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Professor of Law

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EMPLOYMENT

University of California, Davis, School of Law. Davis, CA.
Professor of Law, July 2007--present.
Acting Professor, July 2003-June 2007.

Courses taught: Criminal Procedure, Criminal Law, Constitutional Law I, Policing, Privatization and Criminal Justice, Law and Society.

Center for Internet and Society, Stanford Law School. Palo Alto, CA.
Affiliate Scholar: 2015-2016.

Stanford Law School. Palo Alto, CA.
Herman Phleger Visiting Professor of Law, 2008-2009.
Courses taught: Criminal Procedure, Criminal Law, Policing.

The Hon. Stephen Reinhardt, U.S. Court of Appeals, 9th Circuit. Los Angeles, CA
Law Clerk, 2002-2003.

PUBLICATIONS

Surveillance Discretion: Automated Suspicion, Big Data, and Policing, __ HARVARD L. & POL'Y REV. __ (forthcoming 2016).

[The Myth of Arrestee DNA Expungement](#), __ U. PENN. L. REV. ONLINE __ (forthcoming 2015).

[Sting Victims: Third Party Harms in Undercover Police Operations](#) (with Thomas Joo), __ S. CAL. L. REV. __ (forthcoming 2015).

[Bait, Mask & Ruse: Technology and Police Deception](#) 128 HARV. L. REV. F. 246 (2015)

[Should Arrestee DNA Databases Extend to Misdemeanors?](#) 8 J. RECENT ADVANCES DNA & GENE SEQUENCES 1 (2015).

[Policing by Numbers: Big Data and the Fourth Amendment](#), 89 WASH. L. REV. 35 (2014) (symposium).

[Maryland v. King: Policing and Genetic Privacy](#) (Term Paper Series), 11 OHIO ST. J. CRIM. L. 281 (2013).

- [Cited in ACLU, Amicus Brief in Support of Appellant Mark Buza, People v. Buza \(Cal. Ct. Appeal 2013\).](#)

[Privacy Protests: Surveillance Evasion and Fourth Amendment Suspicion](#), 55 ARIZ. L. REV. 997 (2013).

- Listed in SSRN's Top Ten download list for the Legal Scholarship Network (Posted August 1, 2013; downloaded 912 times as of Sept. 6, 2013).

[DNA Theft: Recognizing the Crime of Nonconsensual Genetic Collection and Analysis](#), 91 BOSTON UNIV. L. REV. 665 (2011)

- Excerpted in SHEPHERD & DOLGIN, *BIOETHICS AND THE LAW* (3D ed. 2013).

[*Breaking the Law to Enforce It: Undercover Police Participation in Crime*](#), 62 *STAN. L. REV.* 155 (2009).

[*Imagining the Addict: Evaluating Social and Legal Responses to Addiction*](#), 2009 *UTAH L. REV.* 175 (2009) (Drugs: Addiction, Therapy, and Crime symposium).

[*Discretionless Policing: Technology and the Fourth Amendment*](#), 95 *CAL. L. REV.* 199 (2007)

- Cited in [*State v. Adams*](#), 409 S.C. 641, 649 (2014).
- Excerpted in CYNTHIA LEE (ed.), *THE FOURTH AMENDMENT, SEARCHES & SEIZURES* (2010).
- Cited in *SEARCH & SEIZURE: A TREATISE ON THE 4TH AMENDMENT S. 2.7(f)* (2012).

[*The Forgotten Threat: Private Police and the State*](#) (symposium), 13 *IND. J. GLOBAL L. STUD.* 357 (2006).

[*Reclaiming "Abandoned" DNA: The Fourth Amendment and Genetic Privacy*](#), 100 *NW. UNIV. L. REV.* 2 (2006).

