

Stop and frisk: a racial bias

Law



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Stop & Frisk: A Racial Bias? al Affiliation Stop & Frisk: A Racial Bias? The of perceived building of suspicions around certain ethnic and racial groups has been a sensitive matter for a long time. It is a societal concern and deserve attention. Some label it as racial or ethnic profiling. This refers to the discriminatory practise by the police and other law enforcement officials of targeting individuals for suspicion of engaging in criminal activities. They do this based on that person's race, ethnicity or even religion or national origin (Mears, 2014). An example is the use of race to determine which drivers to stop on the road for minor traffic offenses (jokingly known as driving while black or brown). Or the use of ethnic origin to determine which group of pedestrians to search for illegal goods. This paper tries to scrutinize how race and ethnic origin can be used to build reasonable suspicion and the common groups of people that are stopped and frisked more often.

In other words, the question can be rephrased as under what conditions law enforcement agents might use race and ethnicity to build suspicion and initiate actions. The first condition is when the victim or witness of a criminal activity provides a specific description of a specific suspect that includes his or her racial characteristics. In such situations, the law enforcement agencies including the courts found that it is legal to use such information to stop and frisk a person or issue a search warrant.

Another somewhat different case is where the description provided by the victim or witness contains very little concrete details about the criminal suspect except just his or her race or ethnic group. In such situations, the court's stand was that race and ethnicity would be operative only in descriptions that are perceived negative. An example is where the witness identified the suspect as black. This automatically makes the police exclude <https://assignbuster.com/stop-frisk-a-racial-bias/>

Caucasian or Hispanic population and only stop and frisks blacks. However, it would border on discrimination if the police start stopping blacks without having any other reason except their skin colour.

Another case of how race and ethnicity can be a factor in building suspicion involves preventive measures that depend on official, written directives about certain racial, ethnic, and national or citizenship-based considerations. This features prominently in the war against terror. In these cases, ethnic profiling is an officially formulated tool for solving the cases and does not rely only upon the discretion of the police or security personnel. For instance, some government documents recommend singling out of Arabs and Muslims in the prevention of terrorist financing and money laundering. An example is the President of the Hungarian Financial Supervisory Authority No. 1/2004. Research conducted for the last couple of years identify certain groups of people from certain ethnic or racial origin as ones mostly stopped and frisked. A survey by the New York Civil Liberties Union conducted in 2014 in New York reveals that 55 percent of the people stopped and frisked were African American. Previous year's data suggest the same thing. The suspicions for which lead to the stopping and frisking include mugging, robbery, or shootouts. In suspicions of terrorism, more of Arabs and Muslims are stopped and frisked compared to other ethnic groups. The most likely reason for the police stopping and frisking certain groups of individuals is the association of such individuals with the specific crimes (Mears, 2014).

References

Mearns, T. L. (2014). The Law and Social Science of Stop and Frisk. *Annual Review of Law and Social Science*, 10, 335-352.
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