

33<sup>rd</sup> Annual Reckless-Dinitz Memorial Lecture

**At the Intersection of Police Reform  
and Evidence-Based Policing:  
Perspectives from Academia and the Field**

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“The building blocks for police reform are equally self-evident and elusive.”  
Judge John Andrew West & Bishop Bobby Hilton, *Cincinnati Herald*, July 25, 2020

INTRODUCTION

In July 2015, a University of Cincinnati Police Division police officer shot Samuel Dubose during a traffic stop for a missing front license plate, sending shockwaves through the Cincinnati community and beyond. This critical incident was among a spate of police killings of unarmed Black males one year after the 2014 death of Michael Brown in Ferguson, Missouri sparked nationwide protests and public outcry. Cincinnati was no stranger to the desperate public pleas for police reform. Nearly a decade and a half earlier, the City of Cincinnati was rocked by civil unrest and demands for reforms after a Cincinnati Police Department officer fatally shot Timothy Thomas in April 2001.<sup>1</sup> The culmination of 15 Black men shot and killed by police in Cincinnati from 1995–2002 led to a Department of Justice (DOJ) investigation and, ultimately, federal judicial oversight of the CPD through what became known as the “Collaborative Agreement.”<sup>2</sup> Over the next fifteen years, city officials, community members and activists, police executives and officers, business leaders, academics, and others in Cincinnati did the difficult work of implementing and sustaining police reforms and rebuilding fractured police-community relations.<sup>3</sup>

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<sup>1</sup> John Eck & Jay Rothman, *Police-community Conflict and Crime Prevention in Cincinnati, Ohio*, in PUBLIC SECURITY AND POLICE REFORM IN THE AMERICAS 225, 225–44 (John Bailey & Lucia Dammert ed., 2006).

<sup>2</sup> *Id.*, at 229; Alana Sermuels, *How to Fix a Broken Police Department*, THE ATLANTIC (May 28, 2015) <https://www.theatlantic.com/politics/archive/2015/05/cincinnati-police-reform/393797/> [<https://perma.cc/98YE-4QFB>]; *In re Cincinnati Policing*, 209 F.R.D. 395, 396 (S.D. Ohio 2002).

<sup>3</sup> John E. Eck, *The Status of Collaborative Problem Solving and Community Problem-Oriented Policing in Cincinnati*, SCH. CRIMINAL JUST., UNIV. OF CINCINNATI, April 2014, at 5, <https://www.cincinnati-oh.gov/police/departments-references/problem-solving-cpop-status-report/problem-solving-cpop-status-report1/> [<https://perma.cc/N8Z3-V7CY>]; Robin S. Engel et al., *The*

But in the days and weeks following that summer evening in 2015, many questioned if the painstaking work to rebuild police-community relations in Cincinnati would endure.

At the request of University of Cincinnati leadership in the immediate days following the shooting, I met with Mr. DuBose's family members, along with protesters and activists, police executives, and city officials. Within a week, I was appointed to the newly created position of Vice President for Safety and Reform at the University of Cincinnati, and my career transitioned overnight from academic researcher to university administrator and police executive. Among other assignments, I was responsible for the daily oversight and comprehensive reform of the UCPD. Dubbed "the Reformer" on the front page of the *Cincinnati Enquirer* (August 5, 2015), I faced skepticism and suspicion from most stakeholder groups, including police officers, community members, local political leaders, university colleagues, and student groups. There was no shortage of doubt regarding the wisdom of placing an academic in charge of a damaged police department that was embedded within a community challenged by long-standing issues of crime, poverty, racial inequalities, and coercive policing tactics. In short, I found myself squarely in the nexus of police reform (i.e., how some believe policing should be changed) and research (i.e., what evidence suggests works for effective policing). Nothing in my prior work or studies—no lecture, journal article, book, or even my own experiences as an embedded researcher within police agencies—fully prepared me to lead a damaged police agency and community through the reform process. It was a challenging time, but I built a team that worked diligently to handle the immediate crisis while laying the groundwork for comprehensive long-term reforms. At the conclusion of our three-year plan, the UCPD had substantially complied with 276 reform recommendations (as determined by an external monitoring team), culminating with widespread community and university support for the UCPD, including publicly voiced appreciation from several of our initial most prominent critics.<sup>4</sup>

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*Impact of Police on Criminal Justice Reform: Evidence from Cincinnati, Ohio*, 16 CRIMINOLOGY & PUB. POL'Y 375, 376–77 (2017); GREG RIDGEWAY ET AL., RAND CORP., POLICE-COMMUNITY RELATIONS IN CINCINNATI xv (2009); Elliot Harvey Schatmeier, *Reforming Police Use-of-Force Practices: A Case Study of the Cincinnati Police Department*, 46 COLUM. J.L. & SOC. PROBS. 539, 541–42 (2013).

<sup>4</sup> Robin S. Engel & James L. Whalen, *Integrating Police Reform without Sacrificing Community Safety: A Cincinnati, Ohio Success Story*, 89 POLICE CHIEF MAG., <https://www.policechiefmagazine.org/integrating-police-reform-without-sacrificing-community-safety/> [<https://perma.cc/V6BV-GAWL>] (last visited Jan. 27, 2025); EXIGER, FINAL REPORT OF THE INDEPENDENT MONITOR FOR THE UNIVERSITY OF CINCINNATI POLICE DIVISION 3 (March 7, 2019) <https://www.uc.edu/content/dam/refresh/publicsafety-62/docs/reform/ucpd-monitorship-final-report.pdf> [<https://perma.cc/X5N5-N54Z>] (submitted to the University of Cincinnati Board of Trustees Audit Committee); John Andrew West & Bobby Hilton, *Five years later: Lessons we have learned to achieve successful police reform*, *The Cincinnati Herald* (July 25, 2020) <https://www.uc.edu/about/publicsafety/reform/cac/meetings-minutes/judge-west-and-bishop-hilton-s-op-ed.html> [<https://perma.cc/PE5H-AKPG>].

While our efforts were largely considered a success story in police reform,<sup>5</sup> I recognized that many of our changes were symbolic and implemented primarily to placate, with little expectation they would be effective. Simultaneously, we instituted other changes that had greater opportunities for genuine impact. After stepping out of my position implementing reforms in 2019, the realities I had experienced on the ground better informed my views regarding police reform efforts nationally. I recognized that while many reforms were ineffective, others were accompanied by unintended consequences. Likewise, the gaps between research and practice appeared sharper, prompting immediate changes to my own research agenda. Yet, in the aftermath of the police killing of George Floyd in Minneapolis, MN and the months of public outcry, protests, and civil unrest across the country in 2020, I watched the devastation to communities, police departments, and public safety across the country in the name of reform. Over the last five years, I have continued working directly with police agencies and communities to implement changes and test their impact. Based on these experiences and research findings, I have come to view success in police reform as the exception, rather than the rule. Unfortunately, I believe that despite our best intentions, police reform often fails in most jurisdictions.

As an academic, I have spent nearly thirty years conducting research designed to improve policing. Throughout my career, I have often questioned the effectiveness and fairness of both police practices and reform efforts to change them. Along the way, I have routinely called attention to the lack of rigorous research evidence guiding these efforts. I was honored to share my experiences and thoughts regarding the intersection of police reform and evidence-based policing during the 2024 Reckless-Dinitz lecture, sponsored by The Ohio State University's Criminal Justice Research Center. This article summarizes the core elements of my lecture, with some newly added commentary given the dramatic changes in the political and social environment following the 2024 presidential election and the first few months of the Trump Administration.

At the onset and throughout the lecture, I challenged the audience to consider two interrelated questions: (1) If changes in police practices are "successful," what would policing and public safety look like? and (2) How should we measure success in police reform? These questions set the stage for my argument that two consequential yet separate movements in policing—police reform (PR) and evidence-based policing (EBP)—are on a potential collision course. This conflict arises from differing perspectives on how we think about and measure "success" for both reform efforts and evidence-based police practices. To further explain this perspective, I described both PR and EBP, including their historical context and current measures of success. This description is followed by several examples of how these movements are potentially in conflict. The differences in PR and EBP's measures of success are further illustrated through the presentation of a simple

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<sup>5</sup> Engel & Whalen, *supra* note 4; West & Hilton, *supra* note 4.

conceptual model. After presenting this model, I argue that a collision of these two movements in policing is *not* inevitable, but we must redefine how we measure success for both reform and evidence-based policing to realign these approaches. We must also invest in problem-oriented policing strategies, holistic governance approaches, and police-academic partnerships that will harmonize reform efforts and EBP practices, resulting in successful and sustainable changes in policing practices and outcomes.

### I. THE POLICE REFORM (PR) MOVEMENT

Police reform has become a contentious term across the country, especially among practitioners. Despite its ubiquitous use, the word “reform” lacks a widely agreed-upon definition in policing.<sup>6</sup> As a verb, reform can mean “to induce or cause to abandon evil ways” or “to put an end to evil by enforcing or introducing a better method or course of action.”<sup>7</sup> Defined in this manner, the term “reform” often implies a rejection of the status quo, suggesting that current police practices are wrong, evil, or corrupt and need wholesale changes. As a result, the concept of reform can be quite divisive among law enforcement executives and officers. Recognizing historical skepticism (and even hostility) from officers toward reform advocates, I often recommend that police executives embrace an alternate definition of reform: “[T]o . . . change into an improved form or condition.”<sup>8</sup> Defining reform in this manner allows agencies to advocate for and support changes as an opportunity for ongoing learning and continuous organizational improvement, above and beyond any specific mandatory reform requirements.<sup>9</sup> However, even with this reframing, the exact meaning of police reform and the expectations for reformed police agencies and officers remain unclear.<sup>10</sup>

History provides little additional clarity. The Police Reform (PR) movement in the U.S. has a long and complex history, dating back over a century and marked by cycles of enthusiasm and disillusionment.<sup>11</sup> In the early 1900s, August Vollmer,

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<sup>6</sup> Robin S. Engel et al., *Owning Police Reform: The Path Forward for Practitioners and Researchers*, 47 AM. J. CRIM. JUST. 1225, 1227 (2022).

<sup>7</sup> *Reform*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/reform> [<https://perma.cc/F3SC-WJ66>] (last visited Jan. 20, 2025).

<sup>8</sup> *Id.*

<sup>9</sup> Rebecca Boatright et al., *Lessons Learned from a Decade of Reform and a Season of Protest: An Enterprise Risk Management Approach to Officer Wellness & Early Intervention*, 22 Criminology, Crim. Just., L. & Soc. 1, 2 (2021); Engel et al., *supra* note 6, at 1236.

<sup>10</sup> Laurie O. Robinson, *Five Years after Ferguson: Reflecting on Police Reform and What's Ahead*, 687 ANNALS AM. ACAD. POL. & SOC. SCI. 228, 230 (2020); David Allen Sklansky, *Police Reform in Divided Times*, 2 AM. J.L. & EQUAL. 3, 11 (2022).

<sup>11</sup> Samuel Walker, *Institutionalizing Police Accountability Reform: The Problem of Making Police Reforms Endure*, 32 ST. LOUIS U. PUB. L. REV. 57, 57, 60 (2012).

known as the “father of modern policing,” advocated for increased professionalization in policing. His reform propositions included increased training and education requirements, the importance of innovation and scientific methods in crime detection and prevention, and the concept of police officers as public servants.<sup>12</sup>

While initial reform efforts often involved recommendations from external commissions (e.g., the Wickersham Commission in the 1930s), implementation was left to the police, resulting in limited success.<sup>13</sup> Calls for reform intensified between the 1960s and 1970s when police forces were viewed as racist, violent, corrupt, and ineffective.<sup>14</sup> During this time, some national standards for policing were established through landmark U.S. Supreme Court decisions of the Warren Court (e.g., *Mapp v. Ohio*, 1961; *Miranda v. Arizona*, 1966; *Terry v. Ohio*, 1968) that focused on civil rights and constitutional protections.<sup>15</sup>

With the passage of the 1994 Violent Crime Control and Law Enforcement Act (42 USC § 14141), the U.S. Department of Justice was authorized to bring civil suits against municipal and state law enforcement agencies for patterns of abuse, holding them accountable for organizational reforms through consent decrees and memoranda of understanding agreements.<sup>16</sup> The most common types of misconduct documented in these investigations included patterns or practices related to unnecessary or excessive use of force, discrimination against specific groups, unconstitutional or unlawful police actions (e.g., stops, searches, and arrests), and problematic interactions with members of the public.<sup>17</sup> Current reform efforts continue to focus on many of the same concepts as historical reforms, including

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<sup>12</sup> GENE E. CARTE & ELAINE H. CARTE, *POLICE REFORM IN THE UNITED STATES: THE ERA OF AUGUST VOLLMER, 1905–1932*, 1–3 (Berkeley Unvi. Of Cali. Press, 1975); SAMUEL WALKER, *A CRITICAL HISTORY OF POLICE REFORM: THE EMERGENCE OF PROFESSIONALISM* 79–84 (Lexington, MA, Lexington Books 1977).

<sup>13</sup> WALKER, *supra* note 12, at 58–60.

<sup>14</sup> Christopher Lowen Agee, *Crisis and Redemption: The History of American Police Reform since World War II*, 46 J. URB. HIST. 951, 953 (2020); Sklansky, *supra* note 10, at 3.

<sup>15</sup> SAMUEL E. WALKER, *THE NEW WORLD OF POLICE ACCOUNTABILITY* 28–32 (1st ed. 2005).

