SUPREME COURT OF THE UNITED STATES

No. 98–1036

ILLINOIS, PETITIONER *v.* WILLIAM AKA SAM WARDLOW

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

[January 12, 2000]

JUSTICE STEVENS, with whom JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER join, concurring in part and dissenting in part.

The State of Illinois asks this Court to announce a "bright-line rule" authorizing the temporary detention of anyone who flees at the mere sight of a police officer. Brief for Petitioner 7–36. Respondent counters by asking us to adopt the opposite *per se* rule– that the fact that a person flees upon seeing the police can never, by itself, be sufficient to justify a temporary investigative stop of the kind authorized by *Terry* v. *Ohio*, 392 U. S. 1 (1968). Brief for Respondent 6–31.

The Court today wisely endorses neither *per se* rule. Instead, it rejects the proposition that "flight is . . . necessarily indicative of ongoing criminal activity," *ante*, at 5, adhering to the view that "[t]he concept of reasonable suspicion . . . is not readily, or even usefully, reduced to a neat set of legal rules," but must be determined by looking to "the totality of the circumstances– the whole picture." *United States* v. *Sokolow*, 490 U. S. 1, 7–8 (1989) (internal quotation marks and citation omitted). Abiding by this framework, the Court concludes that "Officer Nolan was justified in suspecting that Wardlow was involved in criminal activity." *Ante*, at 5.

Although I agree with the Court's rejection of the *per se*

rules proffered by the parties, unlike the Court, I am persuaded that in this case the brief testimony of the officer who seized respondent does not justify the conclusion that he had reasonable suspicion to make the stop. Before discussing the specific facts of this case, I shall comment on the parties' requests for a *per se* rule.

I

In *Terry* v. *Ohio*, we first recognized "that a police officer may in appropriate circumstances and in an appropriate manner approach a person for purposes of investigating possibly criminal behavior even though there is no probable cause to make an arrest," 392 U. S., at 22, an authority permitting the officer to "stop and briefly detain a person for investigative purposes," *Sokolow*, 490 U. S., at 7. We approved as well "a reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed and dangerous individual, regardless of whether he has probable cause to arrest the individual for a crime." *Terry*, 392 U. S., at 27. Cognizant that such police intrusion had never before received constitutional imprimatur on less than probable cause, *id.*, at 11–12, 20, we reflected upon the magnitude of the departure we were endorsing. "Even a limited search," we said, "constitutes a severe, though brief, intrusion upon cherished personal security, and it must be an annoying, frightening, and perhaps humiliating experience." *Id.*, at 24–25.[1]

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[1]We added that a *Terry* frisk "is a serious intrusion upon the sanctity of the person, which may inflict great indignity and arouse strong resentment, and is not to be undertaken lightly." 392 U. S., at 17. The resentment engendered by that intrusion is aggravated, not mitigated, if the officer's entire justification for the stop is the belief that the individual is simply trying to avoid contact with the police or move from one place to another– as he or she has a right to do (and do rapidly). See *Chicago* v. *Morales*, 527 U. S. 41, 53 (1999) (plurality opinion) ("We have expressly

Accordingly, we recognized only a "narrowly drawn authority" that is "limited to that which is necessary for the discovery of weapons." *Id.*, at 26–27. An officer conducting an investigatory stop, we further explained, must articulate "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *United States* v. *Cortez*, 449 U. S. 411, 417–418 (1981). That determination, we admonished, "becomes meaningful only when it is assured that at some point the conduct of those charged with enforcing the laws can be subjected to the more detached, neutral scrutiny of a judge who must evaluate the reasonableness of a particular search or seizure in light of the particular circumstances." *Terry*, 392 U. S., at 21. In undertaking that neutral scrutiny "based on all of the circumstances," a court relies on "certain commonsense conclusions about human behavior." *Cortez*, 449 U. S., at 418; see also *ante*, at 5. "[T]he relevant inquiry" concerning the inferences and conclusions a court draws "is not whether particular conduct is 'innocent' or 'guilty,' but the degree of suspicion that attaches to particular types of noncriminal acts." *Sokolow*, 490 U. S., at 10.

