

CAPITAL PUNISHMENT & DETERRENCE

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I. OVERVIEW

A. Qualifications

I am the Isidor and Seville Sulzbacher Professor of Law at Columbia Law School and a Professor in the Department of Epidemiology at the Mailman School of Public Health at Columbia University. My curriculum vitae is attached in Appendix B.

I am an elected Fellow of the American Society of Criminology. I am a former member and past Vice Chair of the Committee on Law and Justice of the National Research Council and a former member of the National Consortium on Violence Research at Carnegie Mellon University. I was a founding member of the MacArthur Research Network on Adolescent Development and Juvenile Justice. I served as Chair of the National Policy Committee of the American Society of Criminology and on the Executive Council (elected) to the American Society of Criminology. I have served on peer review panels for the National Institute of Justice, National Institute of Mental Health and the National Science Foundation as well as the Scientific Review Committees of the National Research Council.

I have published over 100 articles in peer reviewed journals, and numerous chapters in edited volumes. My research has been published in the leading journals in criminal law, sociology, and criminology, including the *Journal of Empirical Legal Studies*, the *Columbia Law Review*, the *University of Chicago Law Review*, the *Cornell Law Review*, *UCLA Law Review*, the *Journal of Quantitative Criminology*, the *Fordham Urban Law Journal*, *Criminology*, *Criminology & Public Policy*, *The Journal of Criminal Law & Criminology*, the *American Sociological Review*, the *American Journal of Public Health*, the *American Journal of Epidemiology*, the *Lancet*, and *PLOS One*. I have published multiple articles regarding the topic of deterrence, and given expert testimony about deterrence and capital punishment.

My research has been supported by the National Institute of Justice, the National Institute of Mental Health, the National Institute on Drug Abuse, the National Science Foundation, the Office of Juvenile Justice and Delinquency Prevention, the Centers for Disease Control, the Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation, the Annie E. Casey Foundation, the Robert Wood Johnson Foundation, the Open Society Foundations, and the Russell Sage Foundation.

I currently serve on the editorial board of the *Journal of Criminal Law and Criminology* and have served on the editorial boards of numerous professional and academic journals in criminology including *Crime & Justice*, the *Journal of Quantitative Criminology*, and *Criminology*. I previously served as editor of the *Journal of Research in Crime and Delinquency*.

B. Summary of Issues

In this Report, I review and analyze the empirical research regarding the claim that the death penalty is a deterrent to homicide. I address the state of the scientific literature considering whether the death penalty deters. I also consider whether evidence in Kansas shows a link between the death penalty and homicides.

After this review, I offer the following conclusions and opinions:

1. The consensus in the scientific community, including the National Academy of Science, National Research Council's 2012 report, is that there is no reliable evidence of a deterrent effect of the death penalty on homicide rates.
2. Murder rates in the United States and abroad rise and fall independently of the imposition of death sentences or the conduct of executions, and independently of the existence or abolition of the death penalty.
3. There is no evidence that the deterrent effects of capital punishment are greater than the deterrent threat of a sentence of life in prison without the possibility of parole.
4. The death penalty is particularly ineffective as a deterrent in Kansas, because the penalty is rarely imposed. Moreover, since the legislature reinstated the death penalty in 1994, homicide rates in Kansas have continually fluctuated. Thus, there is no statistical correlation between the availability of the death penalty as a possible punishment in Kansas and a corresponding decline in homicide rates.
5. Recent evidence shows that there are no differences in the murder rates in states before and after abolition of the death penalty

II. RESEARCH FINDINGS AND CONCLUSIONS

The core ambition of deterrence is to make threats of punishment credible: certain, swift and costly.¹ In the case of capital punishment, retentionist states wish to signal to those persons contemplating murder, or any other offense eligible for execution, that they are at substantial risk of being sentenced to death and executed should they commit the crime.

Deterrence theory operates under the premise that a would-be offender, knowing the risk and threat of execution, will forego a criminal act because the costs—in this case, death—are unacceptably high and well in excess of any presumed marginal benefits from the crime itself. It relies on the existence of a rational actor whose risk-reward calculus will lead to the avoidance of a capital crime, and one whose perceptions of risk and the likelihood of execution are accurately calibrated. The theory also assumes that the risks of apprehension and punishment are substantial and observable to the would-be offender.²

¹ National Research Council, *Deterrence and the Death Penalty* 29 (D. Nagin and J.V. Pepper, eds.) (2012).

² Roger Hood and Carolyn Hoyle, *THE DEATH PENALTY: A WORLDWIDE PERSPECTIVE* (Oxford, UK: Oxford University Press, 2015). Countries like Japan argue that popular support for capital punishment, including cultural beliefs in its deterrent value, is reciprocally tied to the legitimacy of the government itself. See, for example, Mai Sato, *THE DEATH PENALTY IN JAPAN: WILL THE PUBLIC TOLERATE ABOLITION?* (Weisbaden, GDR: Springer Publishing, 2014).

This proposition leaves open several practical and empirical questions: How would we know about murders or other death-eligible crimes that are contemplated but abandoned because of the threat of death? How many averted murders are there, and what is the threshold to assume that there is a deterrent effect of capital punishment? Are executions the reason for the abandonment by an individual of a capital crime? What about other punishment threats, like death in prison through an extremely lengthy sentence or an irreversible life sentence? What ratio of executions to death-eligible crimes would present evidence of “deterrence”? How many executions are needed to signal a credible deterrent threat? Does the threat of a death sentence through the presence of a death statute have a deterrent effect without death sentences, or without executions, or is a deterrent effect contingent on carrying out executions? How many executions must be carried out to signal that there is a credible deterrent effect to would-be murderers? Are capital-eligible murders more frequent in states without the death penalty, or in states once a state has abolished capital punishment?

What if the evidence of deterrence is weak, speculative, and otherwise inconclusive and uncertain? Then the logic of deterrence is turned on its head. Executions of the innocent, or of those lacking in the requisite culpability for execution, also are moral hazards of execution that offset any crime control returns from execution. The costs to state legitimacy are potentially severe, with the risk of spillover effects of degrading respect for law. Much rides, then, on this evidence.

The Evidence: Deterrence, Executions and Murder

Five decades of research have shown that for murder and other violent crimes, the scientific evidence supporting the belief in deterrence is unreliable, and in some instances, simply wrong.³ This conclusion is based on the convergence and analysis of evidence from decades of empirical studies, conducted under a wide range of scientific strategies.

Experiments are the “gold standard” of scientific evidence.⁴ There are no experiments on execution, nor can there be, for obvious moral and ethical reasons.⁵ However, there are several studies that closely approximate experiments.⁶ For example, some studies have examined the effects of moratoria in jurisdictions that have suspended capital punishment. Other studies compare jurisdictions that practice capital punishment with carefully matched jurisdictions that have abolished or suspended executions. If the death penalty is a deterrent to homicide, empirical evidence should demonstrate that homicide rates in retentionist jurisdictions are lower than in jurisdictions which do not have the death penalty. In practice, those studies have found no differences in murder rates, regardless of the number of executions in the retentionist jurisdictions.

National Trends: U.S. Homicide Rates and the Death Penalty

From 1972-76, there was a moratorium on executions in the U.S., in response to the U.S. Supreme Court ruling in *Furman v. Georgia*.⁷ In the decade preceding *Furman*, there was a near

³ National Research Council, *Deterrence and the Death Penalty* (D. Nagin and J.V. Pepper, eds.) (2012). See, also, John J. Donohue, “Empirical Analysis and The Fate of Capital Punishment,” 11 *Duke J. Const. L. & Pub. Pol’y* 51(2016). Paul H. Robinson and John M. Darley. “Does Criminal Law Deter? A Behavioural Science Investigation.” 24 *Oxford Journal of Legal Studies* 173 (2004)

⁴ National Research Council, *id.* at 31 (stating that “[e]xperiments are a widely accepted way of scientifically testing for causal effects: there is general agreement that the findings are reflective of causal effects”).

⁵ *Id.*

⁶ *Id.* at 32.

⁷ *Furman v. Georgia*, 408 U.S. 238, 315 (1972) (Marshall, J., Concurring); *Gregg v. Georgia*, 428 U.S. 153, 206-07 (1976).

cessation of executions.⁸ One of the reasons for the decline in the pre-moratorium decade was growing doubts about the deterrent effects of capital punishment on murder.⁹ Executions resumed state by state beginning in 1976 following two developments: caselaw approving new death penalty statutes that responded to the concerns of overbreadth in death sentencing,¹⁰ and the publication of research claiming that the death penalty did in fact deter homicides.¹¹ The claims were quite strong: each execution deterred as many as eight future homicides. But that evidence was strongly contested, and a 1978 panel of the National Academy of Sciences found no evidence that claims of a deterrent effect of the death penalty were accurate.¹²

In the decades after the *Gregg* decision and the 1978 National Academy of Sciences report, dozens of studies were published that attempted to estimate the effect of the death penalty on homicide rates. “The studies have reached widely varying, even contradictory, conclusions.”¹³ Belief in deterrence remained politically and culturally popular, even if scientific evidence didn’t support the claim. These beliefs persisted throughout the 1980s and 1990s, despite the fact that murder rates rose dramatically just as executions were increasing.

Two factors arose that undermined those beliefs. First, new statistical evidence showed the empirical reality of declining executions and declining homicides. The murder rate began declining sharply in the second half of the 1990s, at the same time that executions rose sharply. Starting in 2000, as death sentences and executions began to decline, the murder rate continued its decline.

The second factor was the emergence of a large body of statistical evidence showing that the claims of deterrence were undermined by several empirical and logical flaws.¹⁴ In 2009, a meta-analysis of 700 deterrence studies, including 52 studies of the deterrent effect of the death penalty, concluded that deterrent effects can be achieved for minor crimes and disorder offenses, but there were no deterrent effects on homicides for any punishment, including executions and lengthy prison sentences.¹⁵ Of the 52 death penalty studies that were included in this meta-analysis, 90% were conducted in the U.S., and 34% were published after 1995.¹⁶

In 2012, the National Research Council created the Committee on Deterrence and the Death Penalty to review the available research about the death penalty and deterrence, and address whether “the available evidence provide[s] a reasonable basis for drawing conclusions about the

⁸ Carol S. Steiker & Jordan M. Steiker, *Cost and Capital Punishment: A New Consideration Transforms an Old Debate*, 2010 U. Chi. Legal F. 117, 132-33 (2010).

⁹ Steiker & Steiker, *supra* note 8, Chi. Legal F. at 136; John J., Donohue and Justin Wolfers. “Uses and Abuses of Empirical Evidence in the Death Penalty Debate.” 58 *Stan. L. Rev.* 791-846 (2005). *See, also*, John J. Donohue III and Justin Wolfers. “Estimating the impact of the death penalty on murder.” 11 *Amer. L. & Econ. Rev.* 249 (2009).

¹⁰ *Gregg*, 428 U.S. at 198.

¹¹ Issac Ehrlich, “The Deterrent Effect of Capital Punishment: A Question of Life and Death,” 65 *Amer. Econ. Rev.* 397 (1975).

¹² National Research Council, *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*. Panel on Research on Deterrent and Incapacitative Effects (1978) (concluding “available studies provide no useful evidence on the deterrent effect of capital punishment” (9) and “that the death penalty [as practiced in the United States] can ever be subjected to the kind of statistical analysis that would validly establish the presence or absence of a deterrent effect” (62)).

¹³ National Research Council, *Deterrence and the Death Penalty* 1 (D. Nagin and J.V. Pepper, eds.) (2012).

¹⁴ Jeffrey Fagan, 2006. *Death and Deterrence Redux: Science, Law and Causal Reasoning on Capital Punishment*, *Ohio State Journal of Criminal Law* 4:255-299.

¹⁵ Dieter Dolling, Horst Entorf, Dieter Hermann, and Thomas Rupp, “Is Deterrence Effective? Results of a Meta-Analysis of Punishment,” 15 *European Journal of Crime Policy Research* 201 (2009).

¹⁶ *Id.* at 219.

magnitude of capital punishment's effect on homicide rates."¹⁷ The committee published its findings later that year after an exhaustive review and discussions with the authors of much of the research that the report cited. The committee found that "research to date on the effect of capital punishment on homicide is not informative about whether capital punishment decreases, increases, or has no effect on homicide rates."¹⁸ The committee recommended "that these studies not be used to inform deliberations requiring judgments about the effect of the death penalty on homicide."¹⁹ The committee also recommended that research focus on comparisons of death sentences and executions with the next most severe sentence: life without the possibility of parole. Absent such research, claims of deterrence from executions were unreliable and inaccurate.

A recent study of the effects of moratoriums or abolition of executions showed no evidence of an increase in homicide rates following the cessation of executions.²⁰ The study compared homicide rates in four states - Washington, Pennsylvania, Illinois and New Jersey - before and after a moratorium on executions or the passage of abolition. Far from an increase in homicides, the study reported "nonsignificant homicide reductions in all four states."²¹ Two other studies using similar methods also found no increase in homicides associated with abolition. Results in New Jersey following its 2007 abolition of the death penalty showed no change in homicide rates from the pre-abolition period.²² Results comparing homicide rates in seven abolition states with 29 retentionist states²³ from 1995 through 2018 showed no evidence that the presence of a death statute decreased murder rates.²⁴ In fact, a substantial literature using a variety of contemporary statistical methods and longer study periods has produced the same result.

