

Book Review: White, Michael D. and Fradella, Henry F., *Stop and Frisk: The Use and Abuse of a Controversial Policing Tactic*. New York: New York University Press, 2016. ISBN: 9781479835881 (Hardcover). 253 Pages. \$30.00.

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Stop and Frisk: The Use and Abuse of a Controversial Policing Tactic is an in-depth analysis of the police practice known as “Stop, Question, Frisk (SQF),” commonly referred to as the *Terry stop*, stemming from the landmark 1968 U.S. Supreme Court decision in *Terry v. Ohio*. The book begins with a brief introduction into the *Terry v. Ohio* case, as well as the 2013 federal district ruling in *Floyd v. City of New York*, and is strategically placed in a sort of “how this all began and where it got us” condensed timeline. The authors then delve into a detailed history of SQF, highlight its controversies and implications, then follow with a strategy for improving the use of SQF and suggest its role in the future of policing. The book is a combined effort between author Michael D. White and Henry F. Fradella, and one chapter contains a contribution from Weston Morrow. An epilogue concludes the book which provides updates from a report issued as a result of the *Floyd* decision, followed by extensive notes, references and index sections.

The authors begin *Stop and Frisk* by examining the use and abuse of SQF policing tactics implemented by the New York Police Department in the late 1980s. This practice continued for the next two decades, primarily under the Giuliani and Bloomberg Mayoral administrations. The authors contend that the implementation of SQF policing was in response to spikes in violent crime that occurred in New York City and in collaboration with the “broken window” method of crime control (see

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Kelling and Wilson, 1982). According to the authors, this aggressive style of order-maintenance policing revolves around the idea that if no one repairs the proverbial broken window, then other things will start to break, as it is believed that no one cares enough, ultimately resulting in a breakdown of social order. *Stop and Frisk* provides a compelling argument that this overly aggressive use of SQF stops, or *Terry stops*, resulted in more harm (souring of community relations) than good (crime reduction) and furthermore lead to the violation of thousands of people's 4th and 14th Amendment rights. The authors argue that *Terry stops* harken back to the 19th Century slave patrols and are disproportionately used in modern times against minorities and low-income citizens. Fortunately, not all hope is lost in *Stop and Frisk*, as the book infers that careful, strategic planning of SQF's coupled with well-trained, non-disparaging officers and implemented in a legitimate, accepted crime control method can produce results unobjectionable to all involved stakeholders. The authors' analysis of SQF historical context, combined with their strategies of both police officer selection and training, and incorporating *Terry stops* into modern crime control programs, show a promising future for a once volatile police practice into an effective crime reduction tool.

The U.S. Supreme Court likely had good intentions with the 1968 *Terry v. Ohio* decision to reduce the burden of proof to reasonable suspicion in the name of police officer safety. According to Officer McFadden's testimony in the above case, no 4th Amendment violation occurred when he stopped and frisked two suspects, which lead to the discovery of two firearms and resulted in their arrests. The authors propose, however, that McFadden's testimony during the suppression hearing did not match his original report and insinuate in the book that his real suspicions for stopping the men were racially motivated. Whether McFadden was racially profiling the men is debatable, but what is not easily countered are the statistics *Stop and Frisk* reveals regarding the SQF practices of the NYPD. The authors provide compelling research that the use of SQF tactics in NYC are disparaging to minorities and predominantly yield misdemeanor charges when arrests are made. Additionally, this aggressive tactic significantly reduces public perceptions of police officers and degrades relations. Other studies of the NYPD during this timeframe show remarkably similar findings. The NYPD conducted 4.4 million stops between the years of 2004-2012; of these, 80% were African American or Hispanic people, although they represented only 53% of the population (Simmons, 2014). Of these millions of stops, 88% resulted in no further law enforcement action;

additionally African Americans were 14% more likely to have forced used against them by police than were Caucasians. What stands clear when studying the NYPD's use of SQF tactics is that many law-abiding citizens experienced unnecessary violence at the hands of police, especially those who were in most need of police protection. Finally, many minority citizens believed the police were imposing a socially stigmatizing "racial tax" on them and when surveyed by the VERA Institute of Justice, only 15% of urban New York City residents believed the police were honest (Simmons, 2014).

Despite the great length the authors go to defining SQF as an abused police tactic, what is lacking is accountability on behalf of prosecutors. Investigative research into NYC prosecutors shows that only one prosecutor from the Bronx questioned the legality of SQF tactics, while the others remained "sidelined" (Green, 2017). This is an important phenomenon as prosecutors are public officials and the chief elected law enforcement officers of their district, able to investigate and charge police officers who execute *Terry stops* in a criminal manner that violates citizen's Constitutional rights (Green, 2017). In addition, prosecutors have the ability to decline unlawful charges brought about by police misconduct. While the authors of *Stop and Frisk* are not overly critical of police conduct, they do provide strong recommendations for improving police performance.

Perhaps the most engaging portion of the book occurs in Chapter Five, in which the authors call for a more careful selection of police personnel. They argue that an intense screening process should take place to flag specific officers who are likely to be unfit for police work. A similar screening process should be used to identify potential officers who are competent and beneficial to the department as a whole. *Stop and Frisk* also illustrates that there are both professional and nonprofessional police officers, the latter being further subdivided into distinct categories (enforcers, reciprocators, avoiders) based on the officer's composition of passion and perspective. The authors call for more realistic and effective training that begins at the academy, is reinforced during field training, and continues throughout in-service education to promote professional policing. Additionally, the training should be designed around the community's needs and problems in which the officer will be serving to achieve the proper ratio of passion and perspective. Finally, there is a call for supervisors and administration to clearly define department policy and hold officers accountable for their behaviors, including the use of an independent auditor that provides external, third-party oversight.