The question in this case concerns "the degree of suspicion that attaches to" a person's flight— or, more precisely, what "commonsense conclusions" can be drawn respecting the motives behind that flight. A pedestrian may break into a run for a variety of reasons— to catch up with a friend a block or two away, to seek shelter from an impending storm, to arrive at a bus stop before the bus leaves, to get home in time for dinner, to resume jogging

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identified this "right to remove from one place to another according to inclination" as "an attribute of personal liberty" protected by the Constitution" (citation omitted)); *Florida* v. *Bostick*, 501 U. S. 429, 437 (1991); *Florida* v. *Royer*, 460 U. S. 491, 497–498 (1983) (plurality opinion); *Terry*, 392 U. S., at 32–33 (Harlan, J., concurring); see also *ante*, at 5.

after a pause for rest, to avoid contact with a bore or a bully, or simply to answer the call of nature— any of which might coincide with the arrival of an officer in the vicinity. A pedestrian might also run because he or she has just sighted one or more police officers. In the latter instance, the State properly points out "that the fleeing person may be, *inter alia*, (1) an escapee from jail; (2) wanted on a warrant, (3) in possession of contraband, (i.e. drugs, weapons, stolen goods, etc.); or (4) someone who has just committed another type of crime." Brief for Petitioner 9, n. 4.[2] In short, there are unquestionably circumstances in which a person's flight is suspicious, and undeniably instances in which a person runs for entirely innocent reasons.[3]

Given the diversity and frequency of possible motivations for flight, it would be profoundly unwise to endorse either *per se* rule. The inference we can reasonably draw about the motivation for a person's flight, rather, will depend on a number of different circumstances. Factors such as the time of day, the number of people in the area, the character of the neighborhood, whether the officer was

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[2] If the fleeing person exercises his or her right to remain silent after being stopped, only in the third of the State's four hypothetical categories is the stop likely to lead to probable cause to make an arrest. And even in the third category, flight does not necessarily indicate that the officer is "dealing with an armed and dangerous individual." *Terry* v. *Ohio*, 392 U. S. 1, 27 (1968).

[3] Compare, *e.g.*, Proverbs 28:1 ("The wicked flee when no man pursueth: but the righteous are as bold as a lion") with Proverbs 22:3 ("A shrewd man sees trouble coming and lies low; the simple walk into it and pay the penalty").

I have rejected reliance on the former proverb in the past, because its "ivory-towered analysis of the real world" fails to account for the experiences of many citizens of this country, particularly those who are minorities. See *California* v. *Hodari D.*, 499 U. S. 621, 630, n. 4 (1991) (STEVENS, J., dissenting). That this pithy expression fails to capture the total reality of our world, however, does not mean it is inaccurate in all instances.

in uniform, the way the runner was dressed, the direction and speed of the flight, and whether the person's behavior was otherwise unusual might be relevant in specific cases. This number of variables is surely sufficient to preclude either a bright-line rule that always justifies, or that never justifies, an investigative stop based on the sole fact that flight began after a police officer appeared nearby.[4]

Still, Illinois presses for a *per se* rule regarding "unprovoked flight upon seeing a clearly identifiable police officer." *Id.*, at 7. The phrase "upon seeing," as used by Illinois, apparently assumes that the flight is motivated by the presence of the police officer.[5] Illinois contends that unprovoked flight is "an extreme reaction," *id.*, at 8, because innocent people simply do not "flee at the mere sight

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[4] Of course, *Terry* itself recognized that sometimes behavior giving rise to reasonable suspicion is entirely innocent, but it accepted the risk that officers may stop innocent people. 392 U. S., at 30. And as the Court correctly observes, it is "undoubtedly true" that innocent explanations for flight exist, but they do not "establish a violation of the Fourth Amendment." *Ante*, at 5. It is equally true, however, that the innocent explanations make the single act of flight sufficiently ambiguous to preclude the adoption of a *per se* rule.

