



An Experimental Look at Reasonable Suspicion

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Reasonable Suspicion

Most discretionary activities officers engage in require an assessment of ***reasonableness***:

- Stops
- Searches
- Arrests

Most studies do not directly assess reasonableness:

- Outcomes based analyses
 - Success of activities (e.g., hit rates)
 - Disparities in activities—typically based on factors other than reasonableness

Reasonable Shortcomings

Data on reasonableness is nearly impossible to obtain

- Databases of stops, searches, and arrests
- Even if it weren't, difficult to quantify

What even is *reasonable*?

- Probable cause—evidence must be sufficient “to warrant a man of reasonable caution in the belief” that an offense was committed (*Carroll v. US*, 1925)
- Reasonable suspicion—“a reasonably prudent man in the circumstances would be warranted” in their particular belief (*Terry v. Ohio*, 1968)
- Most clearly, reasonable suspicion is less than probable cause

Why Does this Matter?

Reasonableness=balance of police intrusion vs. public safety interests

- Legally, court-defined
- Non-legally, citizens care, too

Discussions of discretion implicitly rely on considerations of reasonableness

- Over-/Under-policing
- Pre-text stops



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Methods

Data

Surveyed 530 police officers from 7 different states

Officers read two vignettes based on U.S. Courts of Appeals cases regarding traffic stops (*U.S. v. Pena-Gonzalez*, 2015; *U.S. v. Simpson*, 2010).

- Randomization: (1) evidence, (2) race/ethnicity of the driver, (3) gender of the driver.

Officers answered questions about their perceptions of the traffic stop.

Measures

Independent Variables

- Evidence—less than minimum necessary, minimum necessary, more than minimum necessary
- Race/Ethnicity—White, Black, Hispanic
- Gender—Male, Female

Dependent Variables

- Reasonable suspicion to extend the stop
 - Yes/No
- Extend the stop
 - Extremely unlikely to extremely likely
 - Collapsed to No (Extremely unlikely, Somewhat unlikely, Neutral) or Yes (Somewhat likely, Extremely likely)



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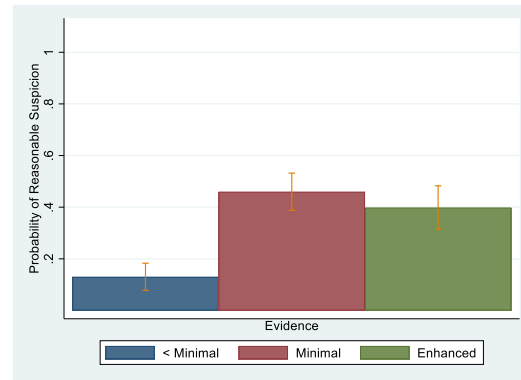
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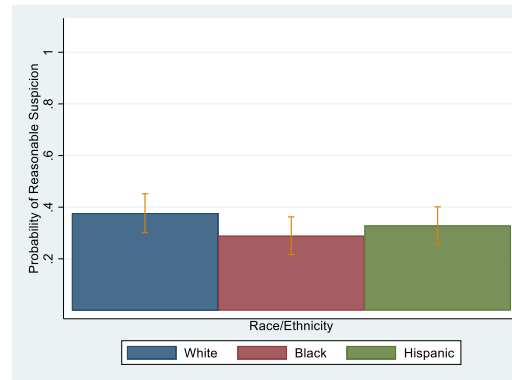
Reasonable Suspicion