Despite the absence of experimental evidence, national trends in the U.S. confirm the absence of plausible evidence of a deterrent effect of capital punishment. In the U.S., murder rates

¹⁷ National Research Council, *supra* note 13, at 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Stephen N. Oliphant, "Estimating the Effect of Death Penalty Moratoriums on Homicide Rates Using the Synthetic Control Method," *Criminology and Public Policy*, DOI: 10.1111/1745-9133.12601 (2022).

²¹ *Id.* at 21, 23

²² Mark Gius, "Using the synthetic control method to determine the effects of the death penalty on state-level murder rates," 17 *Justice Policy Journal* 1 (2022).

²³ Brett Parker, "Death Penalty Statutes and Murder Rates: Evidence From Synthetic Controls." 18 *Journal of Empirical Legal Studies* 488 (2021). The abolition states were Connecticut, Delaware, Illinois, Maryland, New Jersey, New Mexico, and New York.

²⁴ *Id.* at 489.

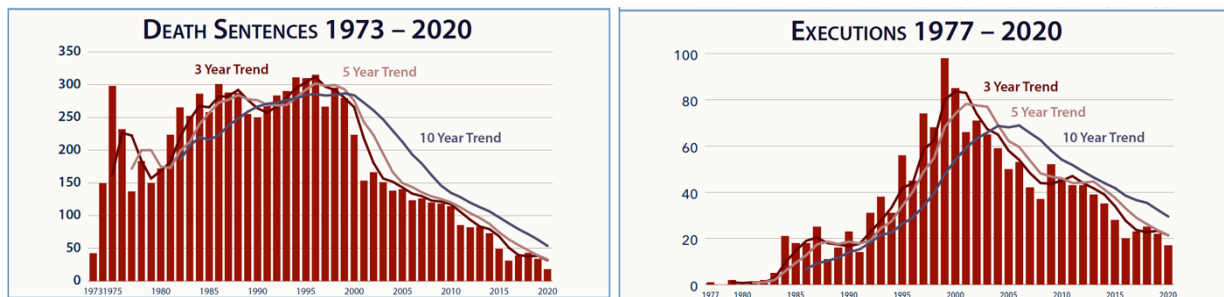
Figure 1. Homicides in the U.S., 1960-2020²⁵



are generally lower than they were in 1993 across the U.S. in retentionist, moratorium, and abolition states.²⁶

The nationwide decline in homicides since 2000 took place contemporaneously with a decline in death sentences and executions across the death penalty states. Figures 2 and 3 show that since 1999, death sentences and executions have been declining at the same pace for nearly 15 years. Death sentences, in part a reflection of the peak in homicides in the mid-1990s, reached a peak rate in 1998, and have declined since. However, close inspection of these three figures suggests that the murder rates began a sharp decline beginning in 1993, well in advance of the decline in death sentences and execution that began nearly a decade earlier. Executions reached a peak in 1999 and have also declined since.

Figures 2 and 3. Death Sentences and Executions, U.S., 1977-2020²⁷



Source: Death Penalty Information Center

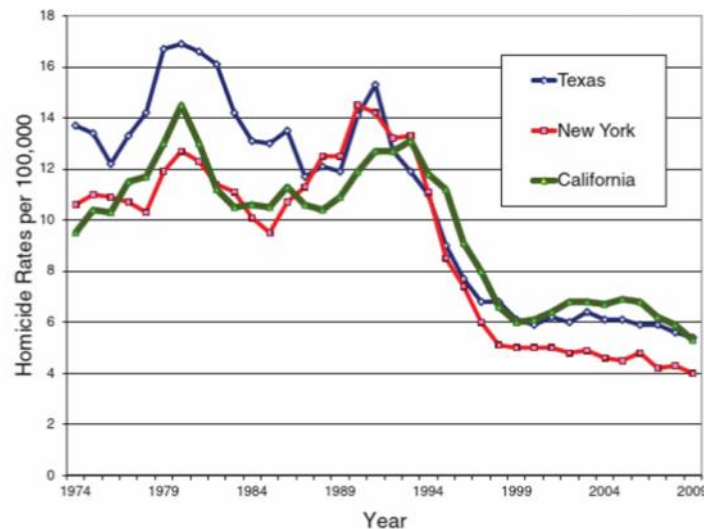
²⁵ Jeff Asher, “Murder Rose by Almost 30% in 2020. It’s Rising at a Slower Rate in 2021.” New York Times (Sept. 22, 2021).

²⁶ In 2020, during the height of an unprecedented pandemic, homicide rates increased by 29 percent as compared to the previous year. However, the national homicide rate “still remains about one-third below the rate in the early 1990s.” Jeff Asher, “Murder Rose by Almost 30% in 2020. It’s Rising at a Slower Rate in 2021.” NEW YORK TIMES (Sept. 22, 2021).

²⁷ Death Penalty Information Center, The Death Penalty in 2020: Year-End Report, available at <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2020-year-end-report>.

Equally important, homicide trends cannot be predicted by accounting solely for the use of capital punishment. Homicide rates in California, New York, and Texas all followed similar trends from 1974-2009, despite their widely different uses of the death penalty during those years. New York only had six death sentences, and no executions, in that time; California had hundreds of death sentences leading to thirteen executions; and Texas had 447 executions.²⁸

Figure 4. Homicide Rates in California, New York, and Texas, 1974-2009.²⁹



Source: National Resource Council, 2012

Moreover, death penalty abolition in a number of U.S. states³⁰ allows for comparison of murder rates before and after abolition. For example, five years after the abolition of capital punishment in New Jersey, Illinois, and New Mexico, there was no evidence of an increase in murders. The murder rate in states with the death penalty has historically been higher than the murder rate in non-death penalty states. Overall, the gap in murder rates between retentionist and abolition states has narrowed since 1990, suggesting that there is no marginal contribution to public safety in states where the death penalty is still available.³¹

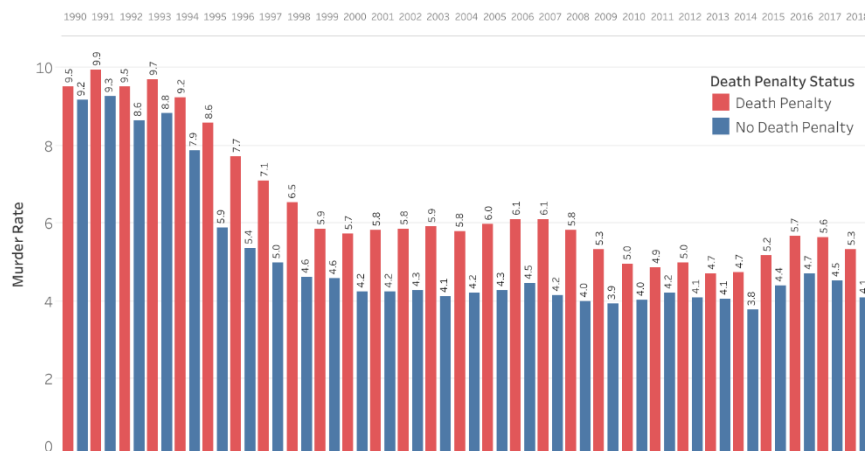
²⁸ Death Penalty Information Center, State-by-State, available at <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>.

²⁹ National Research Council, Deterrence and the Death Penalty 40 (D. Nagin and J.V. Pepper, eds.) (2012).

³⁰ Abolition states in the last 15 years have included: Virginia (2021); Colorado (2020); New Hampshire (2019); Washington (2018); Delaware (2016); Maryland (2013); Connecticut (2012); Illinois (2011); New Mexico (2009); New York (2007); New Jersey (2007). See Death Penalty Information Center, State-by-State, available at <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>.

³¹ Death Penalty Information Center, Murder Rate of Death Penalty States Compared to Non-Death Penalty States, available at <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>.

Figure 5. Murder Rates in Death Penalty and Non-Death Penalty States



Source: Death Penalty Information Center

International trends: Homicide Rates and the Death Penalty Abroad

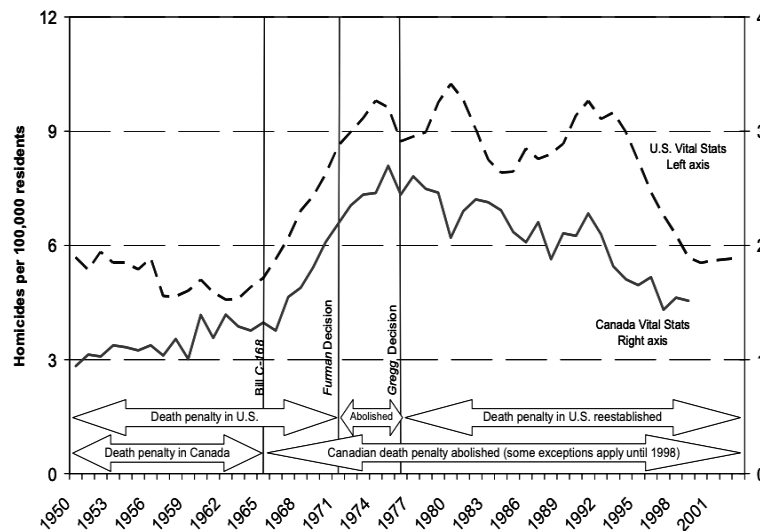
Evidence from other countries shows similar trends. Canada abolished the death penalty for the majority of crimes in 1976, the same year that the United States Supreme Court reinstated the death penalty in *Gregg v. Georgia*.³² For that reason, it is interesting to compare the rate of homicides and use of the death penalty in the two countries over time, as seen in Figure 6, below. Despite the fact that Canada abolished the death penalty completely in 1998 after years of a *de facto* moratorium in executions,³³ the homicide rate in Canada “has moved in virtual lockstep with the rate in the United States.”³⁴

³² “After 1976, the death penalty was permitted only for members of the Armed Forces found guilty of cowardice, desertion, unlawful surrender, or spying for the enemy.” The Canadian Encyclopedia, Capital Punishment in Canada, at <https://www.thecanadianencyclopedia.ca/en/article/capital-punishment>.

³³ Death Penalty Information Center, Countries That Have Abolished the Death Penalty Since 1976, available at <https://deathpenaltyinfo.org/policy-issues/international/countries-that-have-abolished-the-death-penalty-since-1976>. See, also, The Canadian Encyclopedia, Capital Punishment in Canada, at <https://www.thecanadianencyclopedia.ca/en/article/capital-punishment>.

³⁴ John J. Donohue and Justin Wolfers, “Uses and Abuses of Empirical Evidence in the Death Penalty Debate,” 58 *Stan. L. Rev.* 791, 779 (2005).

Figure 6. Homicide Rates and the Death Penalty in the United States and Canada³⁵



Source: Donohue & Wolfers, 2005

Comparative research based on statistical evidence of changes in homicide rates before and after abolition of capital punishment across thirteen European nations found that “abolition was followed more often than not by absolute decreases in homicide rates.”³⁶ Following the abolition of capital punishment in Eastern Europe in the early 1990s, homicide rates have been declining.³⁷

This pattern holds in Asian nations as well. Homicide rates in Taiwan declined during a sharp reduction in executions from 2005-2009.³⁸ Figure 7, from my own research, compares murder rates in Singapore, where executions for murder are common and persistent over time, with Hong Kong, where executions were banned. There was no observed difference in the murder rates between the two cities over nearly three decades since the cessation of executions in Hong Kong.³⁹ Figure 7, illustrating the homicide rates in Hong Kong and Singapore from 1973 through 2016, shows that the long-term trends in the two city-states—one with frequent executions and the other with none since the 1960s—continue to have nearly identical homicide rates and nearly identical long-term trajectories of declining homicide rates.

³⁵ Id.

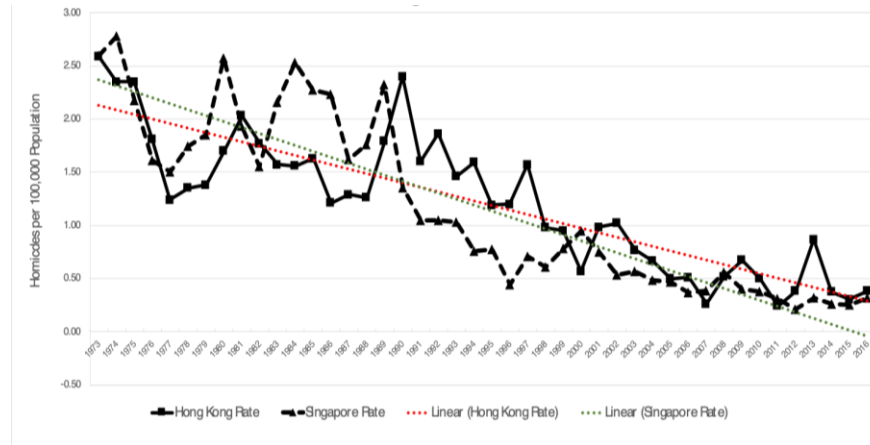
³⁶ Dane Archer, Rosemary Gartner, Marc Beittel, “Homicide and the Death Penalty: A Cross-National Test of a Deterrence Hypothesis,” 74 *Journal of Criminal Law & Criminology* 991, 1010-1012 (1983).

³⁷ U.N. Office of Drugs and Crime, 2011 Global Study on Homicide: Trends, Contexts and Data (Vienna, Austria, 2011). Homicides declined by 61% from 2000-2008 in Czech Republic, Poland, Moldova, Hungary and Romania. U.N. Report at 33.