In *Terry*, furthermore, reasonable suspicion was supported by a concatenation of acts, each innocent when viewed in isolation, that when considered collectively amounted to extremely suspicious behavior. See 392 U. S., at 5–7, 22–23. Flight alone, however, is not at all like a "series of acts, each of them perhaps innocent in itself, but which taken together warran[t] further investigation." *Id.*, at 22. Nor is flight similar to evidence which in the aggregate provides "fact on fact and clue on clue afford[ing] a basis for the deductions and inferences," supporting reasonable suspicion. *United States* v. *Cortez*, 449 U. S. 411, 419 (1981).

[5] Nowhere in Illinois' briefs does it specify what it means by "unprovoked." At oral argument, Illinois explained that if officers precipitate a flight by threats of violence, that flight is "provoked." But if police officers in a patrol car– with lights flashing and siren sounding– descend upon an individual for the sole purpose of seeing if he or she will run, the ensuing flight is "unprovoked." Tr. of Oral Arg. 17–18, 20.

of the police," *id.*, at 24. To be sure, Illinois concedes, an innocent person– even one distrustful of the police– might "avoid eye contact or even sneer at the sight of an officer," and that would not justify a *Terry* stop or any sort of *per se* inference. *Id.*, at 8–9. But, Illinois insists, unprovoked flight is altogether different. Such behavior is so "aberrant" and "abnormal" that a *per se* inference is justified. *Id.*, at 8–9, and n. 4.

Even assuming we know that a person runs because he sees the police, the inference to be drawn may still vary from case to case. Flight to escape police detection, we have said, may have an entirely innocent motivation:

> "[I]t is a matter of common knowledge that men who are entirely innocent do sometimes fly from the scene of a crime through fear of being apprehended as the guilty parties, or from an unwillingness to appear as witnesses. Nor is it true as an accepted axiom of criminal law that 'the wicked flee when no man pursueth, but the righteous are as bold as a lion.' Innocent men sometimes hesitate to confront a jury– not necessarily because they fear that the jury will not protect them, but because they do not wish their names to appear in connection with criminal acts, are humiliated at being obliged to incur the popular odium of an arrest and trial, or because they do not wish to be put to the annoyance or expense of defending themselves." *Alberty* v. *United States*, 162 U. S. 499, 511 (1896).

In addition to these concerns, a reasonable person may conclude that an officer's sudden appearance indicates nearby criminal activity. And where there is criminal activity there is also a substantial element of danger– either from the criminal or from a confrontation between the criminal and the police. These considerations can lead

to an innocent and understandable desire to quit the vicinity with all speed.[6]

Among some citizens, particularly minorities and those residing in high crime areas, there is also the possibility that the fleeing person is entirely innocent, but, with or without justification, believes that contact with the police can itself be dangerous, apart from any criminal activity associated with the officer's sudden presence.[7] For such a

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[6] Statistical studies of bystander victimization are rare. One study attributes this to incomplete recordkeeping and a lack of officially compiled data. See Sherman, Steele, Laufersweiler, Hooper & Julian, Stray Bullets and "Mushrooms": Random Shootings of Bystanders in Four Cities, 1977–1988, 5 Journal of Quantitative Criminology 297, 303 (1989). Nonetheless, that study, culling data from newspaper reports in four large cities over an 11-year period, found "substantial increases in reported bystander killings and woundings in all four cities." *Id.*, at 306. From 1986 to 1988, for example, the study identified 250 people who were killed or wounded in bystander shootings in the four survey cities. *Id.*, at 306–311. Most significantly for the purposes of the present case, the study found that such incidents "rank at the top of public outrage." *Id.*, at 299. The saliency of this phenomenon, in turn, "violate[s] the routine assumptions" of day-to-day affairs, and, "[w]ith enough frequency . . . it shapes the conduct of daily life." *Ibid.*