<sup>16</sup> Amanda D’Souza et al., *Federal Investigations of Police Misconduct: A Multi-city Comparison*, 71 CRIME L. & SOC. CHANGE 461, 461 (2019); Jason W. Ostrowe, *Federal intervention of police under section 14141—a state-of-the-art literature review*, 44 POLICING: INT’L J 118, 118 (2021).

<sup>17</sup> Joshua Chanin, *Early Stages of Pattern or Practice Police Misconduct Reform: An Examination of the Department of Justice’s Investigation and Negotiation Processes*, 20 POLICE Q. 250, 257 (Sept. 2017); D’Souza et al., *supra* note 16, at 464; Samuel Walker, *The Justice Department’s Pattern-or-Practice Police Reform Program, 1994–2017: Goals, Achievements, and Issues*, 5 ANNU. REV. CRIMINOLOGY 21, 24 (2021).

professionalization, accountability, efficiency, and productivity.<sup>18</sup> These changes, however, often conflict with police agencies' hierarchical structure, traditional practices, and subculture.<sup>19</sup>

A central challenge to police reform lies in the inherent discretion embedded in police work, where officers constantly navigate complex situations where the application of law is not straightforward.<sup>20</sup> This discretion, while essential for effective policing, also makes it difficult to implement and sustain standardized practices.<sup>21</sup> Indeed, evidence suggests that reforms often produce the appearance of change without fundamentally altering how police operate or create short-term changes that are not institutionalized and, therefore, cannot be sustained.<sup>22</sup> Institutionalizing reform efforts into the core operating procedures of police agencies requires ongoing commitment from police leadership, community collaboration, robust oversight mechanisms, and data-driven evaluation.<sup>23</sup> Unfortunately, these approaches are rare exceptions in most agencies undergoing reform.<sup>24</sup>

## II. THE FAILURE OF CURRENT POLICE REFORM

In the aftermath of widespread protests demanding changes in policing following the killing of George Floyd in May 2020, hundreds of reform bills were enacted across local municipalities and states restricting police discretion and

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<sup>18</sup> Engel et al., *supra* note 9, at 1239; Gary W. Sykes, *The Functional Nature of Police Reform: The Myth of Controlling the Police*, 2 JUST. Q. 51, 52–53 (1985); Samuel Walker, *The Origins of Proactive Policing*, in *Proactive Policing: Effects on Crime and Communities* 15–41 (Nat'l. Academies Press, 2018).

<sup>19</sup> Sykes, *supra* note 18, at 56, 61; WALKER, *supra* note 12, at 25–28; Walker, *supra* note 11, at 68.

<sup>20</sup> David H. Bayley, *The Forgotten Path to Police Reform in the United States: An Essay*, 28 POLICING & SOC'Y 125, 126 (2018).

<sup>21</sup> *Id.*, at 126.

<sup>22</sup> Rachel Boba & John P. Crank, *Institutionalizing Problem-Oriented Policing: Rethinking Problem Solving, Analysis, and Accountability*, 9 POLICE PRAC. & RES. 379, 380 (2008); Sklansky, *supra* note 10, at 12; Sykes, *supra* note 18, at 56; Walker, *supra* note 11, at 66.

<sup>23</sup> Bayley, *supra* note 20, at 134; Boba & Crank, *supra* note 22, at 380; Walker, *supra* note 11, at 91.

<sup>24</sup> Michael Brenes, *The Long History of Failed Police Reform*, BOSTON REVIEW (April 26, 2021) <https://www.bostonreview.net/articles/police-reform-doesnt-work/> [<https://perma.cc/CB8P-P7UZ>]; Micah Herskind & Tiffany Roberts, *The Failure of Police Reform Atlanta's City Governments Spent Decades on Half-hearted Measures Meant to Address Police Violence*, NY Mag. (Jan. 31, 2022) <https://nymag.com/intelligencer/2022/01/atlanta-police-reform-failure.html> [<https://perma.cc/P7NB-Z6FK>]; Stephen Rushin, *Competing Case Studies of Structural Reform Litigation in American Police Department*, 14 OHIO ST. J. CRIM. L. 113, 113 (Fall 2016); Wesley G. Skogan, *Why Reform Fail*, 18 POLICING SOC'Y: INT'L. J. RES. POL'Y 23, 24 (2008).

curtailing officers' enforcement powers.<sup>25</sup> At least twenty-five states passed jurisdiction-wide legislation addressing police enforcement activities, particularly surrounding the use of force.<sup>26</sup> Concerns about the effectiveness and equity of police responses led to additional calls to “defund” the police, prompting some jurisdictions to restructure local budgets and reallocate funding to non-law enforcement entities.<sup>27</sup> Numerous communities sought to “reduce the footprint of police” by adopting alternative (non-police) responses to persons in crisis, minor disputes, low-level offenses, and non-emergency situations.<sup>28</sup> The goals were to reduce negative outcomes, racial/ethnic disparities, and unintended consequences by reassigning calls for service and proactive police activities to other public and private agencies.<sup>29</sup>

Unfortunately, however, few proposed reforms centered on changing police practices have simultaneously focused on reducing crime and violence. Given the inherent unequal distribution of poverty, concentrated disadvantage, and segregation in our society, residents of high-crime neighborhoods are disproportionately Black and Hispanic.<sup>30</sup> While there are racial/ethnic disparities in coercive policing outcomes, there are also large disparities in rates of criminal victimization,

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<sup>25</sup> Robert Klemko et al., *Killings by Police Brought Reforms. Fear of Crime is Unraveling Them*, THE WASHINGTON POST (March 10, 2024) <https://www.washingtonpost.com/national-security/2024/03/10/police-reform-rollback-tyre-nichols-floyd-breonna/> [<https://perma.cc/GY2L-T8X2>]; Ram Subramanian & Leily Arzy, *State Policing Reforms Since George Floyd's Murder*, BRENNAN CTR. FOR JUST. (May 21, 2021) <https://www.brennancenter.org/our-work/research-reports/state-policing-reforms-george-floyds-murder> [<https://perma.cc/AWZ4-JSF9>].

<sup>26</sup> Christina Mancini et al., *Public Opinion Toward Diverse Types of Police Reform Post 2020: The Impact of Perceptions, Experiences, and Racial Resentment*, 70 CRIME & DELINQUENCY 3243, 3246 (2024); Subramanian & Arzy, *supra* note 25.

<sup>27</sup> Nancy La Vigne & Cynthia Lum, *So You Want to Defund the Police? Here are 5 Questions to Answer*, *Opinion*, Newsweek (Jul. 6, 2021, 8:00 AM EDT) <https://www.newsweek.com/so-you-want-defund-police-here-are-5-questions-answer-opinion-1606547> [<https://perma.cc/H5AJ-Q7XL>]; Mancini et al., *supra* note 26, at 3263.

<sup>28</sup> David Thacher, *Shrinking the Police Footprint*, 41 CRIM. JUST. ETHICS 62, 63 (2022).

<sup>29</sup> COUNCIL ON CRIMINAL JUSTICE, SHIFTING POLICE FUNCTIONS, POLICY ASSESSMENT 5 (May 2021) <https://counciloncj.foleon.com/policing/assessing-the-evidence/xvi-shifting-police-functions> [<https://perma.cc/CVG2-RXFW>]; Mary Fleck & Aaron Stagoff-Belfort, *Reducing Policing's Footprint? Racial Disparities and Arrest Trends After Misdemeanor Decriminalization and Legalization in Denver and Philadelphia*, VERA INST. JUST., May 2021, at 2, <https://www.vera.org/downloads/publications/reducing-policings-footprint.pdf> [<https://perma.cc/9367-4HN7>]; Luis A. Gonzalez Miranda et al., *Analyzing Alternative Behavioral Crisis Response Models in the U.S.*, 49 J. CMTY. HEALTH 324, (2024).

<sup>30</sup> NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, & MEDICINE, REDUCING RACIAL INEQUALITY IN CRIME AND JUSTICE: SCIENCE, PRACTICE, AND POLICY 110 (Nat'l. Academies Press 2023); Karl Vachuska, *Neighborhood Racial Composition and Unequal Exposure to Violent Crime in Everyday Contexts*, 101 J. URBAN HEALTH 702, 703 (2024).

especially violence.<sup>31</sup> And despite the calls for defunding police, many residents in these neighborhoods want more (and better) policing, not less.<sup>32</sup>

In short, current police reform is complicated and, in many respects, is failing across the country.<sup>33</sup> The obstacles facing police reform are multi-faceted and have been the subject of much scholarly discussion.<sup>34</sup> I have previously argued that current police reforms are ineffective, inefficient, and, in some cases, have unintended consequences that worsen conditions in practice.<sup>35</sup> This critique is especially harsh from someone who deeply believes in improving police practices and has led successful reform efforts. Yet, my assessment is that current police reforms are failing, in part, because they are: (1) reactionary, (2) non-aspirational, and (3) lack evidence of effectiveness.<sup>36</sup> These issues are prevalent in law enforcement agencies and communities nationwide, regardless of the type or source of the changes imposed.

Reforms forced upon law enforcement agencies through DOJ investigations and federally monitored consent decrees offer mixed evidence and limited

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<sup>31</sup> Allen J. Beck & Alfred Blumstein, *Racial Disproportionality in U.S. State Prisons: Accounting for the Effects of Racial and Ethnic Differences in Criminal Involvement, Arrests, Sentencing, and Time Served*, 34 J. Quantitative Criminology 853, 856 (Sept. 2018); Meghan E. Hollis & Wesley G. Jennings, *Racial Disparities in Police Use-of-force: A State-of-the-Art Review*, 41 POLICING: INT'L J. 178, 187 (2018); NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, & MEDICINE, *supra* note 30, at 45; Vachuska, *supra* note 30, at 72.

<sup>32</sup> CTR. FOR ADVANCING OPPORTUNITY, THE STATE OF OPPORTUNITY IN AMERICAN: UNDERSTANDING BARRIERS & IDENTIFYING SOLUTIONS 4 (Gallup, 2019) [https://assets-global.website-files.com/5ef1f236f51b59892a5aec87/5ef1f236f51b594e795af129\\_The-State-of-Opportunity-in-America-Report-Center-for-Advancing-Opportunity.pdf](https://assets-global.website-files.com/5ef1f236f51b59892a5aec87/5ef1f236f51b594e795af129_The-State-of-Opportunity-in-America-Report-Center-for-Advancing-Opportunity.pdf) [<https://perma.cc/YYK8-P3PW>]; RANDALL KENNEDY, RACE, CRIME, AND THE LAW 74–75 (NY: Vintage Books, 1998); Christopher S. Koper et al., *Police Activities and Community Views of Police in Crime Hot Spots*, 39 JUST. Q. 1400, (2022); Nancy La Vigne et al., *How Do People in High-Crime, Low-Income Communities View the Police?*, URB. INST, Feb. 2017, at 15, [https://www.urban.org/sites/default/files/publication/88476/how\\_do\\_people\\_in\\_high-crime\\_view\\_the\\_police.pdf](https://www.urban.org/sites/default/files/publication/88476/how_do_people_in_high-crime_view_the_police.pdf) [<https://perma.cc/S86N-A8UU>].

<sup>33</sup> Herskind, *supra* note 24; Cynthia Lum & Daniel S. Nagin, *Reinventing American Policing*, in REINVENTING AMERICAN CRIMINAL JUSTICE 339–40 (Univ. of Chicago Press, 2017); Robinson, *supra* note 10, at 237.

<sup>34</sup> Engel et al., *supra* note 3, at 375–76; Engel et al., *supra* note 6, at 1225; Robinson, *supra* note 10, at 228; Sklansky, *supra* note 10, at 5; Sykes, *supra* note 18, at 51; Hans Toch, *Police Officers as Change Agents in Police Reform*, 18 POLICING SOC'Y: INT'L J. RES. POL'Y. 60, 60 (2008); Walker, *supra* note 11, at 57–58.

<sup>35</sup> See also Engel et al., *supra* note 6, at 1236; Robin S. Engel et al., *Moving Beyond “Best Practices”: Experiences in Police Reform and a Call for Evidence to Reduce Officer-Involved Shootings*, 687 ANNALS AM. ACAD. 146, 148 (Jan. 2020).

<sup>36</sup> See Engel et al., *supra* note 6, at 1229.

opportunities for their use.<sup>37</sup> While some studies have reported improvements in police accountability, training, management practices, and community relations, coupled with decreases in civil rights violations and uses of deadly force, these studies typically lump all reforms together into a single construct rather than examining the impact of individual changes to policies, procedures, training, supervision, etc.<sup>38</sup> Because comprehensive reforms are often implemented simultaneously, it is challenging to determine which specific changes had an impact, creating the proverbial “black box” problem for additional implementation and replication.<sup>39</sup> Further, several consent decree jurisdictions reported at least short-term increases in crime (often attributed to de-policing or reduced proactive enforcement), line-level officers’ resistance to reform or oversight, and difficulty sustaining reform efforts.<sup>40</sup> Other research indicates that consent decree reforms have no discernable effects on racial disparities in policing outcomes—a primary focus of many reform efforts.<sup>41</sup>

### III. THE EVIDENCE-BASED POLICING (EBP) MOVEMENT

The concept of EBP was initially introduced to the field in 1998 by criminologist Lawrence Sherman as a systematic approach to policing where decisions are guided by rigorous scientific evidence, similar to practices in medicine. It has since evolved into a variety of definitions and descriptions.<sup>42</sup> According to

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<sup>37</sup> Zachary A. Powell & Joshua Chanin, *Reforming ‘Pattern-or-Practice’ Police Reform: What Works, What Does Not, and Where We Need to Go*, 18 POLICING: J. POLICY & PRACTICE 114, 114 (2024); Samuel Walker, *The Justice Department’s Pattern-or-Practice Police Reform Program, 1994–2017: Goals, Achievements, and Issues*, 5 ANNUAL REV. CRIMINOLOGY 21, 22 (Jan. 2022).