³⁸ David T. Johnson and Franklin E. Zimring, *THE NEXT FRONTIER: NATIONAL DEVELOPMENT, POLITICAL CHANGE, AND THE DEATH PENALTY IN ASIA* (New York: Oxford University Press, 2009).

³⁹ Franklin E. Zimring, Jeffrey Fagan, and David T. Johnson, “Executions, Deterrence, and Homicide: A Tale of Two Cities,” 7 *Journal of Empirical Legal Studies* 1-29 (2010).

Figure 7. Homicides per 100,000 Population in Singapore and Hong Kong, 1973-2016⁴⁰



Source: Zimring, Fagan and Johnson, 2010

In the Caribbean, a comprehensive study of Trinidad and Tobago has shown that executions had no deterrent effect on homicide rates over a 50-year period from 1960-2010.⁴¹ Over the 50-year period, there were periods where the death penalty was frequently imposed and executions were regularly carried out, as well as periods where the death penalty was rarely imposed and executions seldom occurred. The researchers found that neither prison sentences, death sentences, nor executions had an effect on the homicide rate. Figures 8 and 9 below, show that homicide rates were not responsive to changes either in the prison population or in the rate of death sentences.⁴²

Figures 8 and 9. Murders, Death Sentences and Prison Population, Trinidad and Tobago, 1960-2010



FIG. 2 Murders and prison population

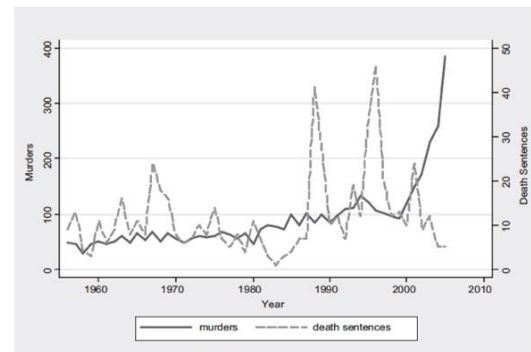


FIG. 3 Murders and death sentences in Trinidad and Tobago

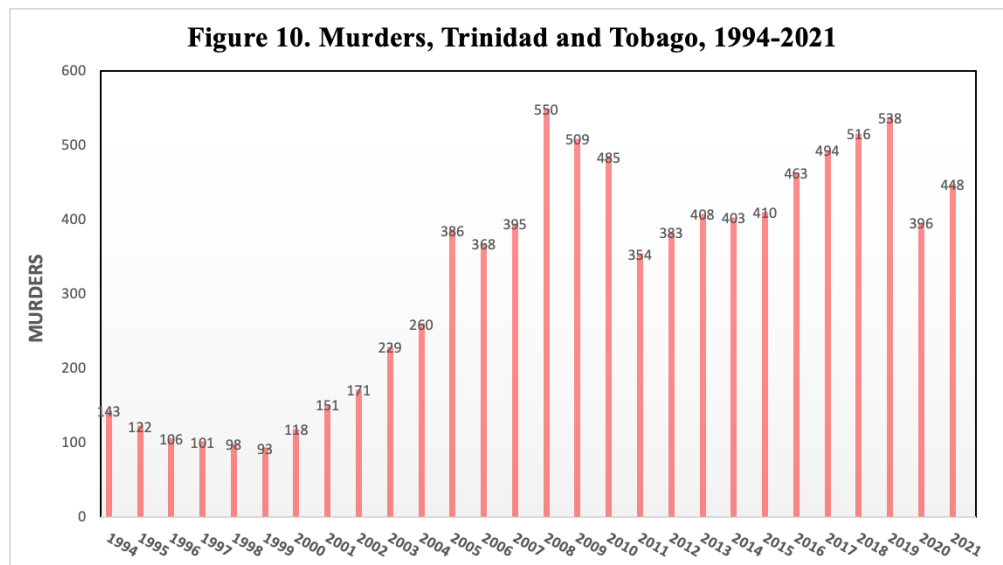
Source: Greenberg and Agozino, 2012

⁴⁰ Franklin Zimring, Jeffrey Fagan and David Johnson, "Executions, Deterrence, and Homicide: A Tale of Two Cities," 7 *J. Emp. Leg. Studies* 1, 14 (2010). Data available from author.

⁴¹ David Greenberg and Biko Agozino, "Executions, Imprisonment, and Crime in Trinidad and Tobago," 52 *British Journal of Criminology* 113, 117 (2012).

⁴² *Id.*

In fact, executions in Trinidad and Tobago may have had a perverse effect on murder. Following a spate of executions in 1999, Figure 10 shows that murders increased beginning the following year and continued rising for over a decade.⁴³



Source: TT Crime, Crime in Trinidad and Tobago, at <https://www.ttcrime.com/crime-statistics/>

From these studies in the U.S, and comparative studies of abolition or execution effects in Europe, the Caribbean, and Asia, as well as conclusions of prestigious study commissions, I conclude that there is no evidence of the deterrent effects of death sentences or executions on homicides.⁴⁴ I am not alone in reaching this conclusion. A survey of over 1,000 leading criminologists in the world agreed with this conclusion, based on their reading of the evidence and their own studies.⁴⁵

Deterrence and the Death Penalty in Kansas

As stated above, deterrence is maximized when a would-be offender perceives a substantial risk of detection and punishment. Accordingly, it is ultimately a perceptual phenomenon.⁴⁶ Though the Supreme Court reinstated the death penalty in 1976 in *Gregg*, the death penalty was not reinstated in Kansas until 1994.⁴⁷ There are nine individuals currently sentenced to death in Kansas, and Kansas has not conducted an execution since 1965.⁴⁸ Taking into account death

⁴³ <https://www.ttcrime.com/crime-statistics/>

⁴⁴ Nagin and Pepper, *supra* note 6. See, also, Tomislav V. Kovandzic, Lynne M. Vieraitis, and Denise Paquette Boots, "Does the death penalty save lives? New evidence from state panel data, 1977 to 2006," 8 *Criminology & Public Policy* 803 (2009).

⁴⁵ Michael L. Radelet and Traci L. Lacoock, "Do Executions Lower Homicide Rates: The Views of Leading Criminologists," 99 *Journal of Criminal Law Criminology* 489 (2008).

⁴⁶ Daniel S. Nagin, "Criminal Deterrence Research at the Outset of the Twenty First Century," 23 *Crime and Justice: A Review of Research* 1, 5 (1998).

⁴⁷ <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/kansas>.

⁴⁸ <https://www.doc.ks.gov/newsroom/capital>.

sentences imposed but not carried out, only fifteen death sentences have been imposed in Kansas since 1994, though 3,227 homicides have occurred from that time through 2020.⁴⁹

Accordingly, it is highly unlikely that an individual in Kansas who commits a homicide will receive a death sentence. This reduces the actual risk, and importantly, the perceived risk for a death sentence given any murder, to less than one tenth of one percent. The risk is likely higher for death-eligible murders, which account for between 20% and 25% of all homicides, but still less than one percent.⁵⁰ Thus, the death penalty is unlikely to deter future homicides as a would-be offender would not perceive it as a credible risk. But deterrence requires more than the risk of harsh punishment. In Kansas, and particularly in Sedgwick County, that risk is diluted and weakened by the low rate of arrests for murders. In Kansas, that risk is no more than 50%,⁵¹ suggesting that the risk of any punishment for murder is no better than chance. Accordingly, the marginal risk of a death sentence for a murder is a compound of the risk of arrest and the risk of a death sentence *conditional on the risk of apprehension and charging*.

Figure 11 shows the estimated number of homicides in Kansas and specifically in Sedgwick County. Estimation of homicide rates in Kansas is necessary because of a reporting gap in homicide data from 1994-99.⁵² The Kansas data shows year-to-year variability, with an increase in the late 1990s followed by a slow decline starting after 2000. The decline is steeper after 2010, especially after 2015. Homicides in Sedgwick County declined after 1994, but rose again after 2010. By 2020, homicides in Sedgwick County were more frequent than in 1994, the year that the death penalty was reinstated in Kansas. But the clearance rate reflected the national statewide average: in Sedgwick County, the "clearance rate" - murders where one or more suspects were arrested - was 49% between 2017 and 2019, or less than chance.⁵³

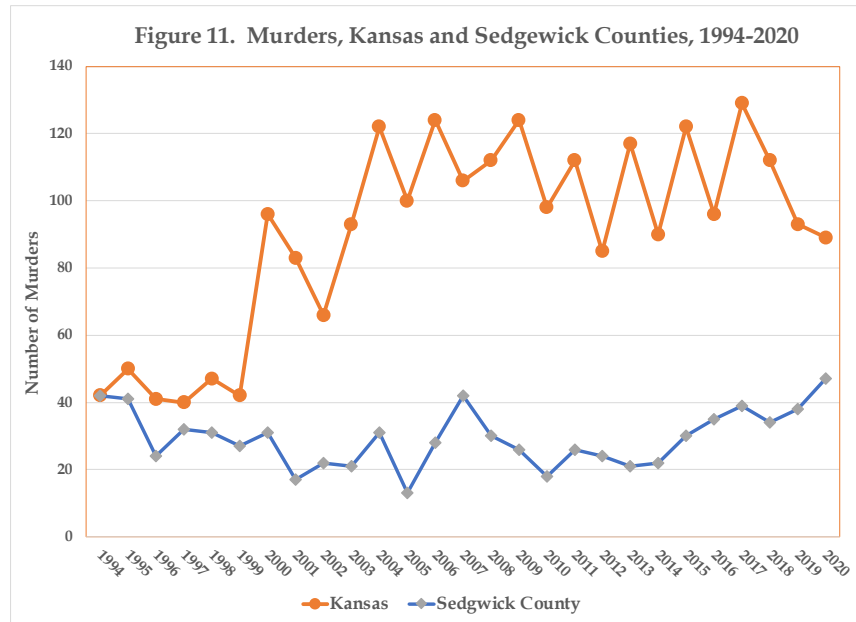
⁴⁹ Disaster Center, Kansas Crime Rates 1960-2019, available at <https://www.disastercenter.com/crime/kncrime.htm>. Data from the Federal Bureau of Investigation Uniform Crime Statistics Annual Crime Reports. For some of the years in between 1994 and 2004, Kansas did not provide state totals to the FBI, and the FBI relied upon estimations. See FBI, Appendix I, Methodology, Offense Estimation, 398-400, <https://ucr.fbi.gov/crime-in-the-u.s/1999/99sec7.pdf>. These estimates are generally consistent with the CDC reported data from that period. See Frank Baumgartner, Memo to Jeffrey Fagan, Jan. 26, 2022 (on file with author). The list of death sentences was provided by BIDS and is attached to this report as Appendix A.

⁵⁰ See, Jeffrey Fagan, Franklin E. Zimring and Amanda B. Geller, "Capital Punishment and Capital Murder: Market Share and the Deterrent Effects of the Death Penalty." 84 *Tex. L. Rev.* 1803, 1819-1821 (2005) (estimating the share of all homicides that are death-eligible in the U.S. and in Texas).

⁵¹ Weihua Li and Jamiles Lartey, "As Murders spiked, Police Solved about half in 2020," The Marshall Project, at <https://www.themarshallproject.org/2022/01/12/as-murders-spiked-police-solved-about-half-in-2020>. (Data table *Homicide Clearance Rate by Law Enforcement Agency: Wichita Police Department* (last visited December 27, 2022).

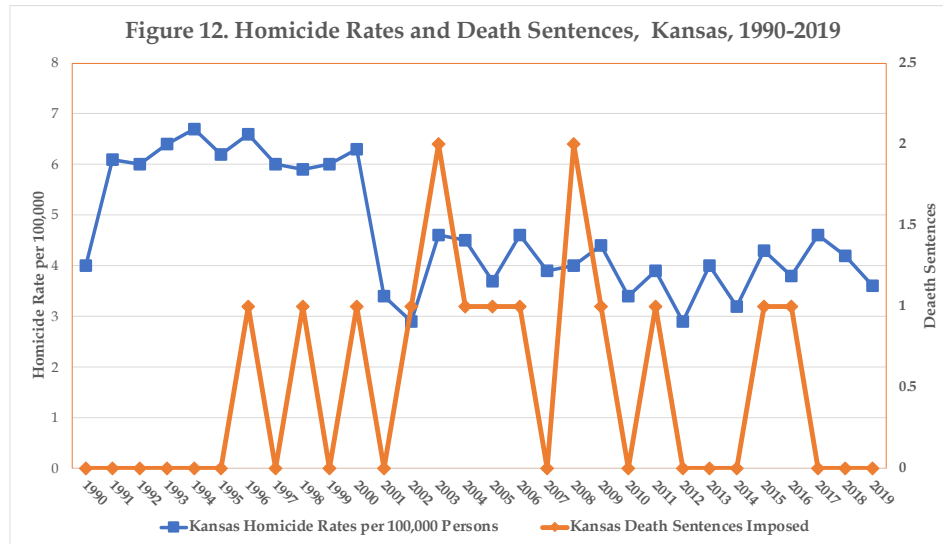
⁵² See FBI UCR data, *supra* n. 43. See, Frank Baumgartner, Memo to Jeffrey Fagan, Jan. 26, 2022 (on file with author), *supra* n. 44, Statewide and Sedgwick County estimates are based on a reconciliation of three data sources: the Center for Disease Control (Vital Statistics, <https://www.cdc.gov/nchs/nvss/index.htm>), the FBI Supplementary Homicide Reports, and the FBI Uniform Crime Reports. See, Baumgartner Memo, *id.* at 1-2.