[7] See Johnson, Americans' Views on Crime and Law Enforcement: Survey Findings, National Institute of Justice Journal 13 (Sept. 1997) (reporting study by the Joint Center for Political and Economic Studies in April 1996, which found that 43% of African-Americans consider "police brutality and harassment of African-Americans a serious problem" in their own community); President's Comm'n on Law Enforcement and Administration of Justice, Task Force Report: The Police 183–184 (1967) (documenting the belief, held by many minorities, that field interrogations are conducted "indiscriminately" and "in an abusive . . . manner," and labeling this phenomenon a "principal problem" causing "friction" between minorities and the police) (cited in *Terry*, 392 U. S., at 14, n. 11); see also Casimir, Minority Men: We Are Frisk Targets, N. Y. Daily News, Mar. 26, 1999, p. 34 (informal survey of 100 young black and Hispanic men living in New York City; 81 reported having been stopped and frisked by police at least once; none of the 81 stops resulted in arrests); Brief for NAACP Legal Defense & Educational Fund as *Amicus Curiae* 17–19 (reporting figures on disproportionate street stops of minority residents in Pittsburgh

person, unprovoked flight is neither "aberrant" nor "abnormal."[8] Moreover, these concerns and fears are known to the police officers themselves,[9] and are validated by law

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and Philadelphia, Pennsylvania, and St. Petersburg, Florida); U. S. Dept. of Justice, Bureau of Justice Statistics, S. Smith, Criminal Victimization and Perceptions of Community Safety in 12 Cities 25 (June 1998) (African-American residents in 12 cities are more than twice as likely to be dissatisfied with police practices than white residents in same community).

[8] See, *e.g.*, Kotlowitz, Hidden Casualties: Drug War's Emphasis on Law Enforcement Takes a Toll on Police, Wall Street Journal, Jan. 11, 1991, p. A2, col. 1 ("Black leaders complained that innocent people were picked up in the drug sweeps . . . . Some teen-agers were so scared of the task force they ran even if they weren't selling drugs").

Many stops never lead to an arrest, which further exacerbates the perceptions of discrimination felt by racial minorities and people living in high crime areas. See Goldberg, The Color of Suspicion, N. Y. Times Magazine, June 20, 1999, p. 85 (reporting that in 2-year period, New York City Police Department Street Crimes Unit made 45,000 stops, only 9,500, or 20%, of which resulted in arrest); Casimir, *supra*, n. 7 (reporting that in 1997, New York City's Street Crimes Unit conducted 27,061 stop-and-frisks, only 4,647 of which, 17%, resulted in arrest). Even if these data were race neutral, they would still indicate that society as a whole is paying a significant cost in infringement on liberty by these virtually random stops. See also n. 1, *supra*.

[9] The Chief of the Washington, D. C., Metropolitan Police Department, for example, confirmed that "sizeable percentages of Americans today–especially Americans of color– still view policing in the United States to be discriminatory, if not by policy and definition, certainly in its day-to-day application." P. Verniero, Attorney General of New Jersey, Interim Report of the State Police Review Team Regarding Allegations of Racial Profiling 46 (Apr. 20, 1999) (hereinafter Interim Report). And a recent survey of 650 Los Angeles Police Department officers found that 25% felt that "racial bias (prejudice) on the part of officers toward minority citizens currently exists and contributes to a negative interaction between police and the community." Report of the Independent Comm'n on the Los Angeles Police Department 69 (1991); see also 5 United States Comm'n on Civil Rights, Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination, The Los Angeles Report 26 (June 1999).

enforcement investigations into their own practices.[10] Accordingly, the evidence supporting the reasonableness of these beliefs is too pervasive to be dismissed as random

