

Terry v. Ohio established the constitutionality of police being able to stop, investigate, and possibly frisk a person even though there is no probable cause for arrest¹. Several scholars have acknowledged the profound social consequences communities have experienced as a result of Stop and Frisk policies². In *Floyd v New York* a federal judge ruled that the New York Police Department had been seriously abusing its *Terry's* stop and frisk authority³. Between 2004 and 2012, the NYPD made 4.6 million stops and frisked 2.4 million people⁴. Ninety-percent of these stops resulted in no summons being issued or arrests made⁵. Holding other factors constant the NYPD was found to stop non-whites more than whites, with less justification and more usage of force⁶. Even when controlling for police precinct level data, the NYPD still disproportionately stopped non-whites more often, even though stops of whites are more efficient⁷. Ninety-percent of all NYPD stops were of non-whites⁸. Black and Hispanic *Terry* stop rates mirror their

¹ (Terry v. Ohio, 1968) (Terry Stops)

² Burch, T. (2013). *Trading democracy for justice: Criminal convictions and the decline of neighborhood political participation* University of Chicago Press., Ferrandino, J. (2013). The efficiency of frisks in the NYPD, 2004–2010. *Criminal Justice Review*, 38(2), 149-168. , Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229. , 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. , Lerman, A. E., & Weaver, V. M. (2014). *Arresting citizenship: The democratic consequences of American crime control* University of Chicago Press., Mummolo, J. (2018). Modern police tactics, police-citizen interactions, and the prospects for reform. *The Journal of Politics*, 80(1), 000-000. , Weaver, V. M., & Lerman, A. E. (2010). Political consequences of the carceral state. *American Political Science Review*, 104(04), 817-833. , Western, B. (2006). *Punishment and inequality in America* / Bruce Western New York : Russell Sage, c2006.

³ *Floyd v. City of New York*. (2013). *F.Supp.2d*, 959(No. 08 Civ. 1034 (SAS)), 540.

⁴ Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229.

⁵ Mummolo, J. (2018). Modern police tactics, police-citizen interactions, and the prospects for reform. *The Journal of Politics*, 80(1), 000-000.

⁶ Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229.

⁷ Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229. , 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.

⁸ Mummolo, J. (2018). Modern police tactics, police-citizen interactions, and the prospects for reform. *The Journal of Politics*, 80(1), 000-000.

proportions in Riker's Island Prison Complex⁹. In New York City, blacks represent the racial group most stopped, frisked, searched, sanctioned, and to have force utilized against them.

The proponents of Stop and Frisk accredit the tactic with reductions in crime. Scholars have found connections between *Terry* stops and certain types of crimes but results have been mixed¹⁰. Stop rates have also been found to be inversely related to crime in some areas but not others¹¹. Newer scholarship, utilizing more sophisticated methodology, has found the correlation to be modest at best¹². *Terry* stops do not play an important role in crime reduction¹³. From 2011 to 2014, there was a 90 percent decrease in *Terry* stops yet the NYC crime rate continued to decline.¹⁴ The day after the *Floyd* decision the NYPD issued a memo reaffirming that all *Terry* stops must be documented. The very next day the number of *Terry* stops declined drastically but the probability of recovering a weapon increased significantly¹⁵. The memo had the effect of increasing accountability, leading to more deliberate and efficient usage of *Terry* stops. This is important because the NYPD preformed 1.1 million unnecessary and inefficient frisks between 2004 and 2010¹⁶.

⁹ Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229.

¹⁰ Corman, H., & Mocan, N. (2005). Carrots, sticks, and broken windows. *The Journal of Law and Economics*, 48(1), 235-266. , Kelling, G. L., & Sousa, W. H. (2001). *Do police matter?: An analysis of the impact of new york city's police reforms* CCI Center for Civic Innovation at the Manhattan Institute.

¹¹ Smith, D. C., & Purtell, R. (2008). Does stop and frisk stop crime. *Annual Research Conference of the Association of Public Policy and Management, Los Angeles, CA*,

¹² Ferrandino, J. (2015). Minority threat hypothesis and NYPD stop and frisk policy. *Criminal Justice Review*, 40(2), 209-229.

¹³ Harcourt, B. E., & Ludwig, J. (2006). Broken windows: New evidence from new york city and a five-city social experiment. *The University of Chicago Law Review*, , 271-320. , MacDonald, J., Fagan, J., & Geller, A. (2016). The effects of local police surges on crime and arrests in new york city. *PLoS One*, 11(6), e0157223.

¹⁴ White, M. D., Fradella, H. F., Morrow, W. J., & Mellom, D. (2016). Federal civil litigation as an instrument of police reform: A natural experiment exploring the effects of the floyd ruling on stop-and-frisk activities in new york city. *Ohio St.J.Crim.L.*, 14, 9.

¹⁵ Mummolo, J. (2018). Modern police tactics, police-citizen interactions, and the prospects for reform. *The Journal of Politics*, 80(1), 000-000.

¹⁶ Ferrandino, J. (2013). The efficiency of frisks in the NYPD, 2004–2010. *Criminal Justice Review*, 38(2), 149-168.

This aggressive, excessive, and racially biased policing tactic has serious implications for those stopped, namely young black men, but also for their families and communities¹⁷. A 2013 survey of individuals in NYC who had been stopped found that 44 percent of young people had been stopped multiple times and 71 percent had been frisked, only 29 percent of respondents were given a reason for their stop, 91 percent reported treats and or the use of physical force, 25 percent said the officer displayed a weapon, and 51 percent stated their mistreatment was based on their race¹⁸. If we are to take seriously the ideals of American democracy and citizenship it is critical for us to examine and understand the links between policy, policing, and race.

¹⁷ Burch, T. (2013). *Trading democracy for justice: Criminal convictions and the decline of neighborhood political participation* University of Chicago Press., Burch, T. (2014). Mass imprisonment and political participation: Evidence from north carolina. *The Annals of the American Academy of Political and Social Science*, , Haldipur, J. (2018). Parenting the dispossessed: Raising the children of "Stop, question, and frisk". *Race and Justice*, 8(1), 71-93.

¹⁸ Fratello, J., Rengifo, A. F., & Trone, J. (2013). Coming of age with stop and frisk: Experiences, self-perceptions, and public safety implications. *New York: Vera Institute of Justice*,