⁵³ *Id.* at data clearance calculator.



Source: FBI UCR, Crime in the United States, 2000-2020; FBI, Supplemental Homicide Reports, 1976-2020; CDC Vital Statistics (1990-2020).

Figure 12 illustrates this contingent relationship between murders and the risk or death sentence. It shows the homicide rate in Kansas and the number of death sentences imposed. The homicide rate remained at about 6 per 100,000 persons in the five years before and after the reinstatement of capital punishment in 1994. The introduction of the death penalty in 1994 made no observable impact on the small rate of death sentences per murder, which ranges from a high of two percent to a low zero. Since 1994, that risk is zero for 12 of the years in this period. Since 2000, the homicide rate rose slightly and remained stable through 2019. Death sentences in this time were sporadic. There were only two years when more than one death sentence was imposed, and nine years when no death sentences were imposed. Overall, Figure 12 shows little sensitivity of homicide rates to changes in death sentencing. Coupled with the infrequency of death sentences, and the low rates of homicide clearance, deterrence is substantially weakened in this period.



Source: FBI UCR, Crime in the United States, 2000-2020; FBI, Supplemental Homicide Reports, 1976-2020; CDC Vital Statistics (1990-2020); U.S. Census Bureau, 1990 and 2000 Decennial Census; Wichita Eagle (2020); Kansas Dept. of Corrections (2022)⁵⁴

The Judicial Council Death Penalty Advisory Committee published a 2004 report on certain issues related to the death penalty, as requested by the Senate Vice President and Judiciary Committee Chair John Vratil. Deterrence was one of the issues considered. Consistent with the National Research Council committee on deterrence and the death penalty,⁵⁵ the Advisory Committee reported that “[t]he social science community generally agrees that the death penalty does not have a general deterrent effect on would-be murders.”⁵⁶

The Advisory Committee found that the rate at which murder cases are prosecuted as capital murder “varies from county to county based upon the dynamics of each case and the individual methodology that prosecution and defense attorneys bring to the case,” for example, the willingness of prosecutors to plea bargain.⁵⁷ The Advisory Committee noted that “there is geographic disparity in whether these capital charges are brought to trial.”⁵⁸

The Advisory Committee further explained the “inconsistency in the way capital crimes are handled throughout the state” by pointing to factors such as (1) the “interpretation” of the strength of the evidence being “subject to the discretion of the prosecutor(s) assigned to the case”; (2) “a county’s ability to bear the cost of capital murder litigation”; (3) the “desires of the victim’s family” in pursuing the death penalty; (4) “[t]he inherent aggressiveness of the prosecutor and his or her subjective belief regarding the morality of the death penalty”; (5) “the demographics and

⁵⁴ *Id.* For Kansas death sentences, see: Amy Rene Leiker, *Who is on Kansas’ death row?* The Wichita Eagle, March 24, 2020, <https://www.kansas.com/news/local/crime/article130554669.html>. Additional information is available through the offenders search of the Kansas Department of Corrections, Kansas Adult Supervised Population Electronic Repository (KASPER), <https://kdocrepository.doc.ks.gov/kasper/search/disclaimer>.

⁵⁵ *Supra* n. 1

⁵⁶ *Report of the Kansas Judicial Council Death Penalty Advisory Committee on Certain Issues Related to the Death Penalty*, Appendix A, at 8 (Nov. 12, 2004), https://kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/Previous%20Judicial%20Council%20Studies/PDF/Death_Penalty_Adv_Comm_Nov04.pdf.

⁵⁷ *Id.* at 8.

⁵⁸ *Id.* at 11.

philosophical bent of the local population”; and (6) the “[l]ocal political climate and presence or absence of public outrage at the offense.”⁵⁹ The Judicial Council found that from 1994-2004, of the 86 death-eligible cases, only 7 ended in a death sentence.⁶⁰

The low death sentencing rate since 1994, coupled with the fact that there have been no executions since 1965, shows that the death penalty in Kansas is neither swift nor certain, regardless of the homicide rate. Of the fifteen death sentences imposed since 1994, nine individuals are remain under a death sentence. All nine are still challenging their death sentence in appellate or state post-conviction proceedings; three have been pending execution or relief from sentence for between 19 and 20 years, and five between 10 and 16 years.⁶¹ Four of the fifteen individuals had their convictions reversed on appeals and were given less-than-death sentences or had their death sentences vacated pursuant to reduced plea agreements. Two individuals died in custody years after receiving his death sentence.

In conclusion, there is no credible evidence that the death penalty has a deterrent effect on homicide rates in Kansas or elsewhere in the United States. States that impose the death penalty in the face of uncertainty about the death penalty’s deterrent effects risk taking lives without a tangible return beyond vengeance or retribution. Executions of the innocent, or of those lacking in the requisite culpability for execution, are additional moral hazards, as is the diversion of public resources to pursue death sentences.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Fagan", with a stylized, cursive script.

Jeffrey Fagan
January 30, 2023

⁵⁹ *Id.* at 8-9.

⁶⁰ *Id.* at 27.

⁶¹ Kansas Department of Corrections, *Capital Punishment Information*, <https://www.doc.ks.gov/newsroom/capital#:~:text=The%20State%20of%20Kansas%20has,become%20law%20with out%20her%20signature.>

Appendix A. Death Sentences in Kansas, 1994 to Present

Surname	First Name	County	Offense Date	Sentence Date	Current Status
Scott	Gavin	Sedgwick	9/13/1996	8/12/1999	Resentenced Life Sentence
Marsh	Michael	Sedgwick	6/17/1996	4/16/1998	Resentenced Life Sentence
Elms	Stanley	Sedgwick	5/4/1998	2/10/2000	Resentenced Life Sentence
Carr	Reginald Dexter	Sedgwick	12/15/2000	11/15/2002	Death Row
Carr	Johnathan Daniel	Sedgwick	12/15/2000	11/15/2002	Death Row
Robinson	John Edward	Johnson	Various	1/21/2003	Death Row
Belt	Douglas Stephen	Sedgwick	6/24/2002	11/17/2004	Died natural causes
Cheatham	Phillip	Shawnee	12/13/03	2005	Resentenced Life Sentence
Gleason	Sidney John	Barton	2/21/2004	8/28/2006	Death Row
Cheever	Scott Denver	Greenwood	1/19/2005	1/23/2008	Death Row
Kleypas	Gary Wayne	Crawford	3/30/1996	12/3/2008	Death Row
Thurber	Justin Eugene	Cowley	1/5/2007	3/20/2009	Death Row
Kahler	James Kraig	Osage	11/28/2009	10/11/2011	Death Row
Cross	Frazier Glenn	Johnson	4/13/2014	11/10/2015	Died natural causes
Flack	Kyle Trevor	Franklin	4/28/2013	5/18/2016	Death Row

Appendix B. Curriculum Vitae of Jeffrey Fagan, Ph. D,

CURRICULUM VITAE

Jeffrey A. Fagan
Email: Jeffrey.Fagan@law.columbia.edu
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212-854-2624 (v)
212-854-7946 (f)

PROFESSIONAL EXPERIENCE:

2011 – present: Isidor and Seville Sulzbacher Professor of Law, Columbia Law School
2021 – present: Faculty Associate, Columbia Data Science Institute
2018 (Fall): Florence Rogatz Visiting Professor of Law, Yale Law School
2013 (Spring): Florence Rogatz Visiting Professor of Law, Yale Law School
2001-2011: Professor, Columbia Law School
2010-11: Fellow, Straus Institute for the Advanced Study of Law and Justice, New York University School of Law
2010-present: Senior Research Scholar, Yale Law School
2009-10: Florence Rogatz Visiting Professor of Law, Yale Law School
2004-2015: Director, Center for Crime, Community and Law, Columbia Law School
2001-2006: Director, Doctor of Juridical Science in Law (JSD) Program, Columbia Law School
2008 – present: Faculty Fellow, Columbia Population Research Center
1999-present: Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University
1998-2001: Visiting Professor, Columbia Law School
1996-present: Professor, Department of Epidemiology, Mailman School of Public Health, Columbia University
1995-2002: Founding Director, Center for Violence Research and Prevention, Mailman School of Public Health, Columbia University
1989-1996: Associate Professor to Professor, School of Criminal Justice, Rutgers-The State University of New Jersey
1988-1989: Associate Professor, Doctoral Program in Criminal Justice, City University of New York Graduate Center; Associate Director for Research, Criminal Justice Center, John Jay College of Criminal Justice, City University of New York
1986-1988: Senior Research Fellow, New York City Criminal Justice Agency.
1977-1986: Director, Center for Law and Social Policy, URSA Institute, San Francisco.
1975-1976: Research Director, Northern California Service League, San Francisco, California.
1974-1975: Associate Research Analyst, Office of Criminal Justice Planning, Oakland, California.
1970-1974: Director, College of Urban Studies, State University of New York at Buffalo.
1969-1971: Teaching Assistant and Research Associate, Department of Psychology, State University of New York at Buffalo

EDUCATION:

PhD, 1975, Policy Science, Department of Civil Engineering, State University of New York at Buffalo. Dissertation: “A Predictive Model of Success in Criminal Justice Employment Programs.”
MS, 1971, Human Factors Engineering, Department of Industrial Engineering, State University of New York at Buffalo.
BE, 1968, Industrial Engineering, New York University.

AWARDS AND HONORS:

Advisory Board, Presidential Scholars in Society and Neuroscience, Columbia University, 2021-present

Power of One Racial Justice Award, Center for Race, Crime and Justice, John Jay College, May 2016

Lillie and Nathan Ackerman Lecture in Equality and Justice, Baruch College, November 2013

Fellow, American Society of Criminology, elected April 2002

Fellow, Davenport College, Yale University

Darrow K. Soll Memorial Criminal Law and Justice Lecture, *Indignities of Order Maintenance*, Rogers College of Law, University of Arizona, March 2013.

Lecturer, Hoffinger Colloquium, *Profiling and Consent: The Trouble with Police Consent Decrees*, New York University School of Law, April 2011

National Associate, National Research Council and Institute of Medicine, 2011 – present

Member, Committee on Law & Justice, National Research Council, 2002-2008

Senior Justice Fellow, Open Society Institute, 2005-6

Health Policy Scholar, Robert Wood Johnson Foundation, 2002-2004

Book Award, “Best Book on Adolescence and Social Policy” for *Changing Borders of Juvenile Justice* (with F. Zimring), Society for Research on Adolescence, 2002

Public Interest Achievement Award, Public Interest Law Foundation of Columbia University, Spring 2001

Bruce Smith Senior Award, Academy for Criminal Justice Sciences, March 2000.

Lecturer, Fortunoff Colloquium, *Social Contagion of Violence*. New York University School of Law, April 1999

Fellow, Earl Warren Legal Institute, School of Law, University of California-Berkeley, 1999-present

University Faculty Merit Award, Rutgers University, 1990-94

Lecturer in Colloquium on Race, Ethnicity and Poverty Workshop, Center for the Study of Urban Inequality, University of Chicago, June 1992

University Research Council Grantee, Rutgers University, 1989-90

Lecturer, Fortunoff Colloquium, *Preventive Detention and the Validity of Judicial Predictions of Dangerousness*. New York University School of Law, October, 1988

Delegate, Criminal Justice and Criminology Delegation to the People's Republic of China, Eisenhower Foundation, 1985

NDEA Title IV Fellowship, Department of Industrial Engineering, State University of New York at Buffalo, June 1968-June 1971

PUBLICATIONS:

Books:

Tyler, T., A. Braga, J. Fagan, et al. (eds.), *Legitimacy, Criminal Justice, and the State in Comparative Perspective*. New York: Russell Sage Foundation Press (2008).

J. Fagan and F.E. Zimring (eds). *The Changing Borders of Juvenile Justice: Waiver of Adolescents to the Criminal Court*. Chicago: University of Chicago Press (2000). (Received Society for Research on Adolescence Award for “Best Book on Adolescence and Social Policy,” 2002).

D. Baskin, I. Sommers, and J. Fagan, *Workin’ Hard for the Money: The Social and Economic Lives of Women Drug Dealers*. Huntington NY: Nova Science Press (2000).

