

## **David A. Harris**

Sally Ann Semenko Endowed Chair and Professor of Law  
University of Pittsburgh School of Law  
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### **LAW TEACHING**

**University of Pittsburgh School of Law**, 2008 – present.

Sally Ann Semenko Endowed Chair

Courses: Criminal Procedure, Criminal Law, Evidence, Advanced Issues in Criminal Justice Policy; Crime, Law and Society in *The Wire*. Associate Dean for Research, 2011—2013.

**University of Toledo College of Law**, 1990 – 2007.

Eugene N. Balk Professor of Law and Values

Courses: Advanced Criminal Procedure, Criminal Procedure, Criminal Law, Legal Ethics, Constitutional Law, Trial Advocacy. Co-Director, College of Law Legal Clinic, 1990-1995.

#### **Visiting Professor:**

University of Pittsburgh School of Law (Fall 2004)

St. Louis University School of Law (Spring 2002)

University of Michigan Law School (Winter 1999)

Wayne State University Law School (Fall 1998)

DePaul University College of Law (Fall 1994)

### **EDUCATION**

**Yale Law School**, New Haven, Connecticut. J.D., 1983.

**Georgetown University Graduate School of Law**, Washington, D.C. LL. M. with Distinction (Trial Advocacy), 1988.

**Northwestern University**, Evanston, Illinois. B.A. with Distinction in Political Science, 1980. Phi Beta Kappa; Political Science Departmental Honors.

### **PUBLICATIONS**

#### **Books**

FAILED EVIDENCE: WHY LAW ENFORCEMENT RESISTS SCIENCE (NYU Press, 2012).

GOOD COPS: THE CASE FOR PREVENTIVE POLICING (The New Press, 2005).

PROFILES IN INJUSTICE: WHY RACIAL PROFILING CANNOT WORK (The New Press, 2002).

JORDAN CROSSED: HOW POLICE, CITIZENS, CRIME AND VIOLENCE COLLIDE (in progress).

**Law Review Articles and Book Chapters**

*Terry* Stops and Frisks: The Interplay Between Common Sense and Empiricism (with D. Rudovsky), 78 Ohio St. L. J. (forthcoming 2018).

Racial Profiling, in REFORMING CRIMINAL JUSTICE (E. Luna, ed.) (Academy of Justice, 2017).

*Riley v. California* and the Beginning of the End for the Third Party Search Doctrine, 18 PENN J. CONSTITUTIONAL LAW (publication forthcoming, 2016).

The Dangers of Racialized Perception and Thinking by Law Enforcement, in DEADLY INJUSTICE: RACE, CRIMINAL JUSTICE AND THE DEATH OF TRAYVON MARTIN, A. Farrell, D. Johnson, K. Brown, eds. (NYU Press, expected 2015).

Across the Hudson: Taking the Stop and Frisk Debate Beyond New York City, 16 N.Y.U. J. LEG. AND PUBLIC POLICY 853 (2013).

The Interaction and Relationship Between Prosecutors and Police Officers in the U.S., and How This Affects Police Reform Efforts, in THE PROSECUTOR IN TRANSNATIONAL PERSPECTIVE, Erik Luna and Marianne Wade, eds. (Oxford University Press, 2012).

Immigration and National Security: The Illusion of Safety Through Local Law Enforcement Action, 28 ARIZONA J. INT'L & COMP. L. 383 (2011).

On the Contemporary Meaning of *Korematsu*: 'Liberty Lies in the Hearts of Men and Women,' 76 MO. L. R. 1 (2011).

Picture This: Body Worn Video Devices (Head Cams) As Tools for Ensuring Fourth Amendment Compliance by Police, 43 TEXAS TECH. L. REV. 357 (2010).

Taser Use: Report of the Use of Force Working Group of Allegheny County, 71 U. PITT. L. REV. 719 (2010)

Law Enforcement and Intelligence Gathering in Muslim and Immigrant Communities After 9/11, 34 N.Y.U. REV. L. & SOCIAL CHANGE 123 (2010).

How Accountability-Based Policing Can Reinforce – or Replace – the Fourth Amendment Exclusionary Rule, 7 OHIO ST. J. CRIM. L. 149 (2009), in symposium issue, What Criminal Law and Procedure Can Learn From Criminology (David A. Harris, ed.).

The Importance of Research on Race and Policing: Making Race Salient to Individuals and Institutions Within Criminal Justice, 6 CRIMINOLOGY & PUBLIC POLICY 5 (2007).

The War on Terror, Local Police, and Immigration Enforcement: A Curious Tale of Police Power in Post-9/11 America, 38 RUTGERS L.J. 1 (2006).

U.S. Experiences with Racial and Ethnic Profiling: History, Current Issues, and the Future, 14 CRITICAL CRIMINOLOGY 213 (2006).

New Risks, New Tactics: An Assessment of the Re-Assessment of Racial Profiling in the Wake of September 11, 2001, 2004 UTAH L. REV. 913.

The Reality of Racial Disparity in Criminal Justice: The Significance of Data Collection, 66 LAW & CONTEMP. PROBS. (Duke) 71 (2003).

Racial Profiling Redux, 22 ST. LOUIS UNIV. J. PUB. LAW 73 (2003).

The Use of Race and Ethnicity as a Factor in Assessing the Reasonableness of Fourth Amendment Activity: Description, Yes; Prediction, No, 73 MISS. L.J. 423 (2003).