<sup>38</sup> Tanaya Devi & Roland G. Fryer Jr, *Policing the Police: The Impact of “Pattern-or-Practice” Investigations on Crime 2* (Nat’l Bureau of Econ. Rsch., Working Paper No. 27432, 2020); Li Sian Goh, *Going Local: Do Consent Decrees and Other Forms of Federal Intervention in Municipal Police Departments Reduce Police Killings?* 37 JUST. Q. 900, 902 (Mar. 2020); Ostrowe, *supra* note 16, at 129; Zachary A. Powell et al., *Police Consent Decrees and Section 1983 Civil Rights Litigation*, 16 CRIMINOLOGY & PUB. POL’Y 575, 583–84 (2017).

<sup>39</sup> Christine Famega et al., *Why Getting Inside the “Black Box” is Important: Examining Treatment Implementation and Outputs in Policing Experiments*, 20 POLICE Q 106, 109 (2017).

<sup>40</sup> Joshua M. Chanin, *Examining the Sustainability of Pattern or Practice Police Misconduct Reform*, 18 POLICE QUARTERLY 163, 163 (2015); Robert C. Davis et al., *Can Federal Intervention Bring Lasting Improvement in Local Policing?: The Pittsburgh Consent Decree*, VERA INST. JUSTICE, Apr. 2005, at 41–42; Devi & Fryer, *supra* note 38, at 33; Finn Mayock, *Unending Reform: Police Resistance to Consent Decrees and Federal Monitors*, 31 J. L. & POL’Y 213, 225, 244–45 (2022); Ostrowe, *supra* note 16, at 129–30; Lan Shi, *The Limit of Oversight in Policing: Evidence From the 2001 Cincinnati Riot*, 93 J. PUB. ECON. 99, 110 (2008).

<sup>41</sup> Noah Kupferberg, *Transparency: A New Role for Police Consent Decrees*, 42 COLUM. J. LAW & SOC. PROBS. 129, 129 (2008).

<sup>42</sup> Cody W. Telep & Logan J. Somers, *Examining Police Officer Definitions of Evidence-Based Policing: Are We Speaking the Same Language?*, 29 POLICING & SOC’Y 171, 173–74 (2017).

Sherman, EBP involves using the best available research to guide police practices and scientifically evaluate outcomes.<sup>43</sup> The practice of EBP aims to support continuous improvement by creating a feedback loop and using research and science to help police make better decisions.<sup>44</sup> However, Mears cautions that the term “evidence-based” remains ambiguous and is often problematic,<sup>45</sup> while Telep notes ongoing confusion about what EBP is and how it is received in the field.<sup>46</sup>

While Sherman acknowledged that adopting EBP may be slow,<sup>47</sup> he stressed its importance for the future of effective and accountable policing. Over the past 25 years, the growth of the EBP Movement, particularly among academics, has significantly influenced policing practices. Initially, most scientific policing research focused on determining the effectiveness of policing practices and strategies to reduce crime and violence. Police effectiveness became a staple of criminological study, leading to the emergence of crime scientists.<sup>48</sup> Sworn officers and professional staff emerged as crime analysts when the use of data and analysis was promoted through initiatives such as COMPSTAT and other managerial approaches designed to increase accountability for reducing crime.<sup>49</sup> Ultimately, the primary measure of success for EBP is crime reduction, demonstrated through empirical research on the effectiveness and efficiency of various policing strategies and practices. The research generated is typically quantitative, with a strong preference for randomized controlled trial (RCT) research designs, described as the

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<sup>43</sup> Lawrence W. Sherman, *Evidence-Based Policing: Ideas in American Policing*, POLICE FOUND., July 1998, at 3–4 [hereinafter Sherman 1998]; Lawrence W. Sherman, *The Rise of Evidence-Based Policing: Targeting, Testing, and Tracking*, 42 CRIME & JUST. 377, 383 (Aug. 2013) [hereinafter Sherman 2013].

<sup>44</sup> Nicholas R. Fyfe, *Evidence-Based Policing*, in POLICING 2026 EVIDENCE REVIEW 9, 11 (2017).

<sup>45</sup> DANIEL MEARS, AMERICAN CRIMINAL JUSTICE POLICY: AN EVALUATION APPROACH TO INCREASING ACCOUNTABILITY AND EFFECTIVENESS 1–4 (Cambridge Univ. Press 2010).

<sup>46</sup> Telep & Somers, *supra* note 42, at 182.

<sup>47</sup> Sherman 2013, *supra* note 43, at 441.

<sup>48</sup> Ryan Fisher, *Crime Science*, in ENCYCLOPEDIA OF RESEARCH METHODS IN CRIMINOLOGY AND CRIMINAL JUSTICE 568, 569 (2021); Gloria Laycock, Address at the Jill Dando Institute of Crime Science: Launching Crime Science (Nov. 13, 2003); Gloria Laycock, *Crime Science and Policing: Lessons of Translation*, 8 POLICING: J. POLICY & PRAC. 393, 394 (2014); Richard Wortley et al., *What Is Crime Science?*, in ROUTLEDGE HANDBOOK OF CRIME SCIENCE 1–30, 2 (2018).

<sup>49</sup> Scott Keay & Stuart Kirby, *The Evolution of the Police Analyst and the Influence of Evidence-Based Policing*, 12 POLICING: J. POL'Y & PRAC. 265, 265, 270 (2018); Justin Smith et al., *Evidence-Based Policing and the Stratified Integration of Crime Analysis in Police Agencies: National Survey Results*, 12 POLICING: J. POL'Y & PRAC. 303, 304 (2018).

“gold standard” in policing research.<sup>50</sup> The heavy reliance on RCTs has influenced the types of policing practices routinely studied,<sup>51</sup> with easily randomized practices like police deployment patterns receiving significant attention,<sup>52</sup> while other topics, such as training, first-line supervision, accountability mechanisms, and officer safety and wellness practices, received less (if any) research attention.<sup>53</sup>

The EBP Movement is supported by crime science principles generated from a large body of research showing crime is highly concentrated among a small number of repeat offenders, victims, and locations.<sup>54</sup> Most EBP strategies rely on the 80-20 principle (also known as the Pareto principle), which suggests that a large percentage of outcomes (80%) are based on a small percentage of causes (20%).<sup>55</sup> In policing, this principle is applied to understand and address crime patterns more effectively by hyper-focusing on a small percentage of offenders, locations, or victims responsible for a large percentage of crimes. By identifying these key offenders, locations, or victims, police can allocate resources more efficiently. This targeted

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<sup>50</sup> Cynthia Lum et al., *Evidence-Based Policing Matrix*, 7 J. EXPERIMENTAL CRIMINOLOGY 3, 13 (2011); Sherman 1998, *supra* note 43, at 6; Lawrence W. Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising*, NAT'L INST. JUST., July 1998, at 12.

<sup>51</sup> Daniel Mears, *Creating Systems That Can Improve Safety and Justice (And Why Piecemeal Change Won't Work)*, 2 JUST. EVALUATION J. 1, 7 (2019); Megan T. Stevenson, *Cause, Effect, and the Structure of the Social World*, 103 BOSTON UNIV. L. REV. 2001, 2003 (2023); Brandon del Pozo et al., *Then a Miracle Occurs: Cause, Effect, and the Heterogeneity of Criminal Justice Research*, J. EXPERIMENTAL CRIMINOLOGY 1, 8–9 (2024).

<sup>52</sup> See, e.g., Anthony A. Braga, *Hot Spots Policing and Crime Prevention: A Systematic Review of Randomized Controlled Trials*, 1 J. EXPERIMENTAL CRIMINOLOGY 317, 325 (2005); Nicholas Corsaro et al., *Hot Spots Policing in Las Vegas: Results From a Blocked Randomized Controlled Trial in Chronic Violent Crime Locations*, 19 J. EXPERIMENTAL CRIMINOLOGY 213, 2301 (2023); Tammy Kochel & David Weisburd, *Assessing Community Consequences of Implementing Hot Spots Policing in Residential Areas: Findings From a Randomized Field Trial*, 13 J. EXPERIMENTAL CRIMINOLOGY 143, 143 (2017); Richard Rosenfeld et al., *The Effects of Directed Patrol and Self-Initiated Enforcement on Firearm Violence: A Randomized Controlled Study of Hot Spot Policing*, 52 CRIMINOLOGY 428, 429 (2014).

<sup>53</sup> Cynthia Lum et al., *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing—Implementation and Research Priorities* 36–37, 42 (CTR. FOR EVIDENCE-BASED CRIME POL'Y.; GEORGE MASON UNIV. 2016).

<sup>54</sup> Anthony A. Braga et al., *Hot Spots Policing and Crime Reduction: An Update of an Ongoing Systematic Review and Meta-Analysis*, 15 J. EXPERIMENTAL CRIMINOLOGY 289, 290 (2019) [hereinafter Braga et al. 2019]; Anthony A. Braga et al., *Focused Deterrence Strategies and Crime Control: An Updated Systematic Review and Meta-Analysis of the Empirical Evidence*, 17 CRIMINOLOGY & PUB. POL'Y 205, 208 (2018) [hereinafter Braga et al. 2018]; Natalie N. Martinez et al., *Ravenous Wolves Revisited: A Systematic Review of Offending Concentration*, 6 CRIME SCI. 1, 12 (2017); Lawrence W. Sherman et al., *Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place*, 27 CRIMINOLOGY 27, 37–38 (1989); David Weisburd, *The Law of Crime Concentration and the Criminology of Place*, 53 CRIMINOLOGY 133, 135–37 (2015).

<sup>55</sup> RONALD V. CLARKE & JOHN E. ECK, *CRIME ANALYSIS FOR PROBLEM SOLVERS IN 60 SMALL STEPS* 34 (Ctr for Problem Oriented Policing 2005).

approach can lead to more effective crime prevention and reduction. For example, a recent review of studies examining the spatial concentration of calls for service shows that approximately 50% of the calls are concentrated in 1–8% of street segments within a given jurisdiction;<sup>56</sup> police are taught to focus their limited resources in these small areas. By focusing on repeat crime victims, offenders, and locations, police departments can maximize their impact by concentrating on the areas and individuals that contribute most significantly to crime, leading to more efficient and effective crime prevention efforts.

The body of research associated with EBP over several decades provides convincing evidence that several policing strategies *are effective* for reducing crime and violence, including hotspot policing, focused deterrence, place-based approaches, and problem-oriented policing.<sup>57</sup> However, most EBP scholars rarely stray from studying the impact of strategies or technology on crime reduction. While EBP has made significant advances in its short tenure, most research does not include process evaluations, examinations of implementation issues, or outcome measures beyond crime reduction (e.g., community sentiment, public trust, confidence, and perceived legitimacy of police, etc.). And while crime and violence approached an all-time low under the implementation of EBP practices, it went relatively unnoticed that public trust and confidence in policing was also declining.<sup>58</sup>

#### IV. RELATIONSHIP BETWEEN THE PR AND EBP MOVEMENTS

Based on the above descriptions of the PR and EBP Movements, it seems appropriate to conclude that, at a minimum, these efforts run parallel to one another and, when fully integrated, should inform one another. The ability of police agencies to respond to emerging issues and meet long-term goals depends on implementing policies, programs, and operational initiatives based on sound information, practices, and empirical evidence. Indeed, many scholars have noted the importance of police reforms incorporating EBP practices.<sup>59</sup> However, as my colleagues and I

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<sup>56</sup> Samuel Langton et al., *The Spatial Patterning of Emergency Demand for Police Services: A Scoping Review*, 13 CRIME SCIENCE 1, 9 (2024).

<sup>57</sup> Braga et al. 2019, *supra* note 54, at 305; Braga et al. 2018, *supra* note 54, at 240; Joshua Hinkle et al., *Problem-Oriented Policing for Reducing Crime and Disorder: An Updated Systematic Review and Meta-Analysis*, 16 CAMPBELL SYSTEMATIC REV. e1089, June 15, REVIEWS e10892020, at 50; HANNAH D. MCMANUS ET AL., STREET VIOLENCE CRIME REDUCTION STRATEGIES: A REVIEW OF THE EVIDENCE vii–viii (, Int’l Ass. Chief Police, Univ. Cincinnati Ctr. Police Rsch. & Pol’y, 2020).

<sup>58</sup> Megan Brenan, *U.S. Confidence in Institutions Mostly Flat, But Police Up*, GALLUP (Jul. 15, 2024) <https://news.gallup.com/poll/647303/confidence-institutions-mostly-flat-police.aspx> [<https://perma.cc/JX75-79YU>].