Journal Articles and Chapters (by Topic):

1. Policing

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- Harris, Angela, Elliott Ash, & Jeffrey Fagan, "Fiscal Pressures and Discriminatory Policing: Evidence from Traffic Stops in Missouri," *Journal of Race, Ethnicity and Politics* doi:10.1017/rep.2020.10 (2020).
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- Geller, Amanda and Jeffrey Fagan, "Police Contact and the Legal Socialization of Urban Teens." 5 *The Russell Sage Foundation Journal of the Social Sciences* 26-491 (2019).
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- Legewie, Joscha, and Jeffrey Fagan, "Aggressive Policing and the Educational Performance of Minority Youth." 84 *American Sociological Review* 220-247 (2019), SocArXiv. <https://doi:10.31235/osf.io/rdchf>
- Grunwald, Ben and Jeffrey Fagan, "The End of Intuition-Based High-Crime Areas." 107 *California Law Review* 102 (2019), <https://ssrn.com/abstract=3379361>.
- Fagan, Jeffrey, and Amanda B. Geller, "Race, Police and the Production of Capital Homicides," 23 *Berkeley Journal of Criminal Law* 102 (2018).
- Fagan, Jeffrey and Daniel Richman. "Understanding Recent Spikes and Longer Trends in American Murders," 117 *Columbia Law Review* 1235 (2017)
- Fagan, Jeffrey and Elliot Ash. "New Policing, New Segregation," 105 *Georgetown Law Journal Online* 16 (2017)
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- Fagan, Jeffrey, Anthony Braga, Rod Brunson, and April Pattavina. "Stops and Stares: Race and Proactive Policing," 43 *Fordham Urban Law Journal* 621 (2016) and [online](#)
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3. Juvenile Justice

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- Neylan, T.C., Metzler, T.J., Best, S.R., Weiss, D.S., Fagan, J.A., Liberman, A., Rogers, C., Vedantham, K., Brunet, A., Lipsey, T.L. and Marmar, C.R., "Critical incident exposure and sleep quality in police officers," 64 *Psychosomatic Medicine* 345-352 (2002).
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- Brunet, A., Weiss, D.S., Metzler, T.J., Best, S.R., Fagan, J., Vedantham, K., & Marmar, C.R., "An Overview of the Peritraumatic Distress Scale." 2 *Dialogues in Clinical Neurosciences* 66-67 (2000).

Works in Progress:

- Geller, A., and J. Fagan, "Police Contact and Mental Health," *Journal of Empirical Legal Studies* (Revise and resubmit, June 2020)
- Legewie, J., and J. Fagan, "Group Threat, Police Officer Diversity and the Deadly Use of Force by Police," available at <https://ssrn.com/abstract=2778692>
- Fagan, J., "Indignities of Order Maintenance" (Prepared for St. John's School of Law, October 2021).
- Fagan, J., "The Miller Muddle: Mythologizing Proportionality in Punishment for Adolescents."
- Fagan, J., Ellias, J., Kairys, D., and Levin, E.B. "Measuring A Fair Cross-Section of Jury Composition: A Case Study of the Southern District of New York," To be submitted to a law review.

Book Reviews:

- Exploring the Underground Economy: Studies of Illegal And Unreported Activity**, edited by S.Pozo (W.E. Upjohn Institute for Employment Research, 1996). *Contemporary Sociology* 27:69-70, 1998.
- Women, Girls, Gangs and Crime**, C.S. Taylor (Michigan State University Press, 1993). *Contemporary Sociology*, 24: 99-100, 1994.
- When Battered Women Kill**, A. Browne (Free Press, 1987). *Journal of Criminal Justice*, 16:74-8, 1988.
- Pathways from Heroin Addiction**, P. Biernacki (Temple University Press, 1986). *Criminology*, 25: 213-21, 1987.
- Child Sexual Abuse**, D. Finkelhor (Free Press, 1984). *Journal of Criminal Law and Criminology*, 77: 477-81, 1986.

PAPERS PRESENTED (SELECTED)

- "The Effectiveness and Equity of Police Stops" (with Jonathan Tebes), Presented at the Annual Meeting of the American Economic Association, New Orleans, January 7, 2023
- "Race and Reasonableness in Police Killings," Presented at the Quantlaw Conference, Rogers School of Law, University of Arizona, February 2020.
- "Are Police Officers Bayesians" Presented at the Annual Conference on Empirical Legal Studies, Claremont McKenna College, November 2019
- "Aggressive policing and the educational performance of minority youth," (with Joscha Legewie), Presented at the Quantlaw Conference, Rogers College of Law, University of Arizona, March 2018.
- "Multiple Personalities of Proactive Policing," Presented at Symposium on Misdemeanors, Boston University Law School, November 2017
- "Conjuring Crime," Presented at the Quantlaw Conference, Rogers School of Law, University of Arizona, February 2017.
- "Reforming the New Policing," Bridging the Gap on Criminal Justice Scholarship and Reform, Arizona State University, February 2017
- "Indignities of Order Maintenance," Annual Meeting of the American Association of Law Schools, San Francisco, January 6, 2017
- "Risky Predictions," Presented at the Symposium on Race and Policing, University of California at Irvine School of Law, October 7, 2016
- "Terry's Original Sin," Presented at the Faculty of Law, University of New South Wales, March 7, 2016.
- "The Effects of Local Crime Surges on Crime and Arrests in New York City" (J. MacDonald, J. Fagan, and A.B. Geller). Presented at the Tenth Conference on Empirical Legal Studies, Washington University, St. Louis MO, October 2015

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- “Policing and the Neighborhood Ecology of Legitimacy: Individual and Contextual Effects” (J. Fagan, T.R. Tyler, A.B. Geller). Presented at the International Conference on Police-Citizen Relations, CNRS-Science Po and Max Planck Institute, Paris France, April 2015.
- “Ferguson, New York.” Presented at the Symposium on Criminalization and Criminal Justice, University of Miami Law Review, Miami FL, February 2015
- “No Runs, Few Hits and Many Errors: Street Stops, Bias and Proactive Policing” (with G. Conyers and I. Ayres), Presented at the Ninth Conference on Empirical Legal Studies, University of California at Berkeley, November 2014
- “Aggressive Policing and the Health of Young Urban Men” (A. Geller, J. Fagan and T. Tyler), Presented at the Annual Meeting of the Population Association of America, New Orleans, LA, March 2010
- “Race and Selective Enforcement in Public Housing,” (J. Fagan, G. Davies and A. Carlis), Presented at the Seventh Annual Conference on Empirical Legal Studies, Northwestern Law School, November 2011; Annual Meeting of the Association for Public Policy and Management, Washington DC, November 2009; Annual Meeting of the American Society of Criminology, Philadelphia PA, November 2009; Law and Economics Workshop, University of Virginia, March 2010;
- “Social Context and Proportionality in Capital Punishment in Georgia” (with R. Paternoster), Presented at the Annual Meeting of the American Society of Criminology, San Francisco, November 2010
- “Profiling and Consent: Stops and Searches in New Jersey after *Soto*” (with A. Geller), Presented at the Sixth Annual Conference on Empirical Legal Studies, New Haven CT, November 2010
- “Doubling Down on Pot: Marijuana, Race and the New Disorder in New York City Street Policing” (with A. Geller), Presented at the Fifth Conference on Empirical Legal Studies, Los Angeles CA, November 2009
- “Crime, Conflict and the Racialization of Criminal Law,” Presented at the Annual Meeting of the European Society of Criminology, Ljubljana, Slovenia, September 2009
- “Street Stops and Broken Windows Revisited: The Demography and Logic of Proactive Policing in a Safe and Changing City,” (with A. Geller, G. Davies and V. West). Presented at the Annual Meeting of the Association for Public Policy and Management, Los Angeles, November 2008. Also presented at the Annual Meeting of the American Society of Criminology, St. Louis, November 2008.
- “Desistance and Legitimacy: Effect Heterogeneity in a Field Experiment on High Risk Groups,” (with A. Papachristos, D. Wallace, and T. Meares), presented at the Annual Meeting of the American Society of Criminology, St. Louis, November, 2008.
- “Legitimacy, Compliance and Cooperation: Procedural Justice and Citizen Ties to the Law” (with T. Tyler). Presented at the Second Conference on Empirical Legal Studies, Cornell Law School, October 2008.
- “Measuring A Fair Cross-Section of Jury Composition: A Case Study of the Southern District of New York,” (with A. Gelman, D.E. Epstein, and J. Ellias). Presented at the Annual Meeting of the Midwest Political Science Association, Chicago, April 4, 2008
- “Race, Legality and Quality of Life Enforcement in New York City, 2006,” John Jay College of Criminal Justice, New York, February 28, 2008
- “Be Careful What You Wish For: The Comparative Impacts of Juvenile and Criminal Court Sanctions on Adolescent Felony Offenders,” Presented at Annual Conference on Empirical Legal Studies, New York, November 19, 2007
- “The Common Thread: Crime, Law and Urban Violence in Paris and the U.S.,” Presented at the Conference on “Poverty, Inequality, and Race: Forty Years after the Kerner Commission Report and Twenty Years after the Scarman Commission Report,” University of Paris IX (Sorbonne), July 2007
- “Race, Political Economy, and the Supply of Capital-Eligible Cases,” Presented at the Annual Meeting of the American Society of Criminology, Atlanta GA, November 2007.

- "The Political Economy of the Crime Decline in New York City," Presented at the Annual Meeting of the American Society of Criminology, Atlanta GA, November 2007. Also presented at the Annual Meeting of the American Association for the Advancement of Science, San Francisco, February 2007 (with G. Davies). Also presented at the Symposium on the Crime Decline, University of Pennsylvania, Department of Criminology, March 31, 2006.
- "Crime and Neighborhood Change." Presented at the National Research Council, Committee on Law and Justice, Washington DC, April 2007.
- "Immigration and Crime," Presented at the Annual Meeting of the American Society of Criminology, Los Angeles, November 2006 (w. Garth Davies).
- "Rational Choice and Developmental Contributions to Legal Socialization," Presented at the Conference on Empirical Studies in Law, Austin, Texas, October 2006; also presented at the Annual Meeting of the American Society of Criminology, Toronto, November 2005 (with A. Piquero) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=914189.
- "The Diffusion of Homicides from Illegal Gun Markets: A Test of Social Contagion Theories of Violence, Presented at the Annual Meeting of the American Society of Criminology, Toronto, Ontario, November 14, 2005 (with G. Davies).
- "Attention Felons: Evaluating Project Safe Neighborhoods in Chicago" (November 2005). U Chicago Law & Economics, Olin Working Paper No. 269 <http://ssrn.com/abstract=860685>, presented at the Annual Meeting of the American Society of Criminology, Toronto, November 2005 (with A. Papachristos and T.L. Meares)
- "Legitimacy And Cooperation: Why Do People Help The Police Fight Crime In Their Communities?" Presented at the Annual Meeting of the American Society of Criminology, Toronto, November 2005 (with T. Tyler), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=887737
- "Science, Ideology and the Death Penalty: The Illusion of Deterrence." The Walter Reckless Lecture, delivered at the Moritz School of Law and the Criminal Justice Research Center, The Ohio State University, Columbus, OH, April 2005.
- "Crime Currents and the Co-Production of Security in New York City." Presented at the *Colloquium on the Urban Age*, London School of Economics, February 2005.
- "The Effects of Drug Enforcement on the Rise and Fall of Violence in New York City, 1985-2000," Presented at the *Workshop on Behavioral and Economic Research* National Institute on Drug Abuse, Bethesda MD, October 2004 (with G. Davies).
- "Police, Order Maintenance and Legitimacy," Presented at the Conference on *Dilemmas of Contemporary Criminal Justice: Policing in Central and Eastern Europe*, University of Maribor, Ljubljana, Slovenia, September 2004 (with Tom R. Tyler)
- "The Bustle of Horses on a Ship: Drug Control in Public Housing," Presented at Workshop on Crime in Public Housing, National Consortium on Violence Research, John F. Kennedy School of Government, Harvard University, April 2004.
- "Neighborhood Patterns of Violence among Latinos," Presented at Workshop on *Beyond Racial Dichotomies of Violence: Immigrants, Race and Ethnicity*, UCLA Center for Population Studies, Los Angeles, November 2003 (with G. Davies).
- "Neighborhood Effects on Violence Against Women: A Panel Study," Presented at the Annual Meeting of the American Society of Criminology, Denver, November 2003 (with G. Davies).
- "Reciprocal Effects of Crime and Incarceration in New York City Neighborhoods," Presented at the Russell Sage Foundation, New York, December 2002 (with V. West and J. Holland).
- "The Effects of Drug Enforcement on the Rise and Fall of Homicides in New York City, 1985-1996," Presented at the Annual Meeting of the American Society of Criminology, Chicago, November 2002 (with G. Davies).
- "Age-Specific Sanctions for Juvenile Offenders: Crime Control and the Exclusion of Adolescent from the Juvenile Court," Presented at the Symposium for the 10th Anniversary of the Netherlands Institute for the Study of Crime and Law Enforcement, Leiden, The Netherlands, September 2002.