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[10] New Jersey's Attorney General, in a recent investigation into allegations of racial profiling on the New Jersey Turnpike, concluded that "minority motorists have been treated differently [by New Jersey State Troopers] than non-minority motorists during the course of traffic stops on the New Jersey Turnpike." "[T]he problem of disparate treatment is real – not imagined," declared the Attorney General. Not surprisingly, the report concluded that this disparate treatment "engender[s] feelings of fear, resentment, hostility, and mistrust by minority citizens." See Interim Report 4, 7. Recently, the United States Department of Justice, citing this very evidence, announced that it would appoint an outside monitor to oversee the actions of the New Jersey State Police and ensure that it enacts policy changes advocated by the Interim Report, and keeps records on racial statistics and traffic stops. See Kocieniewski, U. S. Will Monitor New Jersey Police on Race Profiling, N. Y. Times, Dec. 23, 1999, p. A1, col. 6.

Likewise, the Massachusetts Attorney General investigated similar allegations of egregious police conduct toward minorities. The report stated:

"We conclude that Boston police officers engaged in improper, and unconstitutional, conduct in the 1989–90 period with respect to stops and searches of minority individuals . . . . Although we cannot say with precision how widespread this illegal conduct was, we believe that it was sufficiently common to justify changes in certain Department practices.

"Perhaps the most disturbing evidence was that the *scope* of a number of *Terry* searches went far beyond anything authorized by that case and indeed, beyond anything that we believe would be acceptable under the federal and state constitutions even where probable cause existed to conduct a full search incident to an arrest. Forcing young men to lower their trousers, or otherwise searching inside their underwear, on public streets or in public hallways, is so demeaning and invasive of fundamental precepts of privacy that it can only be condemned in the strongest terms. The fact that not only the young men themselves, but independent witnesses complained of strip searches, should be deeply alarming to all members of this community." J. Shannon, Attorney General of Massachusetts, Report of the Attorney General's Civil Rights Division on Boston Police Department Practices 60–61 (Dec. 18, 1990).

or rare, and too persuasive to be disparaged as inconclusive or insufficient.[11] In any event, just as we do not require "scientific certainty" for our commonsense conclusion that unprovoked flight can sometimes indicate suspicious motives, see *ante,* at 4, neither do we require scientific certainty to conclude that unprovoked flight can occur for other, innocent reasons.[12]

The probative force of the inferences to be drawn from flight is a function of the varied circumstances in which it occurs. Sometimes those inferences are entirely consistent with the presumption of innocence, sometimes they justify further investigation, and sometimes they justify an immediate stop and search for weapons. These considerations have led us to avoid categorical rules concerning a person's flight and the presumptions to be drawn therefrom:

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[11] Taking into account these and other innocent motivations for unprovoked flight leads me to reject Illinois' requested *per se* rule in favor of adhering to a totality-of-the-circumstances test. This conclusion does not, as Illinois suggests, "establish a separate *Terry* analysis based on the individual characteristics of the person seized." Reply Brief for Petitioner 14. My rejection of a *per se* rule, of course, applies to members of all races.

It is true, as Illinois points out, that *Terry* approved of the stop and frisk procedure notwithstanding "[t]he wholesale harassment by certain elements of the police community, of which minority groups, particularly Negroes, frequently complain." 392 U. S., at 14. But in this passage, *Terry* simply held that such concerns would not preclude the use of the stop and frisk procedure altogether. See *id.,* at 17, n. 14. Nowhere did *Terry* suggest that such concerns cannot inform a court's assessment of whether reasonable suspicion sufficient to justify a particular stop existed.

[12] As a general matter, local courts often have a keener and more informed sense of local police practices and events that may heighten these concerns at particular times or locations. Thus, a reviewing court may accord substantial deference to a local court's determination that fear of the police is especially acute in a specific location or at a particular time.

