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## Youth Perspective: Stop and Frisk: Racial Profiling in Contemporary Urban America

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*Youth Perspective:*  
**Stop and Frisk: Racial Profiling in Contemporary Urban America**

*By: Danielle LaHee*

I. INTRODUCTION

Stop and frisk is a policing practice in which an officer initiates the stop of a person based on alleged reasonable suspicion of criminal activity, questions them, and possibly frisks or searches them. Stop-and-frisk policy is frequently associated with New York City, particularly in the wake of *Floyd, et al. v. City of New York, et al.*, which held the policy as unconstitutional. United States District Court Judge Shira Scheidlin ruled that police officers carried out stop-and-frisk practices unconstitutionally by discriminating against minorities. Despite findings supporting the disproportional application of this policy toward minorities, it remains the policy in many cities, including Chicago. The ACLU's assessment of Chicago's stop-and-frisk policy showed that Chicagoans were stopped more than four times as often as New Yorkers at the height of New York City's stop-and-frisk practice. Black Chicagoans made up 72% of all stops, despite being only 32% of the city's population. The law continues to impede the fair application of justice to minority communities. What has largely been ignored however is how stop-and-frisk policies specifically impact youth. This missing point is especially critical because at least half of all recorded stops in New York City were youths between the ages of thirteen and twenty-five. Presently, there is a noteworthy lack of publically available data on stop-and-frisk interactions in Chicago. However, both Chicago and New York are large urban cities, which have similar stop-and-frisk policies. Therefore, it is reasonable to infer Chicago would likely also have a large population of young people who have experienced stop-and-frisk. Interviews with three young people who live in Chicago provide insight as to the impact that stop-and-frisk policies have on communities of color, and particularly on youth of color. Therefore, it is imperative to examine how young people relate to their rights as citizens and how their relationship with the police should impact police policy moving forward.

II. THE LAW

The youth of this generation has demonstrated an understanding of stop-and-frisk because the substantive results of the policy are reflected in their daily experience. For example, the three young people interviewed for this article had an idea of the law surrounding police searches. Their discussion of the law around searches demonstrated two points. First, that young people view stop-and-frisk policies as inherently morally wrong. The "rightness" of stopping someone who has not committed a crime strikes them as unfair and therefore, they believe the policy should not exist. Second, young people were aware that the police could not stop and search them without probable cause. However, beyond their knowledge base was how stop-and-frisk policies depart from the high burden of probable cause and require much less of officers.

In actuality, stop-and-frisk policies allow the police to stop someone when there is a suspicion that a crime is about to occur or has occurred. In Illinois, a police officer can stop a person in a public place if the officer believes that that the person is committing or has committed a crime. The only requirement is that the police point to specific facts that make the intrusion

reasonable. Once the officer makes a stop, the officer can demand the name, address and explanation of the actions of the person who he or she has stopped. The laws leave a large opportunity for police officers to rely on their subjective opinion because it does not specify what actions are reasonable that lead to the conclusion that a crime was or is being committed. The danger is reliance on a police officer's subjective opinion that often taps into the implicit biases of those policing and provides a greater opportunity for the abuse of stop-and-frisk policies.

### III. POLICE BIAS

The moral lens with which youth often view stop-and-frisk policies arises out of the tension between ideas of what policing is supposed to look like and the reality of what it actually looks like. The Chicago Police Department's mission is to "protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially." The youth interviewed for this article identified some of those same characteristics as being essential to policing. The purpose of the police from their point of view is to protect and help people. However, this image of what police should be does not translate well in their real lives.