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- "New Measures for Assessing Perceptions of Legitimacy and Deterrence among Juvenile Offenders," Presented at the Annual Meeting of the American Society of Criminology, Chicago, November 2002 (with A. Piquero).
- "Community, Courts, and Legitimacy," Fordham University Law School Symposium on Problem-Solving Courts, New York, February 2002 (with V. Malkin).
- "Specific Deterrent Effects of Jurisdictional Transfer of Adolescent Felony Offenders," American Society of Criminology, Atlanta, November 2001 (with A. Kupchik).
- "Assessing the Theoretical and Empirical Status of 'Broken Windows' Policing," Faculty of Law, University of Cambridge, Cambridge UK, October 2001.
- "Social Contagion of Youth Violence," Grand Rounds Lecture, Johns Hopkins University School of Medicine, Baltimore MD, March 2001.
- "Street Stops and Broken Windows: Terry, Race and Disorder in New York City," Presented at the Annual Meeting of the American Society of Criminology, San Francisco, CA, November 2000.
- "Social and Legal Consequences of Judicial Waiver of Adolescents: Human Rights Implications," Presented at the Annual Meeting of the American Association for the Advancement of Science, Washington DC, February 2000.
- "Crime in Poor Places: Examining the Neighborhood Context of New York City's Public Housing Projects," Presented at the Research Institute on Neighborhood Effects on Low-Income Families, Joint Center for Poverty Research, The University of Chicago, September 1999 (with Tamara Dumanovsky and J. Philip Thompson).
- "Social Contagion of Violence," Presented at the Fortunoff Colloquium, New York University School of Law, April 1999. Previous versions presented at the Winter Roundtable, Teachers College, Columbia University, February 1998, and the International Roundtable on Urban Security, Foundation Jean Jares, Paris, April 1998.
- "This is Gonna' Hurt Me More than It'll Hurt You: Consequences of the Criminalization of Youth Crime." Presented at the Workshop on the Juvenile Justice System, National Research Council Panel on Juvenile Crime, Washington DC, January 1999.
- "Use, Misuse and Nonuse of Social Science in Law: Case Studies from Criminal Law." Presented at the Annual Meeting of the American Association of Law Schools, New Orleans, January 1999.
- "Consequences of Waiver: Recidivism and Adolescent Development." Presented at the Symposium on The Juvenile Justice Counter-Reformation: Children and Adolescents as Adult Criminals, Quinnipiac College School of Law, Hamden CT, September 17-18, 1998.
- "Drugs and Youth Violence: The Tripartite Framework Revisited." Presented at the Annual Meeting of the American Society of Criminology, San Diego, November 1997.
- "The Criminalization of Delinquency and the Politics of Juvenile Justice." Presented at the Annual Meeting of the National Conference of State Legislatures, Philadelphia PA, August 1997.
- "Crack in Context: Myths And Realities From America's Latest Drug Epidemic." Presented at the NIJ/NIDA Conference on *The Crack Decade: Research Perspectives and Lessons Learned*. Baltimore MD: June 1997.
- "Alcohol and Violent Events." Presented at the Annual Meeting of the American Society of Criminology, Chicago, November 1996 (with D.L. Wilkinson).
- "Crime and Public Housing: Conceptual and Research Issues." Presented at the Joint Conference on Research in Public Housing, National Institute of Justice and Department of Housing and Urban Development, Washington DC, July 1997.
- "The Functions of Adolescent Violence." Presented at the Bi-National Forum on Youth Violence, The French American Foundation, United Nations, New York, October 1996.
- "Mirror Images of Violence: The Historical Socialization of Willie Bosket." Author-Meets-Critic Panel on *All God's Children*, by Fox Butterfield. Presented at the Annual Meeting of the American Society of Criminology, Boston, November 1995.

- "Crime and Work." Presented at the Annual Meeting of the American Society of Criminology, Boston, November 1995.
- "Drugs and Violence: Lessons from Three Epidemics." Presented at a joint session of the Annual Meetings of the American Sociological Association and the Society for the Study of Social Problems, Washington DC, August 1995.
- "Social and Legal Control of Spouse Assault: Ironies in the Effectiveness of Punishment for Wife Beating." Presented at the Conference on Research and Evaluation, National Institute of Justice, Washington DC, July 1995.
- "Cocaine and Federal Sentencing Policy." Testimony before the Subcommittee on Crime, Committee on the Judiciary, U.S. House of Representatives, Washington DC, June 29, 1995.
- "Gangs, Youth, Drugs, and Violence." Presented to the Drugs-Violence Task Force of the U.S. Sentencing Commission, Washington DC, May 1995.
- "Community Risk Factors in Workplace Violence." Presented at the Symposium on Violence in the Workplace, New York Academy of Medicine, New York, March 1995.
- "Situational Contexts of Gun Use among Young Males." Presented at the Annual Meeting of the American Association for the Advancement of Science, Atlanta, February 1995, and at the Annual Meeting of the American Society of Criminology, Miami, November 1994.
- "The Social Control of Violence among Intimates: Neighborhood Influences on the Deterrent Effects of Arrest for Spouse Assault" (with J. Garner & C. Maxwell). Presented at the Annual Meeting of the American Society of Criminology, Miami, November 1994.
- "Crime, Drugs and Neighborhood Change: the Effects of Deindustrialization on Social Control in Inner Cities." Presented at the Annual Meeting of the American Association for the Advancement of Science, San Francisco, February 1994.
- "The Social Context of Deterrence." Plenary paper presented at the Annual Meeting of the American Society of Criminology, Phoenix, October 1993.
- "Doubling Up: Careers in Legal and Illegal Work." Presented at the Annual Meeting of the American Society of Criminology, Phoenix, October 1993.
- "Promises and Lies: The False Criminology of 'Islands in the Street.'" Presented at the Annual Meeting of the American Sociological Association, Miami, August 1993.
- "Deindustrialization and the Emergence of Youth Gangs in American Cities." Colloquium at the Institute of Politics, University of Pittsburgh, April 1993.
- "Women and Drugs Revisited: Female Participation in the Crack Economy." Colloquium at the Research Institute on the Addictions, State of New York, March 1993.
- "Neighborhood Effects on Gangs and Ganging: Ethnicity, Political Economy and Urban Change." Presented at the Annual Meeting of the American Society of Criminology, New Orleans, November 1992.
- "Enterprise and Ethnicity: Cultural and Economic Influence on Social Networks of Chinese Youth Gangs" (with K. Chin). Presented at the Annual Meeting of the American Society of Criminology, New Orleans, November 1992.
- "The Specific Deterrent Effects of Criminal Sanctions for Drug and Non-Drug Offenders." Presented at the Annual Meeting of the Law & Society Association, Philadelphia, May 1992.
- "The Changing Contexts of Drug-Violence Relationships for Adolescents and Adults." Presented at the Annual Meeting of the American Academy for the Advancement of Science, Washington DC, February 1991.
- "Youth Gangs as Social Networks." Presented at the Annual Meeting of the American Society of Criminology, Baltimore MD, November 1990.
- "Context and Contingency in Drug-Related Violence." Presented at the Annual Meeting of the American Psychological Association, Boston MA, August 1990.
- "The Dragon Breathes Fire: Chinese Organized Crime in New York City" (R. Kelly, K. Chin, and J. Fagan). Presented to the Political Sociology Faculty of the University of Florence, Firenze, Italy, May 1990.
- "The Political Economy of Drug Use and Drug Dealing among Urban Gangs (J. Fagan and A.

- Hamid). Presented at the Annual Meeting of the American Society of Criminology, Reno NV, November 1989.
- "The Comparative Impacts of Juvenile and Criminal Court Sanctions for Adolescent Felony Offenders" (J. Fagan and M. Schiff). Presented at the Annual Meeting of the American Society of Criminology, Reno NV, November 1989.
- "Symbolic and Substantive Effects of Waiver Legislation in New Jersey" (M. Schiff and J. Fagan). Presented at the Annual Meeting of the Law and Society Association, Vail CO, June, 1988.
- "The Predictive Validity of Judicial Determinations of Dangerousness: Preventive Detention of Juvenile Offenders in the Schall v. Martin Case" (J. Fagan and M. Guggenheim). Presented at the Annual Meeting of the American Society of Criminology, Montreal, Quebec, November, 1987; and, at the Fortunoff Colloquium Series, New York University School of Law, November, 1988.
- "The Comparative Effects of Legal and Social Sanctions in the Recurrence of Wife Abuse" (J. Fagan and S. Wexler). Presented at the Third National Conference on Family Violence Research, University of New Hampshire, Durham, NH, July, 1987
- "The Stability of Delinquency Correlates in Eight High Crime Neighborhoods" (J. Deslonde and J. Fagan). Presented at the 1986 Annual Conference of Blacks in Criminal Justice, Washington DC, March 1986
- "Complex Behaviors and Simple Measures: Understanding Violence in Families" (J. Fagan and S. Wexler). Presented at the Annual Meeting of the American Society of Criminology, San Diego, November, 1985
- "Social Ecology of Violent Delinquency" (J. Fagan, P. Kelly and M. Jang). Presented at Annual Meeting of the Academy of Criminal Justice Sciences, Chicago, IL, March, 1984.
- "Delinquent Careers of Chronically Violent Juvenile Offenders" (E. Hartstone, J. Fagan and M. Jang). Presented at Pacific Sociological Association, San Jose, CA, April 1983.
- "*Parens Patriae* and Juvenile Parole." Presented at the National Conference on Criminal Justice Evaluation, Washington, DC, November 1978.
- "Indigenous Justice: The San Francisco Community Board Program" (J. Fagan). Presented at the Annual Meeting of the American Society of Criminology, November 1977, Atlanta, Georgia.
- "An Assessment of the Impact of Treatment and Other Factors on Successful Completion of a Pretrial Intervention Program" (J. Fagan). Presented at the National Conference on Criminal Justice Evaluation, February 1977.

EXPERT TESTIMONY:

- Joel Stallworth, et. al., v. Nike Retail Services, Inc. et. al.*, 2:20-cv-05985-VAP (GJSx), U.S. District Court, Central District of California
- Jermont Cox and Kevin Marinelli v. Commonwealth of Pennsylvania*, 102/103 RM 2018, Supreme Court of Pennsylvania (Consultant)
- People v. Miguel Contreras-Perez*, Pueblo County (Colo.) Dist Ct. No. 18CR1538.
- U.S. v. Murray Lawrence*, U.S. District Court, Eastern District of New York, 16-CR-243, Judge Jack B. Weinstein (2017)
- U.S. v. Antonio Williams and John Hummons*, 12-CR-887, Chief Judge Ruben Castillo, U.S. District Court, Northern Division of Illinois (2013)
- In re: Ferguson Police Department*, Special Litigation Section, Civil Rights Division, U.S. Department of Justice, DJ 207-42-6
- Floyd, et al. v. City of New York, et al.*, U.S. District Court, Southern District of New York, 08 Civ. 1034 (SAS) (2008)
- Davis et al. v. City of New York*, U.S. District Court, Southern District of New York, 10 Civ. 0699 (SAS) (2010)

Ligon et al. v. City of New York, U.S. District Court, Southern District of New York, 12 Civ. 2274 (SAS) (2012)
State v. Raheem Moore, Circuit Court # 08CF05160, State of Wisconsin, Criminal Division, Milwaukee County
Connecticut v Arnold Bell, Docket # CR02-0005839, District Court of Connecticut, New Haven
Jessica Gonzales v. United States, Petition No. 1490-05, Inter Am. C.H.R., Report No. 52/07, OEA/Ser.L./V/II.128, doc. 19 (2007)
U.S. v. Joseph Brown and Jose Lavandier, U.S. District Court for the District of Vermont, Docket No. 2:06-CR-82-2
United States v. Khalid Barnes, U.S. District Court, Southern District of New York, 04 Cr. 186 (SCR)
Loggins v. State, 771 So. 2d 1070 (Ala. Crim. App. 1999)
Truman-Smith v. Bryco Firearms et al. (02-30239 (JBW)), and *Johnson v. Bryco Firearms et al.* (03-2582 (JBW)), Eastern District of New York
U.S. v. Alan Quinones, S3 00 Cr. 761 (JSR), Southern District of New York
National Association for the Advancement of Colored People (NAACP) and National Spinal Cord Injury Association (NSCIA) v. American Arms Corporation, Accu-sport Corporation, et. al., Eastern District of New York, 99 CV 3999 (JBW), 99 CV7037 (JBW)
U.S. v. Durrell Caldwell, J-2045-00; J-2250-00, Family Division, Juvenile Branch, Superior Court of the District of Columbia
Nixon v. Commonwealth of Pennsylvania, Department of Public Welfare, 839 A.2d 277 (Pa. 2003)
National Congress of Puerto Rican Rights v. City of New York, 99 Civ. 1695 (SAS) (HBP)
State of Wisconsin v. Rodolfo Flores, 99-CF-2866, Circuit Branch 28 (Hon. Thomas R. Cooper)
State of Wisconsin v. Rolando Zavala, 97-CF-547, Circuit Branch 3 (Hon. Bruce E. Shroeder)
Hamilton v. Accu-Tek et al., 935 F. Supp. 1307 (E.D.N.Y. 1996)
U.S. v. Yohann Renwick Nelson, 920 F.Supp. 825 (M.D. Tenn., 1996)

OTHER PRESENTATIONS:

"The New Policing," U.S. Commission on Civil Rights, New York State Advisory Group, New York, March 2017
"Guns, Social Contagion, and Youth Violence." Presented at the Annual Conference of the Cuyahoga County Mental Health Institute, Case Western Reserve University, Cleveland, May 1998.
"The Future of the Criminal Law on Domestic Violence." Presented to the Governor's Criminal Justice Conference, Albany, New York, October 1996.
"Women, Law and Violence: Legal and Social Control of Domestic Violence." Presented at the 29th Semi-Annual Research Conference of the Institute for Law and Psychiatry, School of Law, University of Virginia, Charlottesville VA, November 1995.
"Punishment versus Treatment of Juvenile Offenders: Therapeutic Integrity and the Politics of Punishment," Delaware Council on Criminal Justice, Wilmington DE, October 1995.
Keynote Speaker, "The Criminalization of Domestic Violence: Promises and Limitations," National Conference on Criminal Justice Evaluation, National Institute of Justice, Washington DC, July 1995.
"Limits and Promises of New Jersey's Prevention of Domestic Abuse Act," Institute of Continuing Legal Education, Bar Association of the State of New Jersey, New Brunswick, July 1993.
"Technical Review on Alcohol and Violence," National Institute on Alcoholism and Alcohol Abuse, Rockville MD: May 1992.
Plenary Speaker, "Race and Class Conflicts in Juvenile Justice," Annual Meeting of the Juvenile Justice Advisory Groups, Washington DC, April 1991

Plenary Speaker, "Punishing Spouse Assault: Implications, Limitations and Ironies of Recent Experiments on Arrest Policies," Annual Meeting of the Society for the Study of Social Problems, Washington DC, August 1990.