> "Few things . . . distinguish an enlightened system of judicature from a rude and barbarous one more than the manner in which they deal with evidence. The former weighs testimony, whilst the latter, conscious perhaps of its inability to do so or careless of the consequences of error, at times rejects whole portions *en masse*, and at others converts pieces of evidence into rules of law by investing with conclusive effect some whose probative force has been found to be in general considerable. . . . Our ancestors, observing that guilty persons usually fled from justice, adopted the hasty conclusion that it was only the guilty who did so . . . so that under the old law, a man who fled to avoid being tried for felony forfeited all his goods even though he were acquitted . . . . In modern times more correct views have prevailed, and the evasion of or flight from justice seems now nearly reduced to its true place in the administration of the criminal law, namely, that of a circumstance– a fact which it is always of importance to take into consideration, and combined with others may afford strong evidence of guilt, but which, like any other piece of presumptive evidence, it is equally absurd and dangerous to invest with infallibility." *Hickory* v. *United States*, 160 U. S. 408, 419–420 (1896) (internal quotation marks omitted).

"Unprovoked flight," in short, describes a category of activity too broad and varied to permit a *per se* reasonable inference regarding the motivation for the activity. While the innocent explanations surely do not establish that the Fourth Amendment is always violated whenever someone is stopped solely on the basis of an unprovoked flight, neither do the suspicious motivations establish that the Fourth Amendment is never violated when a *Terry* stop is predicated on that fact alone. For these reasons, the Court is surely correct in refusing to embrace either *per se*

rule advocated by the parties. The totality of the circumstances, as always, must dictate the result.[13]

II

Guided by that totality-of-the-circumstances test, the Court concludes that Officer Nolan had reasonable suspicion to stop respondent. *Ante*, at 5. In this respect, my view differs from the Court's. The entire justification for the stop is articulated in the brief testimony of Officer Nolan. Some facts are perfectly clear; others are not. This factual insufficiency leads me to conclude that the Court's judgment is mistaken.

Respondent Wardlow was arrested a few minutes after noon on September 9, 1995. 183 Ill. 2d 306, 308, n. 1, 701 N. E. 2d 484, 485, n. 1 (1998).[14] Nolan was part of an eight-officer, four-car caravan patrol team. The officers were headed for "one of the areas in the 11th District [of Chicago] that's high [in] narcotics traffic." App. 8.[15] The

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[13] Illinois' reliance on the common law as a conclusive answer to the issue at hand is mistaken. The sources from which it gleans guidance focus either on flight *following* an accusation of criminal activity, see 4 W. Blackstone, Commentaries *387 ("For *flight . . . on an accusation* of treason, felony, or even petit larceny . . . is an offence carrying with it a strong presumption of guilt" (emphasis added in part)), or are less dogmatic than Illinois contends, compare Brief for Petitioner 15 ("[A] person's flight was considered . . . conclusive proof of guilt") with A. Burrill, Circumstantial Evidence 472 (1856) ("So impressed was the old common law with considerations of this kind, that it laid down the rule, which passed into a maxim,– that flight from justice was equivalent to confession of guilt . . . . But this maxim . . . was undoubtedly expressed in too general and sweeping terms").

[14] At the suppression hearing, the State failed to present testimony as to the time of respondent's arrest. The Illinois Supreme Court, however, took notice of the time recorded in Officer Nolan's arrest report. See 183 Ill. 2d, at 308, n. 1, 701 N. E. 2d, at 485, n. 1.

[15] The population of the 11th district is over 98,000 people. See Brief for the National Association of Police Organizations et al. as *Amici Curiae* App. II.

reason why four cars were in the caravan was that "[n]ormally in these different areas there's an enormous amount of people, sometimes lookouts, customers." *Ibid.* Officer Nolan testified that he was in uniform on that day, but he did not recall whether he was driving a marked or an unmarked car. *Id.*, at 4.

Officer Nolan and his partner were in the last of the four patrol cars that "were all caravaning eastbound down Van Buren." *Id.*, at 8. Nolan first observed respondent "in front of 4035 West Van Buren." *Id.*, at 7. Wardlow "looked in our direction and began fleeing." *Id.*, at 9. Nolan then "began driving southbound down the street observing [respondent] running through the gangway and the alley southbound," and observed that Wardlow was carrying a white, opaque bag under his arm. *Id.*, at 6, 9. After the car turned south and intercepted respondent as he "ran right towards us," Officer Nolan stopped him and conducted a "protective search," which revealed that the bag under respondent's arm contained a loaded handgun. *Id.*, at 9–11.