<sup>59</sup> Engel et al., *supra* note 6, at 1228; Andrea M. Headley & James E. Wright II, *National Police Reform Commissions: Evidence-Based Practices or Unfulfilled Promises?*, 46 REV. BLACK POL. ECON. 277, 295 (2019); Jacek Koziarski & Laura Huey, *#Defund or #Refund?: Re-Examining Bayley’s*

have previously noted, a large gap between research evidence and reform measures remains stemming from three issues: (1) the lack of scientific standards for research evidence, (2) the lack of available evidence in many critical areas to guide reforms, and (3) the failure of policymakers and practitioners to use the evidence that is available.<sup>60</sup>

Researchers have struggled for decades to produce a usable body of evidence to guide police practices. As a result, most reform measures—including those required by the DOJ through their consent decree processes—have either not been tested or, if tested, show little evidence of effect.<sup>61</sup> For example, in 2015, the President’s Task Force on 21<sup>st</sup> Century Policing released a comprehensive final report that identified six main pillars impacting the policing profession and recommended action items for reform.<sup>62</sup> This work provided a promising roadmap for a path forward, and changes were implemented with fidelity in many agencies nationwide. Nevertheless, it was also recognized that many of the Task Force’s proposed recommendations were not evidence-based, partly because the need for rigorous data collection and analysis to assess the utility of reforms had not been prioritized.<sup>63</sup> As my colleagues and I concluded in a review of several widely endorsed police reforms, “the body of social scientific research supporting the effectiveness of most of these initiatives is generally thin, and in some cases, nearly nonexistent.”<sup>64</sup>

Given the disconnect between research evidence and reform, one might assume that the solution would be to continue to advance policing research and find additional ways to translate and disseminate findings to increase the likelihood of their use by policymakers, politicians, and police executives to affect change. However, there is an alternative—and more troubling—possibility that the PR and EBP Movements are, at their core, *contradictory rather than complementary approaches* and therefore destined to collide. The remainder of my lecture focused on this distinct possibility and the changes necessary to ensure both PR and EBP Movements are mutually supportive and successful moving forward.

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*Blueprint for Police Reform*, INT’L J. COMP. & APPLIED CRIMINAL JUST., Mar. 28 2021, at 2; Peter Martin & Lorraine Mazerolle, *Police Leadership in Fostering Evidence-Based Agency Reform*, 10 POLICING: J. POL’Y & PRAC. 34, 35 (2016); Sherman 2013, *supra* note 43, at 441.

<sup>60</sup> Engel et al, *supra* note 6, at 1234, 1237; Engel et al., *supra* note 35, at 148.

<sup>61</sup> Engel et al., *supra* note 35, at 155.

<sup>62</sup> The six pillars included: (1) building trust and legitimacy, (2) policy and oversight, (3) technology and social media, (4) community policing and crime reduction, (5) officer training and education, and (6) officer safety and wellness. OFF. OF COMMUNITY ORIENTED POLICING SERVICES, FINAL REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING 1–4 (2015) [hereinafter Task Force Report]. Lum et al.’s review showed significant deficiencies in the evidence supporting recommendations across all six pillars. Lum et al., *supra* note 53, at 44.

<sup>63</sup> *Id.* See generally Lum et al., *supra* note 53. *Id.*

<sup>64</sup> Engel et al., *supra* note 35, at 152.

## V. INHERENT CONFLICT BETWEEN THE PR AND EBP MOVEMENTS

Recall the questions initially posed: (1) If changes in police practices are successful, what would policing and public safety look like, and (2) How should we measure success in police reform? Initially, it might appear that supporters of both the PR and EBP Movements would offer similar responses to these fundamental questions. However, upon deeper reflection, it becomes apparent that these movements offer radically different perceptions of what “successful” police reform entails.

### A. *Police Reform Movement*

Historically, the PR Movement has been supported by a collection of activists, advocates, community members, legal and social justice scholars, politicians, policy makers, and persons with lived experiences involving the justice system.<sup>65</sup> The catalyst for reform efforts is often a singular, or series of egregious and violent encounters between the police and the public that are perceived as unjust. Reformists focus primarily on instituting changes in police practices but are often less concerned with crime reduction and public safety. As a result, the emphasis surrounding the PR Movement is to reduce or eliminate poor police practices, including biased policing, excessive use of force, and other unconstitutional practices. “Success” in reform is most often measured as reductions in racial/ethnic disparities in enforcement outcomes (e.g., stops, citations, arrests, searches, uses of force, etc.).

However, measuring success for police reforms as reductions in disparities raises concerns. It is possible that changes in police practices could produce overall reductions in coercive enforcement outcomes without achieving reductions in racial/ethnic disparities. This is based on how disparities are measured and demonstrates how important measurement is for determining success in police reforms. Racial and ethnic disparities in policing practices are commonly measured as ratios; while calculations vary across studies, the commonality in the measures is that a ratio reports differences in outcomes across (rather than within) racial/ethnic groups.<sup>66</sup> As a result, demonstrating a decrease in disparity (measured as a ratio)

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<sup>65</sup> David H. Bayley, *Police reform: Who done it?* 18 POLICING & SOC. 7, 15 (2008); Charis E. Kubrin & Rebecca Tublitz, *How To Think About Criminal Justice Reform: Conceptual and Practical Considerations*, 47 AM. J. CRIM. JUST. 1050, (2022); Nancy La Vigne & Alex Piquero, *Selling the Science: Our Collective Visions for the National Institute of Justice and the Bureau of Justice Statistics*, 49 CRIMINOLOGIST, Jan.–Feb. 2023, at 5; Skogan, *supra* note 24, at 23.

<sup>66</sup> Calculating a disparity ratio involves two steps: (1) calculate the disproportionality index for each group by dividing a racial group’s actual representation in an outcome (e.g., percent of stops) by its expected representation from a comparison data source,, and (2) divide the minority group’s disproportionality index by that of the majority group. This value indicates the likelihood of an individual in the minority group being stopped compared to the majority group. This benchmark

requires that the frequency of enforcement outcomes be reduced at a higher rate for Non-Whites than for Whites. Therefore, reducing overall enforcement actions across all racial/ethnic groups will not reduce the disparities across racial/ethnic groups. As the National Academies of Science acknowledged, “it is possible to reduce average harm while not disproportionately reducing harm for affected racial and ethnic groups.”<sup>67</sup> This begs the question: should changes in policing practices that reduce the overall frequency of enforcement outcomes across racial/ethnic groups, but do not specifically reduce disparities between groups be considered “successful” police reform?

One of the best examples illustrating this issue is the dramatic reduction of the controversial use of stop, question, and frisk (SQF) practices by the New York City Police Department (NYPD).<sup>68</sup> Beginning in 2011, the NYPD reported significant reductions in the number of pedestrians stopped following litigation, political pressure, and public demand to reduce the use of SQF. Specifically, from 2011 to 2014, the number of stops decreased by 93%, frisks by 92%, searches by 87%, and arrests by 83%.<sup>69</sup> These significant reductions, however, *did not translate into reductions in racial/ethnic disparities in enforcement*. White et al. reported that the percentage of all stops involving Black individuals was 51.1% in 2011, compared to a slight increase to 53.1% of stops in 2014.<sup>70</sup> Likewise, the racial/ethnic composition of those frisked, searched, and arrested also remained virtually the same between 2011 and 2014 despite dramatic reductions in the frequency of police enforcement

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technique is common in analyzing racial differences in traffic stops, arrests, and use of force.. See, e.g., LORIE A. FRIDELL, *BY THE NUMBERS: A GUIDE FOR ANALYZING RACE DATA FROM VEHICLE STOPS* 8 (Police Exec. Rsch. F. Forum 2004). However, expected percentages from comparison benchmarks often fail to account for all factors influencing an individual’s risk of law enforcement contact. Robin S. Engel & Jennifer M. Calnon, *Comparing Benchmark Methodologies for Police-Citizen Contacts: Traffic Stop Data Collection for the Pennsylvania State Police*, 7 POLICE Q. 97, 109 (2004); FRIDELL, *supra* note 66, at 296–97; Rob Tillyer et al., *Best Practices in Vehicle Stop Data Collection and Analysis*, 33 POLICING: AN INT. J. POLICE STRATEGIES & MGMT. 69, 81 (2010). Many studies on racial disparities in policing outcomes use flawed comparisons to residential population statistics, which do not accurately estimate risk of those outcomes. Engel & Calnon, *supra* note 66, at 102; GREG; RIDGEWAY ANALYSIS OF RACIAL DISPARITIES IN THE NEW YORK POLICE DEPARTMENT’S STOP, QUESTION, AND FRISK PRACTICES 14–15 (RAND, 2007); Greg Ridgeway & John MacDonald, *Doubly Robust Internal Benchmarking and False Discovery Rates for Detecting Racial Bias in Police Stops*, 104 J. AM. STAT. ASS’N 661, 666–67 (2010.); Warren, Patricia, Donald Tomaskovic-Devey, William Smith, Matthew Zingraff, & Marcinda Mason. *Driving while black: Bias processes and racial disparity in police stops*. CRIMINOLOGY 44, no. 3 (2006): 709–738.

<sup>67</sup> NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, & MEDICINE, *supra* note 30, at 230.

<sup>68</sup> Jeffrey Fagan & Garth Davies, *Street Stops and Broken Windows: Terry, Race, and Disorder in New York City*, 28 FORDHAM URB. L. J. 457, 496 (2000).

<sup>69</sup> Michael D. White et al., *Federal Civil Litigation as an Instrument of Police Reform: A Natural Experiment Exploring the Effects of the Floyd Ruling on Stop-and-Frisk Activities in New York City*, 14 OHIO STATE J. CRIM. L. 9, 52 (2016).

<sup>70</sup> *Id.*, at 58.

activities. Therefore, while the overall frequency of SQFs was dramatically reduced for all racial groups, the differences in these practices for Whites compared to minority groups essentially remained unchanged; that is, these reforms resulted in no reductions in racial/ethnic disparities in enforcement practices.

Using the reduction of racial/ethnic disparities as the primary measure of success for police reforms has generated considerable concern and resistance in police agencies across the country. For example, the Austin, Texas City Council passed Resolution No. 20200611-050 in 2020, establishing the following strategic goals: “1. Zero racial disparity in motor vehicle stops; 2. Zero racial disparity in citations and arrests resulting from motor vehicle stops by 2023; 3. Zero use-of-force incidents per year by 2023; and 4. Zero deaths at the hands of APD officers per year by 2023.”<sup>71</sup> In response to recommendations from the Office of Police Oversight’s report on APD Racial Profiling data that to “gain community trust, proportional racial disparity in motor vehicle stops, arrests, searches, field observations, warnings, and citation should be zero”<sup>72</sup> the APD Chief (under intense political pressure), committed the department to “reducing racial disparities to zero, particularly disparities that are the result of officer discretion.”<sup>73</sup> We know, however, that these goals are impossible and, unfortunately, they set the police agency up for failure. When community members and stakeholders have unrealistic expectations of the impact of police reform — including reductions or elimination of racial/ethnic disparities — already strained police-community relations potentially worsen.

### B. Evidence Based Policing Movement

In contrast to the PR Movement, those affiliated with the EBP Movement are often social scientists, researchers, analysts, and practitioners who support data-driven decision-making and the scientific process. Their purpose is to make policing practices more effective and efficient by discovering “what works” in policing and advancing practices that are effective and efficient at reducing crime and disorder.<sup>74</sup> While some policing practices may demonstrate changes in other outcomes, those engaging in EBP have been nearly singularly focused on measuring the impact on crime; to be labeled as an evidence-based practice, crime reduction is a

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<sup>71</sup> AUSTIN, TEX., RESOLUTION No. 20200611-050, at 5–6 (2020).

<sup>72</sup> OFF. OF POLICE OVERSIGHT, OFF. OF INNOVATION, & EQUITY OFF., *Joint Report: Analysis of APD Racial Profiling Data, 2015–2018*, Jan. 2020, at 22.

<sup>73</sup> AUSTIN POLICE DEPT., *Response to the Joint Report on Racial Profiling Data*, May 7, 2020, at 4.

<sup>74</sup> Lum, *supra* note 50, at 13; Lawrence W. Sherman, *Policing communities: What works?*, 8 CRIME & JUST. 343, 379 (1986); Sherman et al., *supra* note 50, at 2; Cody Telep & David Weisburd, *What Is Known About the Effectiveness of Police Practices in Reducing Crime and Disorder?*, 15 POLICE Q. 331, 332–33 (2012); David Weisburd et al., *What Works in Crime Prevention and Rehabilitation: Lessons from Systematic Reviews*, 16 CRIMINOLOGY & PUB. POL’Y 415, 419, 137 (2016).

prerequisite.<sup>75</sup> However, the EBP Movement has neglected a similar focus on identifying and advancing best practices for establishing equity in policing.<sup>76</sup>

As a result of the differences in the purpose and measures of success in PR vs. EBP practices, it is a common perception that the two are inherently and unavoidably at odds. Where “success” for police reform is altering police practices to reduce racial/ethnic disparities in enforcement patterns, “success” for EBP is the implementation of strategies that reduce crime or disorder. Is there a reason to believe that enhancing one measure of success inevitably reduces the effectiveness of the other? Some stakeholders (e.g., police, community members, government officials, etc.) believe that if reform efforts are implemented (particularly accountability and oversight mechanisms), crime will increase.<sup>77</sup> This is a routine narrative in political and media commentary—for example, these stakeholders promote the perception that reform efforts in 2020 “caused” a subsequent increase in crime and violence.<sup>78</sup> In contrast, other stakeholders believe that when crime reductions are emphasized, the enforcement practices used by police become more coercive and disparate.<sup>79</sup>

Nowhere has the disconnect between PR and EBP been more evident than traffic stops, which represent the most common public contact with police where

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<sup>75</sup> Many individuals and groups associated with both the EBP and PR Movements acknowledge the importance of enhancing police-community relations and improving community perceptions of trust and legitimacy in policing NATIONAL RSCH. COUNCIL, *FAIRNESS AND EFFECTIVENESS IN POLICING: THE EVIDENCE 11* (The National Academies Press 2004); however, neither movement routinely embraces nor promotes these alternative measures as their primary indicators of success. There are some exceptions of course, and more recent research considers both reductions in crime and improvements in public perceptions of police as outcomes of interest. See, e.g. Sarah Bennett et al., *Mobile Police Community Office: A Vehicle for Reducing Crime, Crime Harm and Enhancing Police Legitimacy?*, 13 J. EXPERIMENTAL CRIMINOLOGY 417, 417 (2017); Jerry Ratcliffe et al., *Citizens’ Reactions to Hot Spots Policing: Impacts on Perceptions of Crime, Disorder, Safety and Police*, 11 J. EXPERIMENTAL CRIMINOLOGY 393, 393 (2015) (this approach is not yet embedded in either the PR or EBP Movements).