"Drug Use, Drug Selling and Violence in the Inner City," Joint Center for Political Studies, Washington DC: November 1989.

"Technical Review on Drugs and Violence," National Institute on Drug Abuse, Rockville MD: September, 1989.

Carnegie Council on Adolescent Development, "Workshop on Adolescent Violence." Washington DC: May 1989.

"National Symposium on Families in Courts." National Judicial College, National Center for State Courts, and the American Bar Association (joint conveners). Reno NV, May 1989.

Plenary Panelist, "Delinquency Research in the 1990's." Annual Meeting of the Western Society of Criminology, Anaheim CA, February 1989.

Keynote Speaker, Philadelphia Coalition for Children and Youth, Juvenile Justice Conference, June, 1988

Ohio Governor's Task Force on Juvenile Violence, Statewide Conference on Gangs, May, 1988

OJJDP State Advisory Groups, Regional Workshops, 1982, 1987

Michigan Commission on Juvenile Justice, Symposium on Contemporary Programs in Rehabilitation of Serious Juvenile Offenders, 1986

Interagency Panel on Research and Development on Children and Adolescents, National Institute of Education, 1985, 1987

Symposium on Addressing the Mental Health Needs of the Juvenile Justice Population, National Institute of Mental Health, 1985

OJJDP/ADAMHA Joint Task Force on Serious Juvenile Offenders with Drug and Alcohol Abuse and Mental Health Problems, National Institute on Drug Abuse, 1984

National Conference on Family Violence as a Crime Problem, National Institute of Justice, 1984

Governor's Task Force on Juvenile Sex Offenders, California Youth Authority, Sacramento, CA, 1984

Los Angeles County Medical Association, Los Angeles, California: Family Violence and Public Policy, 1983

Minority Research Workshop, National Institute of Law Enforcement and Criminal Justice, LEAA, Department of Justice, 1979

TECHNICAL REPORTS (SELECTED):

Final Report: An Analysis of Race and Ethnicity Patterns in Boston Police Department Field Interrogation, Observation, and Frisk or Search Reports (J. Fagan, A. Braga, R.K. Brunson, and A. Pattavina). Submitted to the Boston Police Department, June 2015, at <https://www.issuelab.org/resources/25203/25203.pdf>

Project Safe Neighborhoods in Chicago: Three Year Evaluation and Analysis of Neighborhood Level Crime Indicators, Final Technical Report (J. Fagan, A. Papachristos, T.L. Meares), Grant # 2004-GP-CX-0578, Bureau of Justice Assistance, U.S. Department of Justice (2006).

Social and Ecological Risks of Domestic and Non-Domestic Violence against Women in New York City (J. Fagan, J. Medina-Ariza, and S.A. Wilt). Final Report, Grant 1999-WT-VW-0005, National Institute of Justice, U.S. Department of Justice (2003).

The Comparative Impacts of Juvenile and Criminal Court Sanctions on Recidivism among Adolescent Felony Offenders (J. Fagan, A. Kupchik, and A. Liberman). Final Report, Grant 97-JN-FX-01, Office of Juvenile Justice and Delinquency Prevention (2003).

Drug Control in Public Housing: The Impact of New York City's Drug Elimination Program on Drugs and Crime (J. Fagan, J. Holland, T. Dumanovsky, and G. Davies). Final Report, Grant No. 034898, Substance Abuse Policy Research Program, Robert Wood Johnson Foundation

- (2003).
- The Effects of Drug Enforcement on the Rise and Fall of Homicides in New York City, 1985-95* (J. Fagan). Final Report, Grant No. 031675, Substance Abuse Policy Research Program, Robert Wood Johnson Foundation (2002).
- Getting to Death: Fairness and Efficiency in the Processing and Conclusion of Death Penalty Cases after Furman* (J. Fagan, J. Liebman, A. Gelman, V. West, A. Kiss, and G. Davies). Final Technical Report, Grant 2000-IJ-CX-0035, National Institute of Justice (2002).
- Analysis of NYPD AStop and Frisk Practices* (J. Fagan, T. Dumanovsky, and A. Gelman). Office of the Attorney General, New York State, 1999 (contributed chapters and data analyses).
- Situational Contexts of Gun Use by Young Males in Inner Cities* (J. Fagan and D.L. Wilkinson). Final Technical Report, Grant SBR 9515327, National Science Foundation; Grant 96-IJ-CX-0021, National Institute of Justice; Grant R49/CCR211614, Centers for Disease Control and Prevention (NIH), 1999.
- The Specific Deterrent Effects of Arrest on Domestic Violence* (C. Maxwell, J. Garner and J. Fagan). Final Technical Report, Grant 93-IJ-CX-0021, National Institute of Justice, 1999.
- The Epidemiology and Social Ecology of Violence In Public Housing* (J. Fagan, T. Dumanovsky, J.P. Thompson, G. Winkel, and S. Saegert). National Consortium on Violence Research, National Science Foundation, 1998.
- Reducing Injuries to Women in Domestic Assaults* (J. Fagan, J. Garner, and C. Maxwell). Final Technical Report, Grant R49/CCR210534, Centers for Disease Control, National Institutes of Health, 1997.
- The Effectiveness of Restraining Orders for Domestic Violence* (J. Fagan, C. Maxwell, L. Macaluso, & C. Nahabedian). Final Technical Report, Administrative Office of the Courts, State of New Jersey, 1995.
- Gangs and Social Order in Chinatown: Extortion, Ethnicity and Enterprise* (K. Chin, J. Fagan, R. Kelly). Final Report, Grant 89-IJ-CX-0021 (S1), National Institute of Justice, U.S. Department of Justice, 1994.
- The Comparative Impacts of Juvenile and Criminal Court Sanctions for Adolescent Felony Offenders: Certainty, Severity and Effectiveness of Legal Intervention* (J. Fagan). Final Report, Grant 87-IJ-CX-4044, National Institute of Justice, U.S. Department of Justice, 1991.
- Final Report of the Violent Juvenile Offender Research and Development Program*, Grant 85-MU-AX-C001, U.S. Office of Juvenile Justice and Delinquency Prevention:
- *Volume I: Innovation and Experimentation in Juvenile Corrections: Implementing a Community Reintegration Model for Violent Juvenile Offenders* (J. Fagan and E. Hartstone), 1986.
 - *Volume II: Separating the Men from the Boys: The Transfer of Violent Delinquents to Criminal Court* (J. Fagan and M. Forst), 1987.
 - *Volume III: Rehabilitation and Reintegration of Violent Juvenile Offenders: Experimental Results* (J. Fagan, M. Forst and T. Scott Vivona), 1988.
- Drug and Alcohol Use, Violent Delinquency, and Social Bonding: Implications for Policy and Intervention* (J. Fagan, J.G. Weis, J. Watters, M. Jang, and Y. Cheng), Grant 85-IJ-CX-0056, National Institute of Justice, 1987.
- Minority Offenders and the Administration of Juvenile Justice in Colorado* (E. Slaughter, E. Hartstone, and J. Fagan). Denver: Colorado Division of Criminal Justice, 1986.
- Final Report: The Impact of Intensive Probation Supervision on Violent Juvenile Offenders in the Transition Phase Adolescence to Adulthood* (J. Fagan and C. Reinerman), Grant 82-IJ-CX-K008, National Institute of Justice, 1986.
- Final Report: National Family Violence Evaluation* (J. Fagan, E. Friedman, and S. Wexler), Grant 80-JN-AX-0004, Office of Juvenile Justice and Delinquency Prevention, 1984. (Also, three interim reports: History and Development, Process Analysis, Client and Program Characteristics.)
- A Resident Mobilization Strategy for Prevention of Violent Juvenile Crime* (J. Deslonde, J. Fagan, P.

Kelly, and D. Broussard). San Francisco: The URSA Institute, 1983.
Background Paper for the Violent Juvenile Offender Research and Development Program (J. Fagan, S. Jones, E. Hartstone, & C. Rudman), Washington, DC: Office of Juvenile Justice and Delinquency Prevention, April 1981.

EDITORIAL:

Senior Editor, *Criminology and Public Policy*, 2001 - 2008
Advisory Board, *Family and Child Law Abstracts*, Legal Scholarship Network, 1999-present
Editorial Advisory Board, *Journal of Criminal Law and Criminology*, 1996-2010
Editorial Board, *Criminology*, 1997-2001
Editorial Board, *Journal of Quantitative Criminology*, 2001-2008
Editorial Board, *Crime and Justice: A Review of Research*, 1998-present
Editorial Board, *Journal of Research in Crime and Delinquency*, 1997-present
Editor, *Journal of Research in Crime and Delinquency*, 1990 - 1995
Editor, *Contemporary Drug Problems*, Special Issues on Crack (Winter 1989, Spring 1990)
Co-Editor, *Oxford Readers in Crime and Justice* (w. Michael Tonry), Oxford University Press, 1994-95

ADVISORY BOARDS AND COMMITTEES:

Faculty Affiliate, Data Science Institute, Columbia University (2020-present)
Advisory Board, 8th Amendment Project (2015-present)
Research Advisory Board, The Innocence Project (2009 – present)
Committee on Law and Justice, National Academy of Sciences (2000-2006) (Vice Chair, 2004-6)
Member, Committee to Review Research on Police Policy and Practices, National Research Council, National Research Council (2001-2003)
Working Group on Law, Legitimacy and the Production of Justice, Russell Sage Foundation (2000-present)
Working Group on Incarceration, Russell Sage Foundation (2000-2006)
Academic Advisory Council, National Campaign Against Youth Violence (The White House) (1999-2001)
Fellow, Aspen Roundtable on Race and Community Revitalization (1999 - 2001)
Fellow, Earl Warren Legal Institute, University of California School of Law (1998 - present)
Research Network on Adolescent Development and Juvenile Justice, MacArthur Foundation (1996-2006)
National Consortium on Violence Research, Carnegie Mellon University (NSF) (1996-present)
Committee on the Assessment of Family Violence Interventions, National Research Council, National Academy of Sciences (1994-1998)
Advisory Board, Evaluation of the Comprehensive Gang Intervention Program, University of Chicago (1997-present)
Committee on Opportunities in Drug Abuse Research, Institute of Medicine, National Academy of Sciences (Special Consultant) (1995 - 1996).
Initial Review Group, Violence and Traumatic Stress Research Branch, National Institute of Mental Health, National Institute of Health (1994-1998)
Chair, Working Group on the Ecology of Crime in Inner Cities, Committee for Research on the Urban Underclass, Social Science Research Council (1989-1994)
Advisory Board, Evaluation of the Jobs Corps, U.S. Department of Labor (1993-present)
Advisory Board, National Service Action Corps, Robert F. Kennedy Memorial (1993-1997)
Advisory Board, Evaluation of Family Violence Prevention and Services Act, The Urban

Insitute (1993-1994)
Scientific Core Group, Program on Human Development and Criminal Behavior, MacArthur Foundation (1991-1992)
Injury Control Panel on Violence Prevention, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services (1990-1991)
Princeton Working Group on Alternatives to Drug Prohibition, Woodrow Wilson School of Public and International Affairs, Princeton University (1990-1994)
Racial Disparities in Juvenile Justice, Pennsylvania Juvenile Court Judges Commission (1991-92)
Racial Disparities in Juvenile Justice, Missouri Department of Law and Public Safety (1990-91)
Conditions of Confinement of Juveniles, National Institute for Juvenile Justice and Delinquency Prevention (1990-1992)
Research Program on "Linking Lifetimes -- Intergenerational Mentoring for Youths at Risk and Young Offenders," Temple University (1989-91)
Research Program on Juvenile Court Sanctions for Family Violence, National Council of Juvenile and Family Court Judges, Bureau of Justice Assistance, U.S. Department of Justice (1987-1988)
School Crime Research and Development Program, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention (1986-1988)
Research and Development Project on Sexually Exploited Children, Tufts University, New England Medical Center Hospital, Boston, MA (1980-83)
Administration of Justice Program, National Urban League, New York, NY (1982-1987)

PROFESSIONAL ASSOCIATIONS:

Society for Empirical Legal Studies
American Society of Criminology
American Sociological Association
Law and Society Association
American Association for the Advancement of Science
American Public Health Association

RESEARCH GRANTS:

Principal Investigator, Racial Inequality in Police Violence: Injuries and Fatalities from Police Use of Force, Russell Sage Foundation Grant#: 2008-2769, July 2021 - June 2023
Principal Investigator, *Citizens, Police and the Legitimacy of Law in New York*, Grant # 20033258, Open Society Foundations, October 2011-September 2013
Principal Investigator, *Proactive Policing and Mental Health: Individual and Community Effects*, Grant # 69669, Public Health Law Research Program, Robert Wood Johnson Foundation, 2011-13
Co-Investigator, *Street Stops and Police Legitimacy*, Grant 2010-IJ-CX-0025 from the National Institute of Justice, U.S. Department of Justice, subcontract from New York University, 2011 – 2012
Principal Investigator, "Evaluation of Project Safe Neighborhoods in Chicago," May 2004 – September 2010, Grant # 2004-GP-CX-0578, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.
Principal Investigator, "Capital Sentencing of Adolescent Murder Defendants," March – December 2004, Grant #20012433 from the Open Society Institute. Additional support from the Wallace Global Fund.
Principal Investigator, "Legitimacy, Accountability, and Social Order: Majority and Minority