- Cited in briefs for *Maryland v. King*, 133 S.Ct. 1958 (2013): Brief for the Respondent in Opposition (No. 12-207); Brief of Amici Curiae Electronic Privacy Information Center and Twenty-six Technical Experts and Legal Scholars in Support of Respondent (No. 12-207); Brief for the Respondent (No. 12-207); Brief of Susana Martinez, Governor of the State of New Mexico, as Amicus Curiae in Support of Petitioner (No. 12-207).
- Cited in *SEARCH & SEIZURE: A TREATISE ON THE 4TH AMENDMENT S. 2.6(b)*(2012).
- Cited in DANIEL SOLVE & PAUL SCHWARTZ (eds.), *INFORMATION PRIVACY LAW* (3d. ed. 2009).
- Cited in *U.S. v. Kriesel*, -- F.3d -- (2013 WL 3242293, *21 (9th Cir. 2013) (dissent); *U.S. v. Davis*, 657 F.Supp.2d 630, 648 (D. Md. 2009); *People v. Gallego*, 117 Cal.Rptr3d 908, 912 (Cal. App. 3 Dist. 2010); *Piro v. State*, 190 P.3d 905, 909 (Idaho App. 2008); *Williamson v. State*, 993 A.2d 626, 639 (Md. 2010); *Raynor v. State*, 29 A.3d 617, 625 (2009).
- Discussed in Sheldon Krinsky & Tania Simoncelli, *GENETIC JUSTICE: DNA DATA BANKS, CRIMINAL INVESTIGATIONS, AND CIVIL LIBERTIES* 116-118 (2011).

[*Conceptualizing the Private Police*](#), 2005 *UTAH L. REV.* 573 (2005).

[*The Paradox of Private Policing*](#), 95 *J. CRIM. L. & CRIMINOL.* 49 (2004).

- Cited in *U.S. v. Mayes*, 2012 WL 267770, *8 (D.S.C. Jan. 24, 2013).
- Cited in *CRIMINAL PROCEDURE*, 2D. ED. S. 3.1(h) (2012).

Custom, Tribal Court Practice, and Popular Justice, 25 *AM. INDIAN L. REV.* 117 (2001).

- Excerpted in JUSTIN B. RICHLAND & SARAH DEER, *INTRODUCTION TO TRIBAL LEGAL STUDIES* (2004).

Narrating Pain: The Problem With Victim Impact Statements, 10 *S. CAL. INTERDISC. L. J.* 17 (2000).

"If It Suffices to Accuse": *United States v. Watts and the Reassessment of Acquittals*, 74 N.Y.U. L. REV. 887 (1999).

- Cited in *U.S. v. Stokes*, 2000 WL 246478, *1 (D. Mass. 2000).

Tremors on the Racial Fault Line? The Black Church Fires of 1996 (James B. Jacobs, co-author), 34 CRIM. L. BULLETIN 497 (1998).

SHORTER WORKS

Your Genetic Privacy at Stake (regarding *People v. Buza*)(op-ed), DAILY JOURNAL, March 4, 2015.

Review Essay: Jammed Up: Bad Cops, Police Misconduct, and the New York City Police Department (2013) in 17 PUNISHMENT & SOC'Y 262 (2015).

[What's a "normal" amount of law enforcement?](#), The Life of the Law, Jan. 16, 2015.

[When police moonlight in their uniforms \(op-ed\)](#), L.A. TIMES, Oct. 13, 2014.

[Influential but Uninformed: What SCOTUS Knows About Policing](#) (reviewing Seth W. Stoughton, *Policing Facts*, 88 Tulane L. Rev. 847 (2014)) jotwell.com, Oct. 1, 2014.

[Forget Internet Security, How Do I Protect My Genetic Privacy?](#), The Life of the Law, May 5, 2014.

[From Anti-Drone Burqas To Face Cages: What Artists Are Showing Us About Surveillance and the Law](#), The Life of the Law, April 2, 2014.

[Will Big Data Change How Police Do Their Job?](#), The Life of the Law, Nov. 6, 2013.

[Maryland v. King: Three concerns about policing and genetic information](#), Genomics Law Report, Sept. 19, 2013.

[When the Government \(Accidentally\)Helps Criminal Markets](#) (reviewing David Michael Jaros, *Perfecting Criminal Markets*, 112 COLUM. L. REV. 19247 (2012)) jotwell.com, Sept. 8, 2013.

[Review Essay, Police Discretion? It's the Department, Stupid.](#) (reviewing Nirej Sekhon, *Redistributive Policing*, 101 J. CRIM. L & CRIMINOL. 1171 (2012)), jotwell.com May 11, 2012.

DNA Theft: Your Genetic Information at Risk, 12 NATURE REVIEWS GENETICS, Oct.0 25, 2011.