<sup>76</sup> Robin S. Engel & Kristin Swartz, *Race, Crime, and Policing*, in THE OXFORD HANDBOOK OF ETHNICITY, CRIME, AND IMMIGRATION 135, 136 (Oxford Academic 2014).

<sup>77</sup> Russell Contreras, *Crime Jumps in Cities With Court-Ordered Police Reforms*, AXIOS (May 14, 2021) <https://www.axios.com/2021/05/14/police-consent-decrees-crime-jump-reforms> [https://perma.cc/8LLA-7HWL]; Brandon del Pozo et al., *Understaffed and Beleaguered: A National Survey of US Chiefs of Police About the Post-George Floyd Era*, 47 POLICING 846, 852 (2024); Jeanine Santucci, *A New Wave of “Tough-on-Crime” Laws Aim to Intimidate Criminals. Experts Are Skeptical*, USA TODAY (Mar. 10 2024) <https://www.usatoday.com/story/news/nation/2024/03/14/new-wave-of-tough-on-crime-laws/72955845007/> [https://perma.cc/AN73-UCNH ].

<sup>78</sup> Kriston Capps, *DC Mayor Proposes Rolling Back Progressive Reforms with New Crime Bill*, BLOOMBERG (Oct. 23, 2023, 3:58 PM), <https://www.bloomberg.com/news/articles/2023-10-23/washington-dc-mayor-wants-to-reverse-police-reforms-amid-violent-crime-spike> [https://perma.cc/3FNT-REQX]; del Pozo, et al., *supra* note 77; Klemko, et al., *supra* note 25.

<sup>79</sup> Fagan & Davies, *supra* note 68, at 471–72; Andrew P. Wheeler, *Allocating Police Resources While Limiting Racial Inequality*, 37 JUST. Q. 842, 848 (2020).

officers wield significant discretion in the stopping decision and disposition.<sup>80</sup> Police use of traffic stops as a tool to enhance traffic safety and reduce crime has been controversial and the subject of reform efforts for over three decades, particularly those stops involving low-level, non-moving traffic violations that do not immediately threaten public safety (sometimes referred to as “pretextual stops”).<sup>81</sup> Research conducted since the mid-1990s has consistently found that Black and Hispanic drivers are overrepresented in traffic stops,<sup>82</sup> particularly investigatory stops.<sup>83</sup> Based on concerns regarding racial/ethnic disparities related to traffic stops, numerous states, local jurisdictions, and law enforcement agencies enacted new statutory or policy regulations on officers’ enforcement activities related to low-level, non-moving violations post-2020,<sup>84</sup> while others pursued similar restrictions or shifted enforcement to automated enforcement technology.<sup>85</sup> However, these

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<sup>80</sup> See generally Joseph A. Schafer & Stephen D. Mastrofski, *Police Leniency in Traffic Enforcement Encounters: Exploratory Findings from Observations and Interviews*, 33 J. CRIM. JUST. 225 (2005); SUSANNAH N. TAPP & ELIZABETH J. DAVIS, U.S. DEP’T OF JUST., CONTACTS BETWEEN POLICE AND THE PUBLIC, 2020 (2022), <https://bjs.ojp.gov/media/document/cbpb20.pdf> [<https://perma.cc/VH64-NDF4>].

<sup>81</sup> *Whren v. United States* 517 U.S. 806, 810 (1996)

<sup>82</sup> See, e.g., Aline Ara Santos Carvalho et al., *Racial Prejudice and Police Stops: A Systematic Review of the Empirical Literature*, 15 BEHAV. ANALYSIS PRAC. 1213, 1215 (2020); ALEX CHOHLAS-WOOD ET AL., STAN. COMPUTATIONAL POL’Y LAB, AN ANALYSIS OF THE METROPOLITAN NASHVILLE POLICE DEPARTMENT’S TRAFFIC STOP PRACTICES 4 (2018); <https://alexchohlaswood.com/assets/papers/nashville.pdf> [<https://perma.cc/PEB7-92ZR>]; Jeff Rojek et al., *The Influence of Driver’s Race On Traffic Stops In Missouri*, 7 POLICE Q. 126, 138–39 (2004); SCOTT WOLFE ET AL., MICH. STATE UNIV., MICHIGAN STATE POLICE TRAFFIC STOP EXTERNAL BENCHMARKING: A FINAL REPORT ON RACIAL AND ETHNIC DISPARITIES 8. (2021), [https://cj.msu.edu/\\_assets/pdfs/mjsc/MJSC-MSP-FinalReport.pdf](https://cj.msu.edu/_assets/pdfs/mjsc/MJSC-MSP-FinalReport.pdf) [<https://perma.cc/837H-8H26>].

<sup>83</sup> See, e.g., FRANK R. BAUMGARTNER ET AL., SUSPECT CITIZENS: WHAT 20 MILLION TRAFFIC STOPS TELL US ABOUT POLICING AND RACE 189–90 (2018); CHARLES R. EPP ET AL., PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP ch. 5 (2014); Sunghoon Roh & Matthew Robinson, *A Geographic Approach to Racial Profiling: The Microanalysis and Macroanalysis of Racial Disparity in Traffic Stops*, 12 POLICE Q. 137, 150–51 (2009).

<sup>84</sup> See, e.g., Sarah Holder, *These Cities Are Limiting Traffic Stops for Minor Offenses*, BLOOMBERG (Feb. 2, 2023, 12:19 PM), <https://www.bloomberg.com/news/articles/2023-02-02/police-traffic-stops-face-new-scrutiny-after-tyre-nichols-death> [<https://perma.cc/H5V6-5TGB>]; Emilie Raguso, *Berkeley Votes to Limit Low-Level Traffic Stops to Reduce Policing Disparities*, BERKELEYSIDE (Feb. 24, 2021, 1:29 PM), <https://www.berkeleyside.org/2021/02/24/berkeley-police-reform-traffic-stops-racial-disparities> [<https://perma.cc/L72J-TMWC>].

<sup>85</sup> For examples of states proposing similar restrictions, see Jayne Chacko, *Proposal Would Ban Connecticut Police from Conducting Traffic Stops for Low-Level Violations*, NEWS 8 (Mar. 7, 2024, 8:44 AM), <https://www.wtnh.com/news/connecticut/proposal-would-ban-connecticut-police-from-conducting-traffic-stops-for-low-level-violations/>. For information on automated enforcement technology, see Maya Fegan, *Speeding into the Future: The Pitfalls of Automated Traffic Enforcement*, BERKELEY J. OF CRIM. L. BLOG (Apr. 15, 2021), <https://www.bjcl.org/blog/speeding-into-the-future-the-pitfalls-of-automated-traffic-enforcement> [<https://perma.cc/WED9-RCJG>]; NAT’L CONF. OF STATE

reform efforts all but ignored findings from the EBP space that showed the use of traffic stops resulted in significant reductions in crime, contraband seizures, and traffic accidents.<sup>86</sup>

Despite nearly thirty years of sustained interest and research in traffic stops, studies that examine racial/ethnic disparities rarely investigate the impact of stops on public and traffic safety—an omission that continues today. Rather, most available traffic stop studies report only the racial/ethnic disparities in stops and post-stop outcomes, and neglect the impact of traffic enforcement on public and traffic safety.<sup>87</sup> Likewise, studies examining the impact of specific traffic enforcement activities and programs (e.g., DDACTS, violence reduction strategies, and DUI checkpoints) only consider traffic safety or crime-related outcomes.<sup>88</sup>

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LEGISLATURES, TRAFFIC SAFETY REVIEW: STATE SPEED AND RED-LIGHT CAMERA LAWS AND PROGRAMS 2–4, 6 (2022), <https://www.ncsl.org/transportation/traffic-safety-review-state-speed-and-red-light-camera-laws-and-programs>; Dan Zukowski, *Automated Traffic Enforcement Is Growing. . . How Are Cities Using It?*, SMART CITIES DIVE (Mar. 11, 2024), SMARTCITIESDIVE, <https://www.smartcitiesdive.com/news/speed-red-light-bus-bike-lane-cameras-automated-traffic-enforcement/709840/> [<https://perma.cc/P448-W8DB>].

<sup>86</sup> See, e.g., Beau Burdett et al., *Scalable and Accessible Crash Hot Spot Detection for Traffic Law Enforcement*, 11 J. TRANSP. TECH. 265, 280 (2021); Jaqueline Cohen & Jens Ludwig, *Policing Crime Guns*, in EVALUATING GUN POLICY: EFFECTS ON CRIME AND VIOLENCE 217, 230–31 (Philip J. Cook & Jens Ludwig eds., (2003); Nicholas Corsaro et al., *Not by Accident: An Analytical Approach to Traffic Crash Harm Education*, 40 J. CRIM. JUST. 502, 504, 510 (2012); Edmund F. McGarrell et al., *Reducing Firearm Violence Through Directed Police Patrol*, 1 CRIMINOLOGY & PUB. POL'Y 119, 142 (2001); Lawrence W. Sherman & Dennis P. Rogan, *Effects of Gun Seizures On Gun Violence: "Hot Spots" Patrol in Kansas City*, 12 JUST. Q. 673, 689, 691 (1995); Xiaoyun Wu & Cynthia Lum, *The Practice of Proactive Traffic Stops*, 43 POLICING: INT'L J. 229, 240 (2020). Overall, the findings from this body of research are mixed. For example, some studies find that reducing traffic stop enforcement did not significantly affect crime rates or that crime and violence increased. See, e.g., CHOHLAS-WOOD ET AL., *supra* note 81, at 6–7; Don A. Josi et al., *Conducting Blue Light Specials or Drilling Holes in the Sky: Are Increased Traffic Stops Better Than Routine Patrol in Taking a Bite Out of Crime*, 1 POLICE PRAC. & RSCH. 477. 504–05 (2000); Jason Rydberg et al., *A Quasi-Experimental Synthetic Control Evaluation of a Place-Based Police-Directed Patrol Intervention on Violent Crime*, 14 J. EXPERIMENTAL CRIMINOLOGY 83, 102 (2018); John A. Shjarback et al., *De-Policing and Crime in the Wake of Ferguson: Racialized Changes in the Quantity and Quality of Policing Among Missouri Police Departments*, 50 J. CRIM. JUST. 42, 50 (2017); Alexander Weiss & Sally Freels, *The Effects of Aggressive Policing: The Dayton Traffic Enforcement Experiment*, 15 AM. J. POLICE 45, 60–62 (1996).

<sup>87</sup> Baumgartner et al. *supra* note 83; Robin S. Engel, Jennifer Calnon Cherkaskas, Nicholas Corsaro & Michael Zidar, *2023 Pennsylvania State Police Traffic Stop Study: January 1–December 31, 2022*, Report submitted to the Commissioner of the Pennsylvania State Police (2024); Matthew B. Ross, *New Jersey State Police Traffic Stops Analysis, 2009–21* (2023), [https://www.nj.gov/oag/newsreleases23/2023-0711\\_NJSP\\_Traffic\\_Stop\\_Analysis.pdf](https://www.nj.gov/oag/newsreleases23/2023-0711_NJSP_Traffic_Stop_Analysis.pdf); Scott E. Wolfe, Travis Carter & Jedidiah Knode, *Michigan State Police Traffic Stop External Benchmarking: A Final Report on Racial and Ethnic Disparities*, School of Criminal Justice, Michigan State University (2021).

<sup>88</sup> Anthony A. Braga, Brandon S. Turchan, Andrew V. Papachristos & David M. Hureau, *Hot Spots Policing and Crime Reduction: An Update of an Ongoing Systematic Review and Meta-Analysis*,

Because of this separation of the types of outcomes measures examined across studies, little is known about the impact that reforms designed to limit racial/ethnic disparities by reducing traffic stops have on public and traffic safety.

