraisals, assessments and evaluations to aid in community issues. For example, crime analysis is when officer take more time to process the information to their specified region and it is their job to identify where the issues are stemming from, how to reduce crime in that area and lower the rate of fear within the community.



## Section 5.2 Why community can breakdown with stop & frisk?

Trust is the foundation to community policing. Without the confidence of the communities there is no way that program would last. Police rely heavily on the cooperation of community members to aid them with intel on crime occurring in their neighborhoods. Generally speaking, those that live in neighborhoods will be affected by the crimes that come about and know the area better. Law officials are dependent on the cooperation of community members to provide information about crime in their neighborhood's community policing is meant to excogitate solutions to crime and disorder problems. However, similarly community members' willingness to trust their police departments mainly depends on whether they believe that police actions reflect community values and incorporate the rationale of justice and legitimacy.

Racial-based frisk and stop have adverse effects on public trust on police offers, law enforcement, and justice systems due to negative developed perception. Based on brutal police killings of black Americans such as Eric Garner and other unidentified people while executing racial disparity frisks and stops, it is vivid that racial profiling and police use of an excess of force must be reconstructed (Natarajan, 2014). Both of these practices are well highlighted in the US constitution; however, they remain known practices in law enforcement with tragic outcomes. Garner was murdered by the police when they found him with a petty crime of distributing dismissed cigarettes as per the US law. This developed a perception that police in the US are loose since they are a symbol of racial disparity while executing searches and frisks. For this reason, the blacks initiated several movements such as BlackLivesMatter to depict their mistrust on policing.

Other than undermining public safety, racial profiling while executing frisks and also deteriorates the public trust to the police. The officers' actions of targeting citizens based on their race while fighting crime is dysfunctional since the people would not support them in providing important information. This is an obvious scenario that must be depicted in NY when the police officers are not professional and ethical while executing seizures and searches (Natarajan, 2014). Thus, the first instance to eliminate community mistrust on policing is by adopting strict regulations targeting racial profiling actions in the authority levels to change community perception. Concurrently, effective oversight and training of police officers are mandatory to enhance system accountability.

There are various reports compiled depicting the community mistrust of the policing system attributed to racial prolific stops and frisks. For instance, based on the Los Angeles Police Department report compiled by Stone et al. (2009), minor communities that had initially been discriminated in the past through stop and frisk practices in the past have developed greater fear and mistrust of police officers. The report further suggested an approach to eliminate ineffective approach that degrades public confidence, which includes enacting stronger policies that prohibit social profiling at the entire government levels. Also, according to the report by the Vera Institute for Justice, the NY youths who had encountered stop-and-frisk do not trust the police. The research surveyed at most 500 youths in the regions with heavy police presence such as South Bronx, East New York, and Bedford-Stuyvesant. The Vera Institute Report further suggests that the resulted distrust is a great threat to public safety since NY York youths do not have the motive to report crimes to the police when they realize them (Vera Institute, 2013). Moreover, the report found out that at least half of the stops included youths having the age of between twelve and twenty-five.

## Conclusion

The positive working relationship between the community and police is essential since it helps to curb crime proceeds. The relationship is achieved when citizens trust the police. However, as manifested in the study, the minorities in the NY, such as the blacks and the Latino, are discriminated during the police checks and searches (Vera Institute, 2013). This has degraded the police in NY since they favor the whites as compared to other races. For the last ten decades, there is community mistrust to law enforcement bodies such as the police, the judges, and the criminal justice systems due to racial disparity while executing checks and seizure at the roads. Recently, the same perception is depicted since most of the blacks living in NY do not trust the police. For this reason, the blacks more so the youths cannot communicate crime scenarios to the police when they realize them since they are not motivated (Vera Institute, 2013).

The excessive forces exerted by the police continue despite the constitution's banning of unreasonable and racial risks and stops. The U.S Department of Justice has justified that the main police departments in the US intensively executed racial disparity searches and frisks and locks. This implies that the police actions to use excessive forces are a national and systematic problem. Several actions and strategies have been suggested to regain the public trust lost in policing. For instance, the DOJ has proposed the revisions and clarifications of local policies concerning the best use of force and elevating officer supervision and training (Vera Institute, 2013). Most importantly, the adoption of rigorous internal accountability methodologies is essential. However, the suggestions are not subsistent since it requires a national mandate to conquer public mistrust on policing. Theoretically, stop and frisk was not as effective as it could have been, however because community policing was pushed more after the stop and frisk policy was abolished, this began to mend the trust lost and build new relationships.