[Review Essay, Can Fiscal Crises Change our Incarceration Problem? Maybe.](#) (reviewing Mary D. Fan, *Beyond Budget-Cut Criminal Justice*, 90 N.C. L. REV. ___ (2011)), Oct. 25, 2011.

[The Grim Sleeper and DNA: There's much to be concerned about \(op-ed\)](#), L.A. TIMES, July 10, 2010.

[Review Essay, The Return of Banishment: Punishment and Policing](#) (reviewing Katherine Beckett and Steve Herbert, *Penal Boundaries: Banishment and the Expansion of Punishment*, 35 LAW AND SOCIAL INQUIRY 1 (2010)), May 24, 2010.

The ethics of DNA databasing (guest commentary), Economist.com, Mar. 20, 2009

Katz v. United States, ENCYCLOPEDIA OF THE SUPREME COURT (David S. Tanenhaus, ed., 2008).

Review Essay, The Politics of Punishment, 10 PUNISHMENT & SOCIETY 479 (2008).

Your Shed DNA: Up for Grabs?, INSIGHTS ON LAW AND SOCIETY, American Bar Association (Fall 2007).

Policing Without the Police (invited submission), 34 SEARCH & SEIZURE L. REP. 57 (2007).

Private Policing, THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006).

Private Policing: An Interpretive Guide (invited submission), 33 SEARCH & SEIZURE L. REP. 25 (2006).

Private Policing: Unknown and Under-Regulated (invited submission), 32 SEARCH & SEIZURE L. REP. 33 (2005).

SELECTED SYMPOSIA & PRESENTATIONS

Invited speaker, *Big Data and Policing*, Center for the Study of Law and Society Speaker Series (Spring 2016).

Invited Presenter, *Surveillance Discretion* (paper selected for session commentary), Privacy Law Scholars Conference (by invitation: June 6, 2015).

Invited speaker, *Sting Victims*, Northwestern University School of Law (April 20, 2015).

Mitchell Lecture, *Big Data and Policing*, SUNY Buffalo School of Law (March 27, 2015).

Invited presentation, *Sting Victims*, University of Virginia Law School Policing Roundtable Conference (March 5-6, 2015).

Invited moderator, Celebrating Troy Duster, U.C. Berkeley School of Law (Aug. 15, 2014).

Speaker, *Riley v. California*, U.C. Davis Faculty Supreme Court Decision lunch series (July 10, 2014).

Invited Interview, [Privacy Issues](#) (Podcast), Life of the Law (Apr. 22, 2014).

Invited Speaker, *Maryland v. King*, [The Supreme Genome?](#) UCLA School of Law (November 22, 2013).

Presenter, *Maryland v. King: Policing and Genetic Privacy*, Southwest Criminal Law Scholarship Conference (Sept. 6, 2013).

Invited Testimony, Privacy and Civil Liberty Impacts of Unmanned Aircraft Systems: Domestic Use and Implications, CA Assembly Public Safety Committee (Aug. 6, 2013).

Presenter, *Maryland v. King*, U.C. Davis Faculty Supreme Court Decision lunch series (July 8, 2013).

Invited Presenter, *Privacy Protests* (paper selected for session commentary), Privacy Law Scholars Conference (by invitation: June 7, 2013).

Presenter, *U.S. v. Jones*, U.C. Davis Faculty Supreme Court Decision lunch series (June 27, 2012).

Invited Testimony, California Senate Judiciary Committee, SB 1267: Genetic Information Privacy Act (April 24, 2012).

Invited panelist, *Technology, Change, and the Future of the Fourth Amendment*, American Constitution Society Annual Convention (June 18, 2010).

Invited speaker, *DNA Theft: Recognizing the Crime of Nonconsensual DNA Collection and Analysis*, Stanford Center for Law and Biosciences, Stanford Law School (May 27, 2010).

Invited Speaker, *Discretionless Policing*, Center for Internet and Society, Stanford Law School (Feb. 23, 2009).

Invited Speaker, *Breaking the Law to Enforce It*, Stanford Law School Faculty Workshop (January 14, 2009).

Speaker, *Breaking the Law to Enforce It*, U.C. Davis School of Law, Davis, CA (October 31, 2008).