This knowledge gap is especially problematic because scrutiny of police practices intensified post-2020, and alternative traffic enforcement models—including even calls to eliminate police traffic stops altogether<sup>89</sup>—became part of the national conversation. Given the well-documented disparities associated with traffic enforcement,<sup>90</sup> it was argued that limiting police authority and discretion would reduce racial/ethnic disparities and possible collateral consequences resulting from enforcement.<sup>91</sup> Again, however, the possible impact on public and traffic safety was widely neglected. The objective—or measure of success—of these types of reforms was directly tied to reductions in racial/ethnic disparities in stops, citations, searches, and arrests. But a recent resurgence of proactive policing tactics has been fueled by increases in crime and traffic accidents in many jurisdictions amid concerns that initial reform efforts may have been overcorrections that limited

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15 J. EXPERIMENTAL CRIMINOLOGY 289, 289–311 (2019); Nicholas Corsaro, Daniel W. Gerard, Robin S. Engel & John E. Eck, *Not by Accident: An Analytical Approach to Traffic Crash Harm Reduction*, 40 J. CRIM. JUST. 502, 502–514 (2012); Alena Erke, Charles Goldenbeld & Truls Vaa, *The Effects of Drink-Driving Checkpoints on Crashes—A Meta-Analysis*, 41 ACCIDENT ANALYSIS & PREVENTION 914, 914–923 (2009); Seun Daniel Oluwajana, Emmanuel A. Takyi & Peter Y. Park, *Determination of Overlapping Crime and Collision Hotzones for Focused Law Enforcement*, 12 J. TRANSP. SAFETY & SEC. 1231, 1231–1251 (2020); Jason Rydberg, Edmund F. McGarrell, Alexis Norris & Giovanni Circo, *A Quasi-Experimental Synthetic Control Evaluation of a Place-Based Police-Directed Patrol Intervention on Violent Crime*, 14 J. EXPERIMENTAL CRIMINOLOGY 83, 83–109 (2018).

<sup>89</sup> TJ Grayson & James Forman Jr., *Get Police Out of the Business of Traffic Stops*, WASH. POST (Apr. 16, 2021, 9:23 PM), <https://www.washingtonpost.com/opinions/2021/04/16/remove-police-traffic-stops/> [<https://perma.cc/BZW5-BNQQ>].

<sup>90</sup> Baumgartner, *supra* note 83; Ross, *supra* note 87; Joshua Chanin, Megan Welsh & Dana Nurge, *Traffic Enforcement Through the Lens of Race: A Sequential Analysis of Post-Stop Outcomes in San Diego, California*, 29 CRIM. JUST. POL'Y REV. 561, 561–583 (2018); Emma Pierson et al., *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States*, 4 NATURE HUM. BEHAV. 736, 736–745 (2020); C. Sanders et al., *Report to the Washington State Patrol*, Washington State University, Division of Governmental Studies and Services (2022), [https://www.wsp.wa.gov/wp-content/uploads/2022/02/WSP-Bias-Traffic-Stop-Study\\_2021.pdf](https://www.wsp.wa.gov/wp-content/uploads/2022/02/WSP-Bias-Traffic-Stop-Study_2021.pdf).

<sup>91</sup> Mike Dolan Fliss et al., *Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities*, 7 INJURY EPIDEMIOLOGY 1, 1–15 (2020); Sarah Holder, *These Cities Are Limiting Traffic Stops for Minor Offenses*, BLOOMBERG (Feb. 2, 2023), <https://www.bloomberg.com/news/articles/2023-02-02/police-traffic-stops-face-new-scrutiny-after-tyre-nichols-death>; Emilie Raguso, *Berkeley Votes to Limit Low-Level Traffic Stops to Reduce Policing Disparities*, BERKELEYSIDE (Feb. 24, 2021), <https://www.berkeleyside.org/2021/02/24/berkeley-police-reform-traffic-stops-racial-disparities>; Isaiah Thomas, *Councilmember Thomas' Driving Equality Law to Go Into Effect March 3rd*, CITY COUNCIL PHILADELPHIA (Feb. 23, 2022), <https://phlcouncil.com/councilmember-thomas-driving-equality-law-to-go-into-effect-march-3rd>.

officers' ability to effectively engage in proactive police work.<sup>92</sup> Critics of restricting traffic enforcement point to potential unintended consequences, including sacrifices to traffic and public safety.<sup>93</sup> For example, in reaction to the release of a report documenting racial/ethnic disparities in traffic stops by the New Jersey State Police, traffic stops conducted by troopers immediately plunged (media reports show an 81% reduction in stops across an eight-month period).<sup>94</sup> During this same period, fatal traffic accidents reportedly increased.<sup>95</sup>

Methodologically sophisticated, experimental or quasi-experimental studies that consider *both* racial/ethnic disparities (reform) and crime and accident-related outcomes (EBP) are needed to better understand the potential trade-off. For example, a recent study examining the impact of restrictions to the use of pretextual traffic stops by the Los Angeles Police Department (LMPD) used Bayesian synthetic methods to estimate the observed and counterfactual values for pre- and post-intervention.<sup>96</sup> The findings showed that first, while the overall number of traffic stops was significantly reduced, the relative "share" of non-White drivers stopped showed only minimal decreases. Second, as the number of stops decreased (along with the percentage of stops resulting in arrest or searches), an increase in property crimes was also found post-intervention compared to the expected amount of property crime under the counterfactual. In summary, restrictions in the use of pretextual stops in Los Angeles did not decrease racial/ethnic disparities in stops, but the reform effort did lead to an increase in property crimes, leading the authors to warn: "Because we found that discretionary stops appear to have a demonstrable beneficial impact on property crime, agencies intending to restrict these stops should consider the potential for subsequent increases in jurisdictional crimes."<sup>97</sup>

In short, many believe that focusing on reducing racial/ethnic disparities in policing will result in the adoption of practices that *increase* crime, while focusing on reducing crime will result in practices that *increase* disparate enforcement practices. This perception of an inherent trade-off between reform practices and

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<sup>92</sup> Capps, *supra* note 78; del Pozo, et al., *supra* note 78, at 85578; Klemko, et al., *supra* note 25.

<sup>93</sup> JOHN HALL, MANHATTAN INST., WHY POLICE NEED TO ENFORCE TRAFFIC LAWS 2 (2021), <https://media4.manhattan-institute.org/sites/default/files/hall-police-enforce-traffic-laws.pdf> [<https://perma.cc/2BUZ-3QRL>].

<sup>94</sup> Briana Vannozi, *NJ State Police Under Investigation After Massive Decline in Traffic Stops, Report Says*, NJ SPOTLIGHT NEWS (Dec. 9, 2024), <https://www.njspotlightnews.org/video/nj-state-police-under-investigation-after-massive-decline-in-traffic-stops-report-says/> [<https://perma.cc/SBY9-HXQH>].

<sup>95</sup> *Id.*

<sup>96</sup> Hunter M. Boehme & Scott M. Mourtgos, *The Effect of Formal De-Policing on Police Traffic Stop Behavior and Crime: Early Evidence from LAPD's Policy to Restrict Discretionary Traffic Stops*, 23 CRIMINOLOGY & PUB. POL'Y 517, 517–542 (2024).

<sup>97</sup> *Id.* At 535.

effective crime control is not new.<sup>98</sup> While comparable articles have summarized the perceived inherent trade-off between effective and equitable policing strategies, the realities underlying these common perceptions have rarely been articulated and research examining the position is sorely lacking.<sup>99</sup>

Most recently, Wheeler has specifically called attention to the challenge of balancing effective crime reduction through EBP practices with the desire to limit racial disparities in police activities.<sup>100</sup> Wheeler focuses his attention primarily on police deployment strategies—including hot spots policing, which focuses on areas with high crime rates—and argues that this focus often leads to disparities in police contacts because high-crime areas tend to have higher minority populations.<sup>101</sup> Research supports his proposition that police deployment patterns can exacerbate racial disparities in police stops and arrests, thereby contributing to broader systemic inequalities in the criminal justice system.<sup>102</sup> However, research also shows that these types of highly focused and strategic deployment practices in high-crime locations are among the most effective and efficient uses of police resources to reduce crime.<sup>103</sup> Further, given that there are racial/ethnic disparities in victimization, it is imperative to focus strategies to reduce criminal victimization among the most vulnerable populations—in this case, among those who live or frequent crime hot spots.<sup>104</sup>

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<sup>98</sup> ROBIN S. ENGEL & JOHN E. ECK, POLICE FOUND., EFFECTIVENESS V. EQUITY IN POLICING: IS A TRADEOFF INEVITABLE? 2 (2015), [https://www.policinginstitute.org/wp-content/uploads/2015/09/PF\\_IAP\\_EnglandEck\\_Jan2015.pdf](https://www.policinginstitute.org/wp-content/uploads/2015/09/PF_IAP_EnglandEck_Jan2015.pdf) [<https://perma.cc/CJN4-8PSS>].

<sup>99</sup> *C.f. See Id.*; Joseph A. Ferrandino, *The Effectiveness and Equity of NYPD Stop and Frisk Policy, 2003–2014*, 41 J. OF CRIME & JUST. 119, 119 (2018); David Thacher, *Equity and Community Policing: A New View of Community Partnerships*, 20 CRIM. JUST. ETHICS 3, 6 (2001).

<sup>100</sup> Wheeler, *supra* note 79, at 843.

<sup>101</sup> *Id.*

<sup>102</sup> *See* Steven J. Briggs & Kelsey A. Keimig, *The Impact of Police Deployment on Racial Disparities in Discretionary Searches*, 7 RACE & JUST. 256, 269–70 (2017); Rod K. Brunson et al., *A Race-Centered Critique of Place-Based Research and Policing*, 78 AGGRESSION & VIOLENT BEHAV., art. 101959, Sept.–Oct. 2024, at 1.; Megan C. Kurlychek & Brian D. Johnson, *Cumulative Disadvantage in the American Criminal Justice System*, ANN. REVS. CRIMINOLOGY 291, 299–300 (2019); Roland Neil & John M. MacDonald, *Where Racial and Ethnic Disparities in Policing Come From: The Spatial Concentration of Arrests Across Six Cities*, 22 CRIMINOLOGY & PUB. POL'Y 7, 24 (2023); Roh & Robinson, *supra* note 83., at 161.

<sup>103</sup> Braga et al., *supra* note 54, at 298; Anthony A. Braga, Cory Schnell & Brandon C. Welsh, *Disorder Policing to Reduce Crime: An Updated Systematic Review and Meta-Analysis*, 23 CRIMINOLOGY & PUB. POL'Y 745, 745–775 (2024).

<sup>104</sup> *See, e.g.,* Beck & Blumstein, *supra* note 31, at 876; Mark T. Berg, *Accounting for Racial Disparities in the Nature of Violent Victimization*, 30 J. QUANTITATIVE CRIMINOLOGY 629, 645 (2014); Janet L. Lauritsen et al., *The Enduring Significance of Racial and Ethnic Disparities in Male Violent Victimization, 1973–2010*, 15 DU BOIS REV. 69, 80 (2018); RUTH D. PETERSON & LAUREN J. KRIVO, RUSSELL SAGE FOUND., DIVERGENT SOCIAL WORLDS: NEIGHBORHOOD CRIME AND THE RACIAL-SPATIAL

### C. *Difficult Truths about Racial / Ethnic Disparities*

The difficulty of achieving effective crime reduction while also striving to reduce racial disparities in policing is central to my concern that the PR and EBP Movements are currently at odds. This disconnect is due in part to the difficult truths about racial/ethnic disparities in American society. Rooted in decades of racism, segregation, and discrimination, research from multiple disciplines indicates disparities persist across a myriad of societal outcomes, including health and healthcare access, income, wealth, housing, education, and employment.<sup>105</sup>

To explain racial/ethnic disparities specifically in police enforcement, scholars have proposed two general groups of theories: differential processing (or selection) and differential offending.<sup>106</sup> Differential processing theories argue that racial/ethnic disparities in policing outcomes are due to biases within the criminal justice system itself, including individual officer biases.<sup>107</sup> In addition, these theories suggest that while some policing strategies (e.g., deployment patterns) are race-neutral on their face, they produce disparities by focusing on high-crime areas, which are highly correlated with race/ethnicity, thereby resulting in differential impact.<sup>108</sup> The differential processing theory supports the PR Movement by suggesting that reforms should target reducing biases and discriminatory practices by police and throughout the criminal justice system.

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DIVIDE 13–14 (2010); Robert J. Sampson & Janet L. Lauritsen, *Racial and Ethnic Disparities in Crime and Criminal Justice in the United States*, 21 CRIME & JUST. 311, 319 (1997).

<sup>105</sup> See, e.g., Janis Bowdler & Benjamin Harris, *Racial Inequality in the United States*, U.S. DEP'T OF THE TREASURY (Jul 21, 2022), <https://home.treasury.gov/news/featured-stories/racial-inequality-in-the-united-states> [<https://perma.cc/Q8J4-QH2P>]; *Impact of Racism on Our Nation's Health*, CTNS. FOR DISEASE CONTROL & PREVENTION (June 26, CDC (2024), <https://www.cdc.gov/minority-health/racism-health/index-1.html>); Liz Mineo, *Racial Wealth Gap May Be a Key to Other Inequities*, THE HARV. GAZETTE (Jun 3, 2021), <https://news.harvard.edu/gazette/story/2021/06/racial-wealth-gap-may-be-a-key-to-other-inequities/> [<https://perma.cc/RE8G-FJFZ>]; Nambi Ndugga et al., *Key Data on Health and Health Care by Race and Ethnicity*, KAISER FAMILY FOUND. (June 11, 2024), <https://www.kff.org/key-data-on-health-and-health-care-by-race-and-ethnicity/?entry=executive-summary-introduction> [<https://perma.cc/9R76-FF86>]; MICHAEL NEAL ET AL., URB. INST., IMPLICATIONS OF HOUSING CONDITIONS FOR RACIAL WEALTH AND HEALTH DISPARITIES 1 (2024); Mabinty Quarshie et al., *12 Charts Show How Racial Disparities Persist Across Wealth, Health, Education and Beyond*, USA TODAY (Jun 18, 2020, 11:06 AM), <https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/> [<https://perma.cc/FS7M-DC38>].