## Works Cited

- “About NYPD.” *About NYPD - NYPD*, [www1.nyc.gov/site/nypd/about/about-nypd/about-nypd-landing.page](http://www1.nyc.gov/site/nypd/about/about-nypd/about-nypd-landing.page).
- Abrams, David. “The Law and Economics of Stop-and-Frisk.” SSRN Electronic Journal, 2014.
- Can, S. H., & Frantzen, D. (2019). Search and Seizure Jurisprudence: Community Perceptions of Police Legitimacy in the United States. In *Policing and Minority Communities* (pp. 125-142). Springer, Cham.
- “CURRAN v. CITY OF NEW YORK ET AL.” International Law Reports, pp. 154–157. Daniels v. City of New York
- Economics, Available on CJO 2015 doi:10.1017/S174413741500034X
- “Figure 2f from: Irimia R, Gottschling M (2016) Taxonomic Revision of Rochefort. (Ehretiaceae, Boraginales). Biodiversity Data Journal 4: e7720.
- Floyd v. City of New York.” International Law Reports, pp. 150–167.
- “For Television — Material Exchange Format (MXF) — Operational Patterns 3a and 3b.” doi:10.5594/smpte.st407.2006.
- Gelman, A., Fagan, J., & Kiss, A. (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(479), 813-823.
- Mowry, Curtis, et al. “Materials Characterization Activities for ‘Take Our Sons&Daughters to Work Day’ 2013.” Floyd v. City of New York, 2013.

McElroy, J. E., C. A. Cosgrove, and S. Sadd (1993), *Community Policing: The CPOP in New York*. Newbury Park, CA: Sage Publications

Natarajan, R. (2014). Racial profiling has destroyed public trust in police. Cops are exploiting our weak laws against it. Retrieved 27 April 2020, from <https://www.washingtonpost.com/posteverything/wp/2014/12/15/racial-profiling-has-destroyed-public-trust-in-police-cops-are-exploiting-our-weak-laws-against-it/>

Ostrom, E. and G. Whitaker (1974), 'Community Control and Government Responsiveness: The Case of Police in Black Communities', in M. D. McGinnis (ed.), *Polycentricity and Local Public Economies: Readings from the Workshop in Political Theory and Policy Analysis*. Ann Arbor, MI: University of Michigan Press, pp. 203–231. Originally published in D. Rogers and W. Hawley (eds.), *Improving the Quality of Urban Management*. *Urban Affairs Annual Reviews*, 8: 303–334.

PETER J. BOETTKE, JAYME S. LEMKE and LIYA PALAGASHVILI Re-evaluating community policing in a polycentric system. *Journal of Institutional*

“Read ‘Measuring Racial Discrimination’ at NAP.edu.” National Academies Press: OpenBook.

Ridgeway, Greg. “New York Police Department (NYPD) Stop, Question, and Frisk Database, 2006.” ICPSR Data Holdings, 2007.

Robin S. Engel & Rob Tillyer (2008) Searching for Equilibrium: The Tenuous Nature of the Outcome Test, *Justice Quarterly*, 25:1, 54-71

“Search and Seizure under the Uniform Code of Military Justice.” *University of Pennsylvania Law Review* , vol. 101, no. 6, 1953, pp. 591–647.

Stone, C, Foglesong, T., & Cole, M.C., (2009). Policing Los Angeles Under a Consent Decree:  
*The Dynamics of Change at the LAPD.*

Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968).

Weisburd, David, et al. "Do Stop, Question, and Frisk Practices Deter Crime?" *Criminology & Public Policy*, vol. 15, no. 1, 2015, pp. 31–56.

Vera Institute. (2013). Stop-and-frisk makes youth distrust police, crime goes unreported: report  
- Metro US. Retrieved 27 April 2020, from <https://www.metro.us/stop-and-frisk-makes-youth-distrust-police-crime-goes-unreported-report/>