Vignette 1

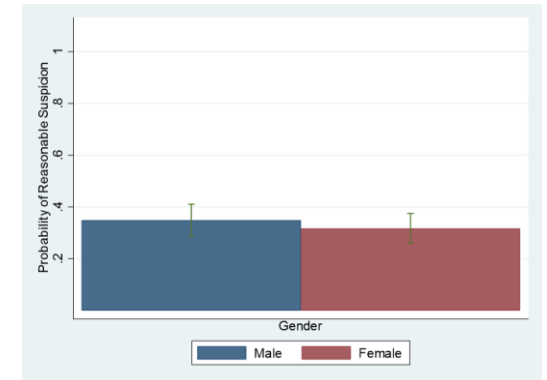
Evidence



Race/Ethnicity

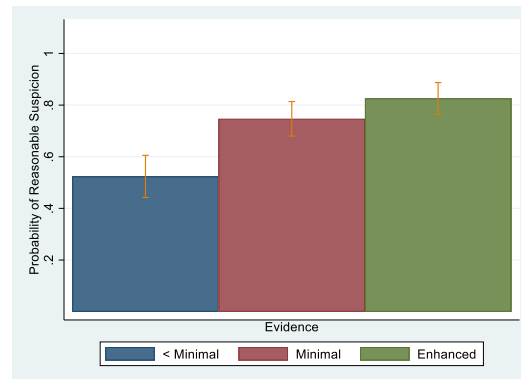


Gender

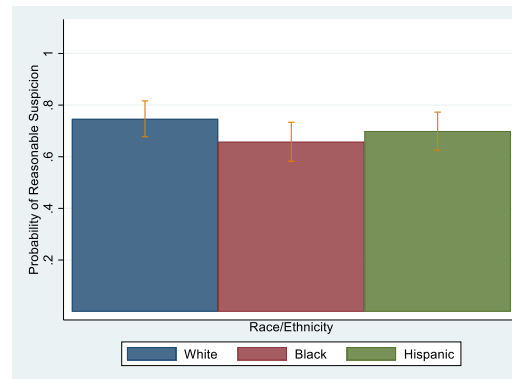


Vignette 2

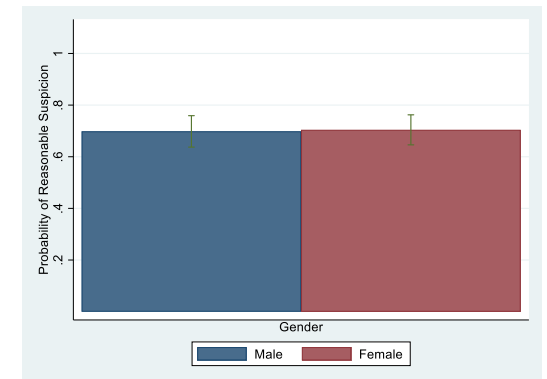
Evidence



Race/Ethnicity



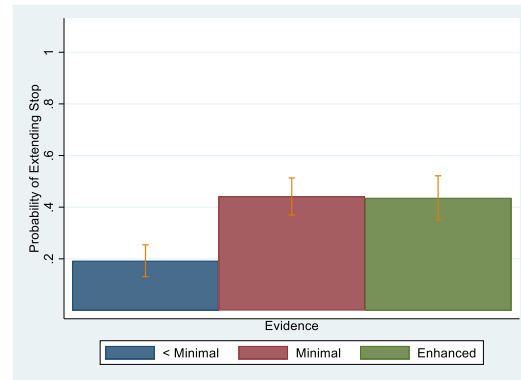
Gender



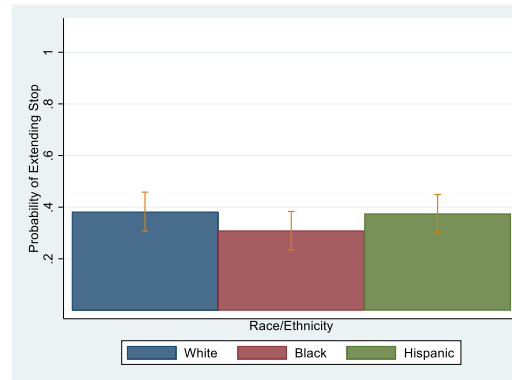
Extend the Stop

Vignette 1

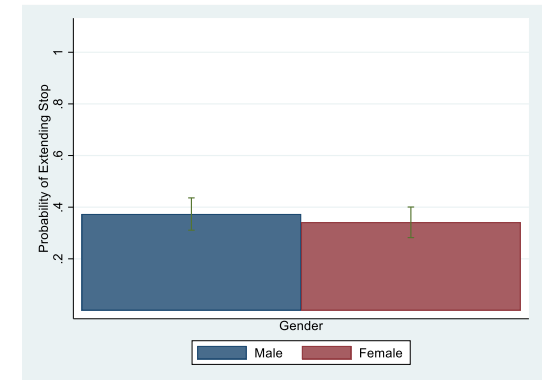
Evidence



Race/Ethnicity

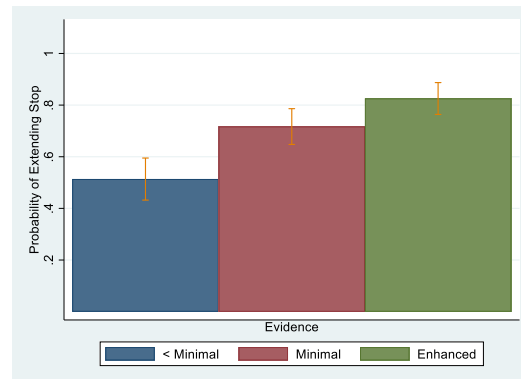


Gender

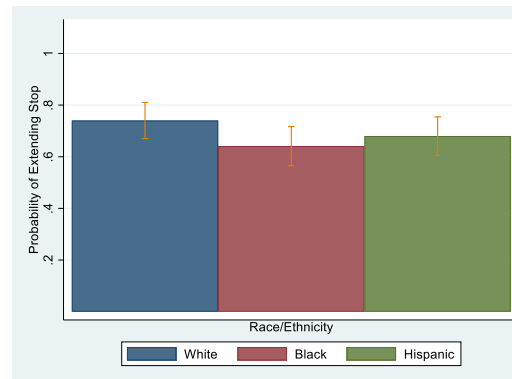


Vignette 2

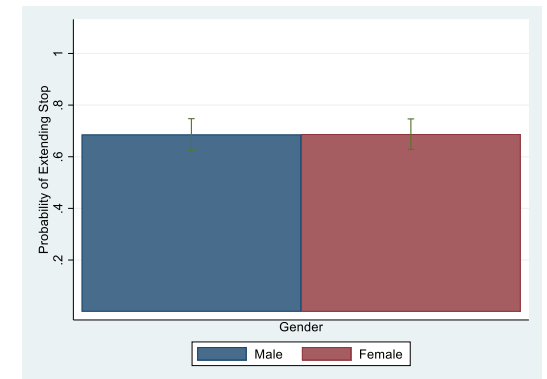
Evidence



Race/Ethnicity



Gender



Experimental Tests

Experimental Results—Logistic Regression

	<i>Reasonable Suspicion</i>				<i>Extend the Stop</i>			
	<i>Scenario 1</i>		<i>Scenario 2</i>		<i>Scenario 1</i>		<i>Scenario 2</i>	
	b	S.E.	b	S.E.	b	S.E.	b	S.E.
<i>Evidence</i>								
Less than Minimal	-1.72**	0.21	-1.01**	0.20	-1.18**	0.19	-0.90**	0.26
Enhanced	-0.25	0.23	0.44	0.24	-0.02	0.19	0.59*	0.31
<i>Driver Race</i>								
Black	-0.32	0.33	-0.41	0.22	-0.27	0.33	-0.44	0.40
Hispanic	-0.21	0.25	-0.29	0.31	-0.03	0.31	-0.34	0.38
<i>Driver Gender</i>								
Female	-0.15	0.23	0.07	0.17	-0.15	0.27	0.03	0.25
N	481		462		482		463	
Wald Chi-Squared	438.97**		316.29**		1777.66**		2273.34**	
Pseudo R-Squared	0.09		0.07		0.05		0.07	

* $p < 0.05$, ** $p < 0.01$



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Discussion



Takeaways

Evidence matters!

Generally, reasonable suspicion and extending the stop are very tightly correlated.

“Taming” discretion (Walker, 1993)

- If evidence matters, shaping officers’ thresholds for reasonableness can reduce less-certain enforcement activity.
- The Constitution is a floor, not a ceiling.