<sup>106</sup> See, e.g., Thomas J. Bernard et al., *Efficiency and the New Differential Processing*, 28 J. OF CRIME & JUST. 79, 79 (2005); Stewart J. D'Alessio & Lisa Stolzenberg, *Race and the Probability of Arrest*, 81 SOC. FORCES 1381, 1382 (2003); ENGEL & SWARTZ, *supra* note 76, at 148; Alex R. Piquero, *Disproportionate Minority Contact*, 18 FUTURE OF CHILDREN 59, 59 (2008).

<sup>107</sup> *Id.*

<sup>108</sup> Bernard et al., *supra* note 106, at 79; Briggs & Kelsey Keimig, *supra* note 102, at 26525796; Brunson et al., *supra* note 102, at 196; Kurlychek & Johnson, *supra* note 102, at 291299–30096; Neil & MacDonald, *supra* note 102, at 12496; Roh & Robinson, *supra* note 83, at 138.

In contrast, the differential offending hypothesis suggests that racial/ethnic disparities in policing outcomes reflect actual differences in criminal behavior across racial/ethnic groups.<sup>109</sup> This theory suggests that systemic factors contribute to minorities, particularly Black and Hispanic individuals, being disproportionately represented in criminal statistics, especially for violent crimes, which are more likely to be reported and result in arrests.<sup>110</sup> Research using official data, victimization reports, and self-reports generally support this hypothesis, showing higher rates of violent offending among minorities.<sup>111</sup> As noted by Sampson & Lauritsen, “these differences result in part from social forces that ecologically concentrate race with poverty and other social dislocations.”<sup>112</sup> Consistent with EBP principles, differential offending theories suggest that police interventions focus on reducing criminal activity in the locations and among the people where it is most highly concentrated, which results in racial/ethnic disparities in enforcement.<sup>113</sup>

Many working on police reform focus on disparities in police enforcement patterns but neglect the profound impact that inequalities across all aspects of American life have on disparities in police enforcement. These larger disparities cannot be addressed by police alone. Both the differential processing and differential offending theories demonstrate the difficulties in reducing racial/ethnic disparities in enforcement through police reform efforts alone.<sup>114</sup> Most policing activities are reactive (e.g., responding to calls for service)<sup>115</sup> and disproportionately related to criminal victimization and offending, which is not evenly distributed in communities.<sup>116</sup> Further, most proactive enforcement is focused on repeat locations

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<sup>109</sup> Engel & Swartz, *supra* note 76.

<sup>110</sup> D’Alessio & Stolzenberg, *supra* note 106 at 1381; Daniel J. Lytle, *The Effects of Suspect Characteristics on Arrest: A Meta-Analysis*, 42 J. OF CRIM. JUST. 589, 595 (2014); Sampson & Lauritsen, *supra* note 104 at 69.

<sup>111</sup> Peter S. Lehmann & Ryan C. Meldrum, *Disparities in Youth Arrest Across Racial and Ethnic Subgroups*, YOUTH VIOLENCE AND JUVENILE JUST. 22, 23 (2024); Neil & MacDonald, *supra* note 102 at 17; Alex R. Piquero, *Understanding Race/Ethnicity Differences in Offending Across the Life Course: Gaps and Opportunities*, 1 J. OF DEVELOPMENTAL AND LIFE-COURSE CRIMINOLOGY 21, 22 (2015).

<sup>112</sup> Sampson & Lauritsen, *supra* note 104 at 311.

<sup>113</sup> Roland Neil & John M. MacDonald, *supra* note 102.

<sup>114</sup> Robert J. Sampson & William Julius Wilson, *Toward a Theory of Race, Crime, and Urban Inequality*, in *Race, Crime, and Justice* 177–189 (Routledge 2013).

<sup>115</sup> Jessica W. Gillooly & David Thacher, *How the Public Became the Caller: The Emergence of Reactive Policing, 1880–1970*, 49 L. & SOC. INQUIRY 2287, 2314 (2024); Cynthia Lum et al., *Can We Really Defund the Police? A Nine-Agency Study of Police Response to Calls for Service*, 25 POLICE Q. 255, 259–260 (2022); Robin S. Engel, Michael R. Smith, & Francis T. Cullen, *Race, Place, and Drug Enforcement: Reconsidering the Impact of Citizen Complaints and Crime Rates on Drug Arrests*, 11 CRIMINOLOGY & PUB. POL’Y 603 (2012).

<sup>116</sup> Beck & Blumstein, *supra* note 31; Hollis & Jennings, *supra* note 31; Vachuska, *supra* note 30, at 72; Berg, *supra* note 104; Lauritsen et al., *supra* note 104.

with high levels of reported crime, and among repeat offenders with heavy involvement in criminal activities<sup>117</sup>, or seeks to reduce repeat victimization.<sup>118</sup> Based on societal inequalities in income, education, housing, etc., continual focus on individuals with repeat criminal victimization, repeat offending patterns, or those residing in places with the highest levels of reported crime will necessarily lead to more interactions with racial/ethnic minorities, which in turn leads to greater disparities in policing outcomes.<sup>119</sup>

#### VI. IS A TRADE-OFF INEVITABLE?

Creating a simple graphic is instructive for considering the conditions related to the theoretical trade-off of the desired goals of the PR and EBP Movements.<sup>120</sup> As shown in Figure 1, racial/ethnic disparity is the outcome measure for the PR Movement and can either be decreasing (effective) or increasing (ineffective). Likewise, the outcome measure for the EBP Movement is crime, which can also be either decreasing (effective) or increasing (ineffective). This creates four hypothetical scenarios or conditions. Quadrant 1 demonstrates effectiveness for both PR and EBP, as both disparities and crime *decrease* in response to changes to police practices. Quadrant 2 demonstrates effectiveness only for EBP, as changes to policing practices result in *reductions* to crime but *increases* in racial/ethnic disparities. Quadrant 3 shows that neither PR nor EBP are effective, as both disparities and crime *increase* in response to police practices. And finally, Quadrant 4 suggests that PR efforts are effective (with *reductions* in disparities), but *increases* in crime demonstrate ineffective EBP practices. This four-model heuristic device is similar to other models used to describe differences in policing strategies that vary across two dimensions.<sup>121</sup>

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<sup>117</sup> DAVID WEISBURD & MALAY K. MAJUMDAR, PROACTIVE POLICING: EFFECTS ON CRIME AND COMMUNITIES, 16–17 (2018); Xiaoyun Wu & Cynthia Lum, *Measuring the Spatial and Temporal Patterns of Police Proactivity*, J. OF QUANTITATIVE CRIMINOLOGY (2017).

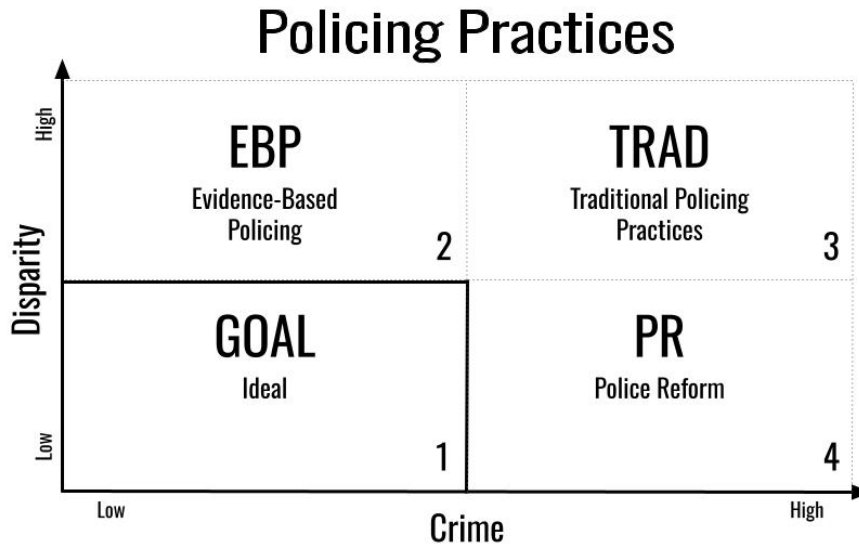
<sup>118</sup> Conor M. Nistler et al., *Racial and Ethnic Disparities in Violent Penetrating Injuries and Long-Term Adverse Outcomes*, 38 J. OF INTERPERSONAL VIOLENCE (2023).

<sup>119</sup> Wheeler, *supra* note 79 at 4.

<sup>120</sup> Engel & Eck (2015), *supra* note 98 at 4–5.

<sup>121</sup> *Id.*; David Weisburd & John E. Eck, *What Can Police Do to Reduce Crime, Disorder, and Fear?*, 593 THE ANNALS OF THE AM. ACAD. OF POL. AND SOC. SCI. 42, 49 (2004).

Figure 1. Policing Practices Conceptual Model



The concerns noted above regarding a likely trade-off between police reform and crime reduction manifest themselves as Quadrants 2 and 4 in Figure 1. Disparities are reduced only at the cost of increases in crime, while decreases in crime necessitate increases in disparate enforcement practices. Real-world examples of both Quadrants 2 (EBP) and 4 (Reform) are plentiful and have fueled the narrative that a trade-off is inevitable.

Two additional situations (independent of trade-offs) are possible. Quadrant 3 (traditional policing) is the worst possible outcome, where the implementation of PR and EBP are both unsuccessful. Unfortunately, there are plenty of real-world examples of traditional policing practices that neither significantly reduce crime nor reduce disparities in enforcement actions. These types of practices are often devoid of data-driven decision-making, problem analysis, and crime analysis. Examples include the widespread and unfocused deployment of any enforcement strategy (particularly pedestrian and traffic stops), random preventive patrol, reactive policing deployments focused primarily on response times, gun buyback programs, or no strategic enforcement plan.<sup>122</sup> As noted by Chief Edward Flynn (retired), “in the world of policing it is far safer to fail conventionally than it is to innovate.”<sup>123</sup> His meaning is that conventional failure (adopting traditional policing practices that do not reduce crime or racial/ethnic disparities) is easily explained by a lack of resources (e.g., not enough officers, equipment, resources, etc.), but innovation

<sup>122</sup> Lum et al., (2011), *supra* note 50 at 8; David Weisburd & John E. Eck *supra* note 121.

<sup>123</sup> Bruce Murphy and Graham Kilmer. January 8, 2018. Police Chief Flynn Resigns. Urban Milwaukee. <https://urbanmilwaukee.com/2018/01/08/police-chief-flynn-resigns/> [<https://perma.cc/39KC-CWF9>]

failure is a reflection upon a chief's judgment. As a result, there are strong organizational and political pressures that maintain police practices in Quadrant 3, rather than venturing beyond the status quo.

Finally, the simultaneous goals for both the PR and EBP Movements—Quadrant 1—represents ideal changes in police practices that reduce both enforcement disparities and crime. While the mere possibility of Quadrant 1 in this hypothetical suggests that a trade-off between reform and EBP is not evitable, it may not be readily apparent what changes to police practices will produce the desired outcomes. Among the most prominent challenges currently facing police executives is identifying, implementing, and sustaining policing practices that reduce both disparities and crime. The remainder of this paper focuses specifically on identifying solutions to this challenge.

## VII. GOAL POLICING PRACTICES (QUADRANT 1)

To understand if policing practices in Quadrant 1 are feasible, I return to the original questions posed in this lecture: (1) If changes in police practices are successful, what would policing and public safety look like, and (2) How should we measure success in police reform? It has been established that there are often competing goals with multiple measures of success. Our goal is also to determine if police practices exist, or can be developed, that simultaneously reduce disparities and crime. To advance policing, practices may have to represent a compromise of these competing goals. The first step is to acknowledge that the primary measures used to demonstrate effectiveness both the PR Movement (disparities) and EBP Movement (crime) will never be zero. Therefore, communities should consider what amount of reduction in disparities and crime will demonstrate successful police practices. Discussions among officials and community leaders should also consider alternative measures of success.

One such compromise that could balance the goals of crime reduction with reductions in racial/ethnic disparities has been proposed by Wheeler.<sup>124</sup> Using data from the NYPD, Wheeler generated a theoretical model of police deployment.<sup>125</sup> Although he notes that the model is not the most efficient use of resources to reduce crime, or the most effective at reducing racial/ethnic disparities, the potential limitations for both goals can be moderated.<sup>126</sup> In short, Wheeler argues that while his deployment model cannot achieve racial equity without a substantial loss in efficiency, it is possible to produce a more equitable distribution of police stops with only moderately less crime reduction effectiveness.<sup>127</sup> In this case, neither goal—

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<sup>124</sup> Wheeler, *supra* note 79 at 25–26.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.* at 23.

<sup>127</sup> *Id.* at 28.

reductions in crime nor reductions in racial/ethnic disparities—is maximized, but neither are completely disregarded in favor of the other.