Interactions with the Chicago Police Department demonstrate a reality that is a significant departure from the police as protectors. The youth interviewed for this article early in the interview, identified police as biased, specifically against African and Hispanic Americans. They pointed to experiences of walking down the street with older, male family members and being stopped by the police. When asked for the purpose of the stop, the police usually described the family members as fitting a description or indicating that they looked suspicious. Attitudes formulated during initial encounters with the police in stop-and-frisk incidents transferred to the interactions of the youth outside of these encounters. One youth described the experience of a family member calling the police to their household. Rather than the assistance the family expected, the police insulted both the youth's mother and the youth. This experience mirrored another stop-and-frisk incident where the youth was walking with a family member who was stopped and insulted for having the youth out at night. In their experiences with stop-and-frisk, youth often begin to formulate negative associations with the police, an attitude that is further reflected in the community's relationship with the police.

### IV. COMMUNITY RELATIONS

Stop-and-frisk impacts minority communities of color in ways that breed mistrust and dislike of the police. Young people who are stopped by the police describe the interactions as a familiar experience that can involve frisks, searches and threats of force. These experiences can diminish a youth's self-esteem. These youth expressed with a somber feeling that stop-and-frisk policies are just a part of their lives. They spoke about how stop-and-frisk made them feel like less of a person. They reflected on having to deal with stop-and-frisk in silence because as mainstream media has demonstrated, the risk of disobeying could result in police violence or even death. Other youth in Chicago rely on sometimes complex, contradictory methods in order to curtail police encounters. For example, these youth strategize to not walk in groups and at the same time do not walk alone. Other methods employed included keeping their head down, not staying in one place too long, not hanging out in certain places where the police are known to be and keeping hair close cut. Overall, youth recognized that they have a quality that made them targets of the police in ways

that make it necessary to live life in hyper vigilance and fear. The negative impact on the self-esteem of minority youth is not conducive to fostering positive relations between the police and minority communities.

Perhaps, most concerning is that the policy of stop-and-frisk is more likely to reach a goal that is oppositional to its alleged mission. If the intention of stop-and-frisk is to reduce crime, it may actually increase crime. The young people interviewed for this article all said that they would not call the police if they were in danger and would likely not call the police if they witnessed a crime. They cited general police mistrust and a lack of faith in the police as primary reasons for their feelings. The young people felt that the police likely would not come in a reasonable time and if they did, the police would act negatively towards the young people even if they were victims. Alarming, they also said that they mostly did not feel safe in their respective neighborhoods. These responses reflect the greater issue with stop-and-frisk policies. It is not just the law that is unfair. Young people recognize these actions as the policing of people of color through state sponsored violence as a part of systematic racism. Further, the policy of stop-and-frisk as a part of police policy makes the job of policing more dangerous and less effective because of widespread community distrust of the police.

#### V. PROPOSAL

Overall, the interviews with Chicago youth demonstrate what statistics support: the disproportionate impact of stop-and-frisk on minority communities. The need to improve the stop-and-frisk policy is imperative, particularly in light of statistics about the incarceration of minority youth. The stop is the first encounter that youth have with law enforcement and currently that encounter is not a positive one, and that must change.

The Illinois legislature has made changes to the Illinois statute regarding temporary questioning without arrest. This statute, entitled "Temporary Questioning Without Arrest" requires that the officer provide the person he has stopped with a "stop receipt" that contains the reason for the stop, the officer's name and badge number. However, there is currently no oversight to ensure that these "stop receipts" are distributed and that they include adequate facts that support a lawful stop. The first step to improving Chicago's stop-and-frisk policy is to create that oversight within the department to ensure the statute is being adhered to.

Second, the data from these stops that is recorded needs to be available to the public. Access to this data would ensure community oversight and create transparency around the policing matters. Further, access to this information would undoubtedly make communities feel that they could better trust the police.

Lastly, police policy needs to include members of the community and specifically youth in Chicago. The myth of an uninformed youth must be done away with. Even if the youth do not necessarily understand the law, their voice is still needed. Youth stand to be impacted by policy and have genuine concerns about the police being able to police. Respecting the youth's voice in these matters could open up the possibility for stronger community ties in the future. Further, inclusion of the community would demonstrate to the community that police officers are there to serve them and allow for more safe communities and less discrimination against minority children.

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