This terse testimony is most noticeable for what it fails to reveal. Though asked whether he was in a marked or unmarked car, Officer Nolan could not recall the answer. *Id.*, at 4. He was not asked whether any of the other three cars in the caravan were marked, or whether any of the other seven officers were in uniform. Though he explained that the size of the caravan was because "[n]ormally in these different areas there's an enormous amount of people, sometimes lookouts, customers," Officer Nolan did not testify as to whether *anyone* besides Wardlow was nearby 4035 West Van Buren. Nor is it clear that that address was the intended destination of the caravan. As the Appellate Court of Illinois interpreted the record, "it appears that the officers were simply driving by, on their way to some unidentified location, when they noticed defendant standing at 4035 West Van Buren." 287 Ill. App. 3d 367,

370–371, 678 N. E. 2d 65, 67 (1997).[16] Officer Nolan's testimony also does not reveal how fast the officers were driving. It does not indicate whether he saw respondent notice the other patrol cars. And it does not say whether the caravan, or any part of it, had already passed Wardlow by before he began to run.

Indeed, the Appellate Court thought the record was even "too vague to support the inference that . . . defendant's flight was related to his expectation of police focus on him." *Id.*, at 371, 678 N. E. 2d, at 67. Presumably, respondent did not react to the first three cars, and we cannot even be sure that he recognized the occupants of the fourth as police officers. The adverse inference is based entirely on the officer's statement: "He looked in our direction and began fleeing." App. 9.[17]

No other factors sufficiently support a finding of reasonable suspicion. Though respondent was carrying a white, opaque bag under his arm, there is nothing at all suspicious about that. Certainly the time of day– shortly after noon– does not support Illinois' argument. Nor were the officers "responding to any call or report of suspicious activity in the area." 183 Ill. 2d, at 315, 701 N. E. 2d, at 488. Officer Nolan did testify that he expected to find "an enormous amount of people," including drug customers or lookouts, App. 8, and the Court points out that "[i]t was in this context that Officer Nolan decided to investigate Wardlow after observing him flee." *Ante,* at 4. This observation, in my view, lends insufficient weight to the

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[16] Of course, it would be a different case if the officers had credible information respecting that specific street address which reasonably led them to believe that criminal activity was afoot in that narrowly defined area.

[17] Officer Nolan also testified that respondent "was looking *at* us," App. 5 (emphasis added), though this minor clarification hardly seems sufficient to support the adverse inference.

reasonable suspicion analysis; indeed, in light of the absence of testimony that anyone else was nearby when respondent began to run, this observation points in the opposite direction.

The State, along with the majority of the Court, relies as well on the assumption that this flight occurred in a high crime area. Even if that assumption is accurate, it is insufficient because even in a high crime neighborhood unprovoked flight does not invariably lead to reasonable suspicion. On the contrary, because many factors providing innocent motivations for unprovoked flight are concentrated in high crime areas, the character of the neighborhood arguably makes an inference of guilt less appropriate, rather than more so. Like unprovoked flight itself, presence in a high crime neighborhood is a fact too generic and susceptible to innocent explanation to satisfy the reasonable suspicion inquiry. See *Brown* v. *Texas*, 443 U. S. 47, 52 (1979); see also n. 15, *supra*.

It is the State's burden to articulate facts sufficient to support reasonable suspicion. *Brown* v. *Texas*, 443 U. S. 47, 52 (1979); see also *Florida* v. *Royer*, 460 U. S. 491, 500 (1983) (plurality opinion). In my judgment, Illinois has failed to discharge that burden. I am not persuaded that the mere fact that someone standing on a sidewalk looked in the direction of a passing car before starting to run is sufficient to justify a forcible stop and frisk.

I therefore respectfully dissent from the Court's judgment to reverse the court below.