The *Floyd v. City of New York* decision also called for the use of independent monitors and recommended the implementation of body worn cameras by police (Simmons, 2014), another suggestion given in *Stop and Frisk*. To successfully screen police applicants, it must be clear what characteristics should be flagged as potential disqualifiers. A study of 711 police applicants (426 of whom were hired) in Minnesota and Kansas who were all administered the Minnesota Multiphasic Personality Inventory-2 Restructured Form (MMPI-2-RF) revealed characteristics that were prevalent among officers who had become problematic (Taescavage, Fischler, Cappo, Hill, David, and Ben-Porath, 2015). The MMPI-2-RF scores of officers that had been involuntary discharged, received Internal Affairs complaints or Civilian Review Authority Complaints were compared to the scores of officers who were not problematic. The research showed a strong correlation between officers that scored high in the fields of Thought Dysfunction (THD) and/or Behavioral-Externalizing Dysfunction Domains (BXD) with officers that were classified under “supervisor would not hire again” (Taescavage et al., 2015). High THD scores correlated with such behavior as using excessive force, deceptiveness and use of inappropriate language, while high BXD scores correlated with frequently sustained complaints and recommendation for Psychologist evaluation (Taescavage et al., 2015). By using evidence-based screening tools, such as the MMPI-2-RF, police departments may realize a decline in unfit and oppressive officers. As previously mentioned, prosecutors also play a significant role in police behavior and the ABA of Criminal Justice Standards recommends District Attorneys provide law enforcement officers with legal advice regarding best policing practices (Green, 2017).

Problem Oriented Policing (POP) is a crime reduction method that utilizes community resources and targets underlying problems to alleviate the crime and disorder plaguing the objective area (Weisburd, Telep, Hinkle, & Eck, 2010). *Stop and Frisk* identifies POP as an important part of 21st Century law enforcement and a method of crime control that can greatly benefit from the limited and targeted use of SQF tactics. The book cites the city of Boston using SQF as an enforcement tool in conjunction with POP to reduce violent crime by 20% (164). By limiting SQF practices to measured and purposeful targeted usage, racial disparagement can be minimized or eliminated, unlike the widespread use that occurred in New York City. An analysis of 45 POP studies showed a decrease in crime (44.45% on average, 32.49% average when weighted for population differences) in 43 of the studies (Weisburd, Telep, Hinkle, & Eck, 2010). Likewise, indirect results showed

reductions in fear among citizens, increase in probation terms completion and increased confidence in police (Weisburd, Telep, Hinkle, & Eck, 2010). Had the NYPD administration used discretionary SQF tactics combined with a POP program, it is likely they would have realized the same reduction in crime without the racial tension. *Stop and Frisk* proposes that the diminishing crime rates of NYC did not occur due to SQF but for other crime control methods being used at the time throughout the country. Additionally, the authors claim that the NYPD self-reported violent crime statistics did not correspond with the FBI's Uniform Crime report statistics from the same timeframe, suggesting falsified reporting. Hot spot policing utilizes crime mapping to construct a place-based strategy of allocating police resources and is believed by some criminologists to be the real reason for crime reduction in New York over the last two decades (Lazzati & Menichini, 2015). Again, *Stop and Frisk* identifies hot spot policing as a crucial element of 21st crime fighting and suggests that it too can be combined with targeted SQF tactics. By utilizing offender-focused strategies, SQF can be more precisely aimed at problem people, again avoiding widespread usage resulting in tensions among low-income or minority populations. The authors cite the use of this practice in Los Angeles with the creation of chronic offender bulletins, detailing fugitives and the hot spots they frequent. While some critics accuse hot spot policing of merely causing crime displacement, research has contrarily shown a spillover effect of crime reduction occurs when police resources are reallocated from an improved area to nearby neighborhoods (Lazzati and Menichini, 2015).

Stop and Frisk: The Use and Abuse of a Controversial Policing Tactic is a valuable resource for law enforcement strategy implementation. The book details the sometimes dark history of stop, question and frisk tactics and also offers improvements for police officer performance and suggests that there is a place for this controversial yet effective law enforcement tool in the 21st Century, when appropriately applied. Recently, the U.S. President has called for the reinstatement of stop and frisk police tactics to combat the high violent crime rate in the city of Chicago (Riechmann and Tarm, 2018). This declaration received harsh, critical responses and rightfully so. As the book points out, the Chicago Police Department recently attempted an SQF program which ended with a report from the American Civil Liberties Union criticizing the practice for its racial profiling and disproportionate enforcement among minority populations. It is imperative that any police department, regardless of size or location, strategically plan the implementation of SQF or face the disasters of racial tension and civil rights violations. Law enforcement

administration must ensure they have clearly defined policies for SQF stops, that all contacts are documented appropriately, body worn cameras are implemented and that they have the most competent, trained and unbiased officers available. Additionally, SQF tactics must be used in conjunction with, not in place of, evidence-based and research proven crime control methods such as problem-oriented policing or hot spot policing. These are the lessons taught in *Stop and Frisk*, hard learned lessons over decades of widespread racial disparity and dwindling confidence in police officers. The treatment of citizens by police must be fair, neutral and respectful if law enforcement hopes to remain legitimate. While the book is not without flaws, it serves as a strong foundation for eliminating the human consequences of aggressive, unconstitutional police practices and seeks to achieve procedural justice.

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