In more practical terms, should those promoting reform efforts embrace saturated police deployment in crime hot spot areas? New research by Neil & MacDonald considers the geographic distribution of police enforcement (arrests) across six cities.<sup>128</sup> Similar to dozens of studies that have modeled the special distribution of reported crimes, this research shows similar highly concentrated areas where arrests occur. This concentration of arrests has a profound impact on disparities in policing. Specifically, Neil & MacDonald showed that arrests are highly concentrated within a few block groups in each city, with about 5% of block groups accounting for approximately 40% of arrests.<sup>129</sup> These areas of arrest concentration also account for a large portion of the reported racial/ethnic disparities within arrests.<sup>130</sup> Given the strong correlation between crime hotspots and arrest hotspots, these high-crime areas represent the key drivers of racial/ethnic disparities in arrests.<sup>131</sup>

Importantly, as Neil & MacDonald note, changes to arrest patterns in most parts of a jurisdiction will have little impact on overall racial and ethnic disparities in arrests.<sup>132</sup> Therefore department-wide reform efforts will do little to impact disparities in enforcement—but focusing on reducing arrests in hotspots could yield significant reductions in citywide racial disparities. That is, reform efforts that seek to reduce overall racial/ethnic disparities in policing outcomes jurisdiction-wide will likely not have the intended effect, but focused efforts could. This suggests the solution is not only mitigating the effectiveness of approaches to reduce racial/ethnic disparities and reduce crime through deployment (as proposed by Wheeler)<sup>133</sup> but also retooling policing strategies in micro crime hotspot locations to reduce crime without using unnecessary stops, arrests, citations etc. thatacerbate racial/ethnic disparities. It is possible to change police practices in high-arrest areas to reduce racial and ethnic disparities in enforcement—these are the same locations where tailored crime reduction efforts are needed. By addressing the spatial concentration of arrests, policymakers and police executives can enhance the effectiveness of both police reforms and data-driven decision making.

In practice, this will also require a commitment to: (1) the principles of problem solving, and (2) holistic governance approaches, where data-informed problem analyses are conducted, and entities other than police are expected to focus their limited resources to secure solutions. For example, Place Network Investigations

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<sup>128</sup> Neil & MacDonald, *supra* note 102 at 1.

<sup>129</sup> *Id.* at 4.

<sup>130</sup> Neil & MacDonald, *supra* note 102.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at 26.

<sup>133</sup> Wheeler, *supra* note 79 at 25–26.

(PNI) is an innovative violence reduction strategy based on community policing and problem-solving principles focusing on micro hot spot locations to achieve long-term impact.<sup>134</sup> Successfully implemented in several cities, including Cincinnati, Denver, Las Vegas, and Tucson, PNI is a holistic strategy; the core components of PNI include place-focused police investigations in persistent violent hotspots, problem-solving and prioritization of *all local government resources* to block crime opportunities, and community-led revitalization within historically underserved neighborhoods.<sup>135</sup> Initial findings demonstrate reductions in both crime and the number of arrests, without overall increases in racial/ethnic disparities in enforcement.<sup>136</sup>

### VIII. THE PATH FORWARD

Concerted efforts by police agencies to develop and implement strategies specifically designed to reduce disparities and crime simultaneously are rare. Advances in technology can assist in these areas. But most recently, there appears to be less political will or public sentiment to engage in police reform and crime reduction simultaneously.<sup>137</sup> While issues surrounding police reform dominated the political, media, and public conversations in 2020–2021, an uptick in violent crime in 2021, coupled with public fatigue with a reform movement that was viewed as politically extreme and alienating for police, has led to a national refocusing on crime reduction without much deference to public sentiment about policing tactics.<sup>138</sup> This swing in political and public sentiment will likely intensify under the current Trump Administration. While there is merit in rethinking the role of police in society and promoting alternative approaches to address some social issues to enhance public safety outcomes, the importance of crime reduction cannot be sacrificed. As post-2020 reformers ignored the goals of the EBP (crime reduction), they alienated the police and ultimately experienced political backlash.

For example, the passage of State Bill 20-217, *Enhance Law Enforcement Integrity Act*, in the State of Colorado in June 2020 made sweeping changes in policies guiding police use of force. These changes included: 1) mandating non-

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<sup>134</sup> Tamara D. Herold, *Crime Place Networks in Las Vegas: A New Violence Reduction Strategy*, POLICE CHIEF MAG. (2020); Tamara D. Madensen et al., *Place-Based Investigations to Disrupt Crime Place Networks*, POLICE CHIEF MAG. (2017) at 15.

<sup>135</sup> Tamara D. Herold, *A Place Management Approach to Promote Evidence-Based Crime Prevention*, in THE OXFORD HANDBOOK OF EVIDENCE-BASED CRIME AND JUSTICE POLICY 466, 479–480 (2023).

<sup>136</sup> Youth Endowment Fund, *Virtual Learning Café—Reducing Violence through Place Network Investigations*, YOUTUBE (Oct. 8, 2024), [https://www.youtube.com/watch?v=8T9qm-ImWOW&ab\\_channel=YouthEndowmentFund](https://www.youtube.com/watch?v=8T9qm-ImWOW&ab_channel=YouthEndowmentFund) [https://perma.cc/D9HH-5X67].

<sup>137</sup> Capps *supra* note 78; del Pozo et al., *supra* note 78 at 85578; Klemko, et al., *supra* note 25.

<sup>138</sup> *Id.*

violent methods be used whenever possible before resorting to force and minimization of injury when force is used, 2) specifying the conditions under which deadly force is justified, 3) prohibiting chokeholds, 4) imposing a penalty for failure to intervene in instances of excessive force, and 5) requiring Colorado law enforcement agencies to report (beginning in 2023) whenever an officer unholsters a weapon during contacts with the public.<sup>139</sup> The purpose was to reduce racial/ethnic disparities in police practices. However, the implementation of these changes was especially problematic.<sup>140</sup> A subsequent survey of 335 officers from the Colorado Springs Police Department in 2021 regarding the passage of SB 20-217 showed that 68% of officers agreed or strongly agreed that they had become more concerned about their safety, 62% indicated they had become more reluctant to use force even when it is legally appropriate, and 54% believed their peers were confused about their ability to use legal force.<sup>141</sup>

Likewise, when singularly focused crime control advocates ignore the goals of reformers, public protests and civil unrest result when an egregious use of force shocks the collective conscious of the American public. The result of failing to seek middle ground while implementing police reforms and evidence-based policing practices results in a continual swinging of the pendulum. Is the trade-off between reducing enforcement disparities and reducing crime inevitable? My conclusion is no, a trade-off is not evitable; but it will require public alignment around what policing and public safety should look like, and how success in police reform should be measured. Reaching consensus is the challenge that lies before us.

More practically, to advance the PR Movement, we must stop attempting to implement reactionary (political knee-jerk) reforms, reforms that are non-aspirational (focused on what the police should not do rather than what they should do), and reforms that are not data-driven or based on evidence.<sup>142</sup> Further, we need to acknowledge that inequities across racial/ethnic groups are beyond the direct control of police, and, as a result, *racial/ethnic disparities in police enforcement outcomes will not be eliminated by reforms focused solely on police practices*. Therefore, measures of success for police reform should be expanded to include practices that reduce overall harm and enforcement outcomes *across* groups, rather than focusing solely on reductions *between* groups.

For those involved in assessing and promoting EBP practices, additional outcome measures (beyond crime reduction) that include public perceptions of trust and legitimacy in police, and officer safety and wellness should be added to research designs and empirical evaluations. As Lum and Nagin have clearly recognized,

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<sup>139</sup> Enhance Law Enforcement Integrity Act, SB 20-217, 2020 Reg. Sess. (Colo. 2020).

<sup>140</sup> See generally JOHN R. BROWN ET AL., ASSESSMENT OF COLORADO SPRINGS POLICE DEPARTMENT USE OF FORCE (2022) <https://coloradosprings.gov/document/cspduseofforcefinaltransparencymattersreportapril2022.pdf>.

<sup>141</sup> *Id.* at 185.

<sup>142</sup> Engel et al., (2022), *supra* note 6.

*citizen reaction matters*, noting “citizen response to the police and their tactics for preventing crime and improving public order matter independent of police effectiveness in these functions.”<sup>143</sup> While there have been recent changes in EBP scholarship that include multiple outcome measures regarding the impact of policing strategies on community sentiment, collective efficacy, perceptions of police legitimacy,<sup>144</sup> there is more work to do.

Understanding the history of police reform highlights the complex challenges of achieving meaningful and lasting change in law enforcement and reveals many lessons for its future. Reform is an ongoing and complex process and requires a deep understanding of the historical, social, and political contexts in which policing operates. There are many underlying cultural and structural dynamics perpetuating problematic policing practices. For both PR and EBP to be effective, it is crucial to promote community engagement, police-academic partnerships, and the involvement of rank-and-file officers. While there is merit to rethinking the role of police in society and promoting alternative approaches to address certain social problems to enhance public safety outcomes, the importance of crime reduction cannot be sacrificed. The path forward must include robust oversight mechanisms, data-driven evaluation, and a commitment to evidence-based practices for ensuring accountability and measuring the impact and effectiveness of reforms.

Police executives across the country find themselves entering a new political environment while inheriting ineffective police reforms that are perceived as having led to unintended consequences for public safety. Based on comments from President Trump and his cabinet members, it should be anticipated that federal resources will emphasize crime reduction and public safety, while abandoning many reform efforts designed to limit enforcement activities.<sup>145</sup> Nevertheless, many progressive police leaders across the country will seek middle ground as they strive for continuous organizational improvements. To support them, they will need meaningful research on critical topics that is readily available and easily interpretable. The implementation of innovative approaches must be combined with continuous review and testing to identify ineffective practices and unintended consequences. There is an urgent need to support researchers who work collaboratively with police executives to generate and disseminate knowledge regarding the effectiveness of police reform efforts. To simultaneously advance the PR and EBP Movements, we must refocus our efforts to bring *evidence to action* by

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<sup>143</sup> Lum & Nagin, *supra* note 33, at 340.

<sup>144</sup> See generally Kochel & Weisburd, *supra* note 52; Tammy Rinehart Kochel & David Weisburd, *The Impact of Hot Spots Policing on Collective Efficacy: Findings from a Randomized Field Trial*, 36 JUST. Q. 900 (2019); David Weisburd et al., *Reforming the Police Through Procedural Justice Training: A Multicity Randomized Trial at Crime Hot Spots*, PROCEEDINGS OF THE NAT'L ACAD. OF SCI. (2022).

<sup>145</sup> Hernandez D. Stroud. January 22, 2025. Trump Reverses Biden Directive on Policing Reforms. Brennan Center for Justice. <https://www.brennancenter.org/our-work/analysis-opinion/trump-reverses-biden-directive-policing-reforms> [https://perma.cc/Z8BF-HFJH]

conducting rigorous research through a *rapid research response* designed to guide policymaking.<sup>146</sup> We must take advantage of every opportunity to test the impact of police reforms (many of which have never been tested), inform change and implementation processes, and build the evidence base for distribution to departments nationwide.

I am reminded, however, of several conversations with police executives who reinforced the perspective that they are often judged by the quickness rather than the quality of their responses. Therefore, having research findings that are readily available, easily accessible, and translated for implementation in the field is critical. Returning to academia after leading a law enforcement agency through reforms has refocused my research and writings. For other researchers working with police agencies to improve public safety and police practices, our to-do list is long and includes the following priorities. First, for research to have more impact in the “real world” it must first focus on critical topics in policing that have been traditionally neglected by researchers (including officer recruitment, retention and promotion; officer safety and wellness; and training content, dosage and delivery). It must also explore the untapped potential of first-line supervisors and holistic governance approaches to enhance public safety.<sup>147</sup> We need to better understand systematically what specific changes need to be implemented and how they are most effectively implemented. Implementation science examines methods and strategies to systematically integrate research findings and evidence-based practices into everyday practice. Widely used in other disciplines, the integration of implementation science can help to develop frameworks and strategies that support the adoption of evidence-based practices.<sup>148</sup> In addition, sustaining successful strategies and practices within police agencies has proven an elusive goal; research that explores the mechanisms needed to sustain effective police practices is critical.<sup>149</sup> My experiences implementing police reforms suggest that the path ahead

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<sup>146</sup> See generally Engel et al. (2022), *supra* note 6; Nancy La Vigne, *Getting the Most Out of Research Partnerships*, NEWS & VIEWS (2022); La Vigne & Piquero, *supra* note 65.

<sup>147</sup> Robin S. Engel, *Preparing Officers and Agencies for the Challenges Ahead: Policing in 2054*, in *American Policing 2054: Advancing Community Policing Over the Next 30 Years* 45 (N. Comrie & S. Cutlar eds., Office of Community Oriented Policing Services 2024), available at <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1160-pub.pdf>; Robin S. Engel & Samuel Peterson, *Leading by Example: The Untapped Resource of First Line Police Supervisors*, pp.398–413 in *The Future of Policing: Lord Stevens’ Independent Policing Commission into the Future of Policing in England and Wales* (Jennifer Brown ed., Routledge 2013); Robin S. Engel, Gabrielle T. Isaza, Ryan Motz, Hannah D. McManus, & Nicholas Corsaro, *De-escalation Training Receptivity and First-line Police Supervision: Findings from the Louisville Metro Police Study*, 25 *POLICE Q.* 201 (2022)

<sup>148</sup> DelPozo et al., *supra* note 51.

<sup>149</sup> See generally Tullio Caputo & Michael Louis McIntyre, *Addressing Role and Value in Policing: Toward a Sustainable Policing Framework*, 38 *POLICING* 265 (2015).

is not easy, but there are great opportunities to advance the goals of those interested in promoting both equitable and effective policing.