Invited speaker, *Abandoned DNA*, Stanford Biolaw & Health Policy Society, Stanford, CA (October 28, 2008).

Invited speaker, *Imagining the Addict*, Drugs: Addiction, Therapy, and Crime, University of Utah School of Law, Salt Lake City, UT (March 2008).

Invited speaker, *Breaking the Law to Enforce It* (invitation only forum), Windows into the Soul: Surveillance in an Age of High Technology, 2008 Hixon-Riggs Forum on Science, Technology and Society, Harvey Mudd College, Claremont, CA (March 2008).

Invited speaker, *Abandoned DNA*, State Legislative Network Conference (NACDL & ACLU of Northern California), San Francisco, CA (August 2, 2007).

Invited speaker, *Abandoned DNA*, Center for the Study of Law and Society, Boalt Hall School of Law (Oct. 9, 2006).

Panelist, *Discretionless Policing*, Law and Society Association Annual Meeting, Baltimore, MD (July 7, 2006).

Invited panelist, *Private Policing*, Privatization, deregulation and the democracy deficit (symposium), Law and Society Association Annual Meeting, Las Vegas, NV (June 4, 2005).

Panelist, *Reclaiming Abandoned DNA*, Law and Society Association Annual Meeting, Las Vegas, NV (June 2, 2005).

Panelist, *Reclaiming Abandoned DNA*, Association for Law, Culture, and Humanities, Austin, TX (Mar. 11, 2005).

Invited panelist, *The Paradox of Private Policing*, AALS Annual Meeting, San Francisco, CA (Jan. 8, 2005).

UNIVERSITY AND LAW SCHOOL SERVICE

- Faculty member, BIOS: Biosurveillance & Biometrics group (UC system-wide faculty research collaboration), awarded \$10,000 “Vital Dialogues” grant from UC Humanities Research Institute (2014).
- Faculty co-chair, Recruitment Advisory Committee, Chief of Police (2014), University.
- Faculty Appointments Committee, Law School (2009-10; 2012-13)
- Prizes and Scholarships Committee, Law School (2012-13)
- Academic Appeals Committee, Law School (2006-07; 2010-11)
- L.L.M. Admissions Committee, Law School (2006-07)
- Chair, Admissions Committee, Law School (2013-2014), Member (2005-06; 2010-11)
- Law School Representative, University Senate Library Committee (2004-06)
- Library Advisory Committee, Law School (2003-05; 2007-08 (Chair))

PROFESSIONAL SERVICE

- Advisory Panel, Life of the Law Podcast project (www.lifeofthelaw.org) 2012-present
- Contributing Editor, Jotwell (<http://jotwell.com/>) 2010-present
- Law and Society Association, Student Prize Committee, 2006-07; 2007-08
- Referee:
 - *Law and Society Review*
 - *Studies in Law, Politics, & Society*
 - *Stanford University Press*
 - *National Science Foundation, Law and Social Science Program*

AWARDS

- Martin Luther King, Jr. Hall Research Scholar (2009-15)
- Small Grant in Aid of Research, U.C. Davis Academic Senate Committee on Research (2007-8; 2009-10; 2012-13; 2013-2014; 2014-15)
- Nominee, Distinguished Teaching Award (2005, 2010, 2013)
- Research Travel Grant, U.C. Davis Academic Senate (2005-06)
- Summer Law Faculty Research Grant (2003-09)
- New Faculty Research Grant, University of California, Davis (2004)

PROFESSIONAL AFFILIATIONS

- Association of American Law Schools: Criminal Justice and Constitutional Law sections
- American Society of Criminology
- Law and Society Association

EDUCATION

New York University Graduate School of Arts and Sciences, New York, NY

Ph.D., Institute for Law and Society, 2004.

Thesis: "Within the Law, Without the State, and For a Profit: The Rise of Private Policing."

New York University School of Law, New York, NY

J.D., *magna cum laude*, 2000.

Soros Justice Fellowship (full tuition scholarship), *Order of the Coif*, *New York University Law Review*, *Judge Abraham Lieberman Award for outstanding scholarship in criminal law*.

Yale University, New Haven, CT

B.A., *magna cum laude* in Literature (Distinction in Literature) 1994.

August 2015