- Community Perspectives on the Law and Legal Authorities,” September 2002 - August 2003, Russell Sage Foundation.
- Principal Investigator, “Social Contagion of Violence,” Investigator Awards in Health Policy Program, Robert Wood Johnson Foundation, September 2002 – June 2004
- Principal Investigator, “Getting to Death: Fairness and Efficiency in the Processing and Conclusion of Death Penalty Cases after Furman,” Grant #2000-IJ-CX-0035, September 2000 - August 2001, National Institute of Justice, U.S. Department of Justice.
- Co-Principal Investigator, “Columbia Center for the Study and Prevention of Youth Violence,” Grant R49-CCR218598, October 1, 2000 - September 30, 2005, Centers for Disease Control, U.S. Department of Health and Human Services.
- Principal Investigator, “Neighborhood Effects on Legal Socialization of Adolescents,” John D. and Catherine T. MacArthur Foundation, October 1, 2000 - September, 30, 2002.
- Principal Investigator, “Violence Prevention through Legal Socialization,” 1 R01-HD-40084-01, October 1, 2000 - September 30, 2003, National Institute of Child and Human Development, U.S. Department of Health and Human Services.
- Principal Investigator, “The Effects of Incarceration on Crime and Work In New York City: Individual And Neighborhood Impacts,” Russell Sage Foundation, Grant 85-00-11, September 2000 - August 2002.
- Principal Investigator, “Community Courts and Community Ecology: A Study of The Red Hook Community Justice Center,” Grant 2000-MU-AX-0006, June 1, 2000 - December 31, 2002, National Institute of Justice, U.S. Department of Justice.
- Principal Investigator, “Age, Crime and Sanction: The Effect of Juvenile Versus Adult Court Jurisdiction on Age-specific Crime Rates of Adolescent Offenders,” Grant JR-VX-0002, June 1999 - August 2000, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Principal Investigator, “Social and Ecological Risks of Domestic and Non-domestic Violence Against Women in New York City,” Grant WT-VX-0005, April 1999 - December 2000, National Institute of Justice, U.S. Department of Justice.
- Principal Investigator, “Drug Control in Public Housing: An Evaluation of the Drug Elimination Program of the New York City Public Housing Authority,” September 1998 - August 2001, Robert Wood Johnson Foundation.
- Principal Investigator, “The Criminalization of Delinquency: Comparative Impacts of Juvenile and Criminal Court Sanctions on Adolescent Felony Offenders,” March 1997 - September 2000, Office of Juvenile Justice and Delinquency Prevention, Annie E. Casey Foundation, Open Society Institute.
- Co-Principal Investigator, “Post-Traumatic Stress Among Police,” October 1997 - April 2000, National Institute of Mental Health, 1 R01 MH56350-01, National Institute of Health (subcontract from University of California at San Francisco).
- Principal Investigator, “The Rise and Fall of Drug-Related Homicides in New York City: 1985-95,” July 1997 - June 2000, Robert Wood Johnson Foundation.
- Principal Investigator, “Lethal and Non-Lethal Violence: Individual, Social and Neighborhood Risk Factors,” October 1996 - September 1999, Centers for Disease Control and Prevention, National Institute of Health, R49/CCR212753-01; National Institute of Justice, 97-IJ-CX-0013.
- Principal Investigator, “The Situational Context of Gun Use by Young Males,” October 1995 - January 1998, National Science Foundation, SBR-9515327; National Institute of Justice, 96-IJ-CX-0021; Centers for Disease Control and Prevention (NIH) R49/CCR211614.
- Principal Investigator, “The Situational Context of Gun Use by Young Males in Inner Cities,” February 1995 - August 1996, The Harry Frank Guggenheim Foundation.
- Principal Investigator, “Reducing Injuries to Women from Spouse Assault,” September 1994 - February 1996, Centers for Disease Control and Prevention, National Institute of Health, R49/CCR210534-01.

- Co-Principal Investigator, "Crime Commission Rates of Incarcerated Prisoners: Estimates from the Second Generation of Inmate Surveys," June 1994 - February 1995, National Institute of Justice, 94-IJ-CX-0017.
- Principal Investigator, "Impacts of Arrest on the Social Control of Violence Among Intimates," October 1993 - June 1994, National Institute of Justice, 93-IJ-CX-0021.
- Principal Investigator, "The Role of Legal and Social Controls in Controlling Violence among Intimates," July 1993 - December 1994, The Harry Frank Guggenheim Foundation.
- Co-Principal Investigator, "Measuring the Use of Force by Police," September 1993 - August 1994, National Institute of Justice, 92-IJ-CX-K028.
- Co-Principal Investigator, "Female Participation in Drug Selling," September 1992 - August 1994, National Science Foundation, SES-92-07761. Also supported by the Rockefeller Foundation.
- Principal Investigator, "Civil and Criminal Sanctions for Domestic Violence," June 1992 - September 1994 Administrative Office of the Courts, State of New Jersey.
- Co-Principal Investigator, "Careers in Crack, Drug Use and Distribution, and Non-Drug Crime," February 1991 - January 1993, National Institute on Drug Abuse, National Institute of Health, 1R01-DA-06615-01.
- Principal Investigator, "Patterns of Organized Crime Activities among Asian Businesses in the New York Metropolitan Area," October 1989 - March 1991, National Institute of Justice, 89-IJ-CX-0021.
- Principal Investigator, "Desistance from Family Violence," July 1990 - January 1992, The Harry Frank Guggenheim Foundation.
- Principal Investigator, "Pipeline Study for a Field Experiment on Drug Testing in Community Corrections," June-December, 1990, National Institute of Justice, 90-IJ-R-026
- Principal Investigator, "Changing Patterns of Drug Abuse and Criminality among Crack Users," December 1987 - September 1989, National Institute of Justice, 87-IJ-CX-0064-S1.
- Principal Investigator, "The Comparative Impacts of Criminal and Juvenile Sanctions for Adolescent Felony Offenders," October 1987 - September 1989, National Institute of Justice, 87-IJ-CX-4044.
- Principal Investigator, "Drug Abuse and Delinquency among Dropouts and Gang Members: A Secondary Analysis," October 1987 - December 1988, National Institute for Juvenile Justice and Delinquency Prevention, 87-JN-CX-0012.
- Principal Investigator, "Drug and Alcohol Use, Violent Delinquency, and Social Bonding," October 1985 - December 1986, National Institute of Justice, 85-IJ-CX-0056.
- Principal Investigator, "Violent Juvenile Offender Research and Development Program," November 1980 - June 1987, National Institute for Juvenile Justice and Delinquency Prevention, 80-JN-AX-0012, 85-MU-CX-0001.
- Principal Investigator, Preventive Detention and the Prediction of Dangerousness Among Juveniles: Pretrial Crime and Criminal Careers in the *Schall v. Martin* Cohort, New York City Criminal Justice Agency.
- Principal Investigator, "AIDS Community Education Effectiveness Study," January 1986 - June 1987, California Department of Health, Grant D0056-86.
- Principal Investigator, "Longitudinal Evaluation of Intensive Probation Supervision for Violent Offenders," October 1982 - June 1985, National Institute of Justice, 82-IJ-CX-K008.
- Principal Investigator, National Evaluation of the LEAA Family Violence Program," October 1978 -January 1984, National Institute for Juvenile Justice and Delinquency Prevention, 80-JN-AX-0003.

PEER REVIEW:

Scholarly Journals

Stanford Law Review
NYU Law Review
Yale Law Journal
Proceedings of the National Academy of Science
Social Problems
Journal of Contemporary Ethnography
Journal of Drug Issues
Crime and Justice: An Annual Review of Research
Journal of Criminal Justice
Alcohol Health and Research World
Criminal Justice Ethics
Criminology
Journal of Urban Affairs

Columbia Law Review
J. Crim Law & Criminology
Social Science Quarterly
Law and Society Review
American Journal of Sociology
American Sociological Review
Sociological Methods and Research
Journal of Quantitative Criminology
Justice Quarterly
Violence and Victims
Contemporary Drug Problems
Criminology and Public Policy

University Presses

Rutgers University Press
State University of New York Press
Temple University Press
University of Chicago Press

Cambridge University Press
Oxford University Press
Princeton University Press
New York University Press

Other Presses

MacMillan Publishing
St. Martins Press

Greenwood Publications
Sage Publications

Research Grant Reviews

National Institute on Mental Health, Violence and Traumatic Stress Branch
Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, USPHS
Law and Social Science Program, National Science Foundation
Sociology Program, National Science Foundation
National Institute on Drug Abuse, Prevention Branch
National Institute on Drug Abuse, Epidemiology Branch
National Institute of Justice
Office of Juvenile Justice and Delinquency Prevention
The Carnegie Corporation of New York
The W.T. Grant Foundation

COURSES TAUGHT:

Seminar on Neuroscience and Criminal Law
Seminar on Mass Incarceration
Empirical Legal Studies Laboratory
Seminar on the Social and Legal Regulation of Firearms
Seminar on Policing
Criminal Law
Capital Punishment
Empirical Analysis of Law
Juvenile Justice
Seminar on Crime and Justice in New York

Pro-Seminar on Race, Crime and Law
Pro-Seminar on Community Justice and Problem-Solving Courts
Seminar on Regulation in the Criminal Law
Law and Social Science
Seminar on Criminology
Foundations of Scholarship
Seminar on Violent Behavior
Seminar on Drugs, Law and Policy
Seminar on Communities and Crime
Research Methods in Criminal Justice and

Criminology
Advanced Research Methods
Qualitative Research Methods
Criminal Justice Policy Analysis

Administration of Juvenile Corrections
Research Methods
Seminar on Deterrence and Crime Control
Theory

CONSULTATIONS:

Robina Institute, University of Minnesota School of Law, 2012
Boston Police Department, 2012-present
New Jersey Commission on Law Enforcement Standards and Practices, 2006-7
London School of Economics, Urban Age Colloquium, 2005
Inter-American Development Bank, Urban Security and Community Development, 2002-3
Trans.Cité (Paris, France), Security in Public Transportation, 2002
Institute for Scientific Analysis, Domestic Violence and Pregnancy Project, 1995-96
Department of Psychology, University of Wisconsin (Professor Terrie Moffitt), 1995-1999
National Funding Collaborative for Violence Prevention (Consortium of foundations), 1995
National Council on Crime and Delinquency, 1989-94
Victim Services Agency, City of New York, 1994-2000
National Conference of State Legislatures, 1994-2001
U.S. Department of Labor, 1994
City of Pittsburgh, Office of the Mayor, 1994
Center for the Study and Prevention of Violence, Colorado University, 1993 - 2000
Washington (State) Department of Health and Rehabilitative Services, 1993
National Council of Juvenile and Family Court Judges, 1993
Center for Research on Crime and Delinquency, Ohio State University, 1992, 1993
New York City Criminal Justice Agency, 1992, 1993
Violence Prevention Network, Carnegie Corporation, 1992-3
Research Triangle Institute, 1993
National Institute of Corrections, 1992, 1993
Colorado Division of Criminal Justice, 1991
Juvenile Delinquency Commission, State of New Jersey, 1991
University of South Florida, Dept. of Criminology, 1991-92
Florida Mental Health Institute, 1991
Rand Corporation, 1991-92
Juvenile Corrections Leadership Forum, 1990
Texas Youth Commission, 1990
California State Advisory Group on Juvenile Justice, 1989
New York State Division of Criminal Justice Services, Family Court Study, 1989
Juvenile Law Center, Philadelphia, 1988
American Correctional Association, 1988
Institute for Court Management, National Center for State Courts, 1987-present
Correctional Association of New York, 1987
Eisenhower Foundation, Washington DC, 1987-1990
New York City Department of Juvenile Justice, 1987-1990
Juvenile Justice and Delinquency Prevention Council, Colorado Division of Criminal Justice, 1983-87
Office of Criminal Justice Services, State of Ohio, 1983
Utah Youth Corrections Division, Salt Lake City, Utah, 1982
Office of Criminal Justice, State of Michigan, 1982, 1986
National Center for the Prevention and Control of Rape, NIMH, 1980

SERVICE:

Columbia University

University Senate, Mailman School of Public Health, 2003-2007
Director, JSD Program, Columbia Law School, 2001-2010
Curriculum Committee, Columbia Law School, 2003-4

Professional

Chair, Sutherland Award Committee, American Society of Criminology, 2006-7
Chair, National Policy Committee, American Society of Criminology, 2002-2003
Delegate from the American Society of Criminology to the American Association for the
Advancement of Science, 1995-1999
Executive Counselor, American Society of Criminology, 1994-97
Chair, Nominations Committee, American Society of Criminology, 1995-96.
Counsel, Crime, Law and Deviance Section, American Sociological Association, 1993-94
Nominations Committee, American Society of Criminology, 1993-94, 2016-7
Site Selection Committee, American Society of Criminology, 1992
Program Committee, American Society of Criminology, 1988, 1990, 2000
Awards Committee, Western Society of Criminology, 1988

Public

Domestic Violence Working Group, New Jersey Administrative Office of the Courts, 1991-
1998
Prevention Task Force, New Jersey Governor's Commission on Drug and Alcohol Abuse, 1990
State Judicial Conference, State of New Jersey, Administrative Office of the Courts, 1990
Task Force on Youth Gangs, State of New York, Division for Youth, 1989-90