Addressing Racial Profiling in the States: A Case Study of the 'New Federalism' in Constitutional Criminal Procedure, 3 U. PENN. J. CONST. L. 367 (2001).

When Success Breeds Attack: The Coming Backlash Against Racial Profiling Studies, 6 MICH. J. RACE & LAW 237 (Spring 2001).

Law Enforcement's Stake in Coming to Grips With Racial Profiling, 3 RUTGERS RACE & L. REV. 9 (2001).

Driving While Black and Other African-American Crimes: The Continuing Relevance of Race to American Criminal Justice, in THE STATE OF BLACK AMERICA 2000: BLACKS IN THE NEW MILLENNIUM (National Urban League).

The Stories, the Statistics, and the Law: Why "Driving While Black" Matters," 84 MINN. L. REV. 265 (1999).

Car Wars: The Fourth Amendment's Death on the Highway, 66 GEO. WASH. L. REV. 556 (1998).

Particularized Suspicion, Categorical Judgments: Supreme Court Rhetoric Versus Lower Court Reality Under *Terry v. Ohio*, 72 ST. JOHN'S L. REV. 975 (1998).

Driving While Black" and All Other Traffic Offenses: The Supreme Court and Pretextual Traffic Stops, 87 J. CRIM. L. & CRIMINOLOGY 544 (1997).

Superman's X-ray Vision and the Fourth Amendment: The New Gun Detection Technology, 69 TEMPLE L. REV. 1 (1996).

Frisking Every Suspect: The Withering of *Terry*, 28 U.C. DAVIS L. REV. 1 (1995).

Factors For Reasonable Suspicion: When Black and Poor Means Stopped and Frisked, 69 IND. L.J. 659 (1994).

The Appearance of Justice: Court TV, Conventional Television, and Public Understanding of the Criminal Justice System, 35 ARIZ. L. REV. 785 (1994).

The Constitution and Truth Seeking: A New Theory on Expert Services for Indigent Defendants, 83 J. CRIM. L. & CRIMINOLOGY 469 (1993).

Justice Rationed in the Pursuit of Efficiency: De Novo Trials in the Criminal Courts, 24 CONN. L. REV. 381 (1992).

*Ake* Revisited: Expert Psychiatric Witnesses Remain Beyond Reach for the Indigent, 68 N.C. L. REV. 763 (1990).

### **Essays, Book Reviews, and Other Publications**

Book Review, Want Personal Autonomy and Democracy? Look to the Fourth Amendment, reviewing Stephen J. Schulhofer, MORE ESSENTIAL THAN EVER: THE FOURTH AMENDMENT IN THE TWENTY-FIRST CENTURY, 33 CRIMINAL JUSTICE ETHICS 155 (2014)

Book Review, Alexandra Natapoff, SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE, 25 CRIMINAL JUSTICE 44 (2010).

Book Review, Paul Butler, LET'S GET FREE: A HIP-HOP THEORY OF JUSTICE, 24 CRIMINAL JUSTICE 53 (2010).

How the Commander in Chief Power Swallowed the Rest of the Constitution, *reviewing* John Yoo, WAR BY OTHER MEANS: AN INSIDER'S ACCOUNT OF THE WAR ON TERROR (2006), 26 CRIM. JUSTICE ETHICS 44 (2007).

Do Something Before the Next Attack, But Not This, *reviewing* Bruce Ackerman, BEFORE THE NEXT ATTACK: PRESERVING CIVIL LIBERTIES IN AN AGE OF TERRORISM (2006), 25 CRIM. JUSTICE ETHICS 46 (2006).

Profiling: Theory and Practice, *reviewing* Frederick Schauer, PROFILES, PROBABILITIES AND STEREOTYPES, 23 CRIM. JUSTICE ETHICS 51 (2004).

Driving While Black: Racial Profiling on Our Nation's Highways, national report for the American Civil Liberties Union (June 1999).

The Criminal Defense Lawyer in the Juvenile Justice System, 26 U. TOL. L. REV. 751 (1995).

Talking Heads: Effective Television Techniques for Academics, 44 J. LEGAL EDUC. 207 (1994).

The Realities of Punishment, *reviewing* LIFE SENTENCES: RAGE AND SURVIVAL BEHIND BARS, by Ron Wikberg and Wilbert Rideau (Times Books 1992), 83 J. CRIM. L. & CRIMINOLOGY 1098 (1993).

## SELECTED PROFESSIONAL ACTIVITIES

White House Commission on Aviation Safety and Security Civil Liberties Advisory Board (1997).

U.S. Department of Justice Problem Solving Group on Race and Traffic Stops (1998-1999).

National Initiative for Building Community Trust and Justice, U.S. Department of Justice (current)

NAACP Legal Defense and Education Fund, *Davis v. New York City* (stop and frisk/criminal trespass case – expert/consultant) (current)

Center for Policing Equity, John Jay College – Affiliated Researcher board member (current).

Regular commentary and assistance on legal issues for news organizations, including The New York Times, The Washington Post, The Wall Street Journal, National Public Radio, USA Today, NBC, ABC, CBS, CNN, PBS, and C-SPAN. Legal Contributor, WESA FM, Pittsburgh Public Radio (current). Creator and host, “Criminal Injustice” podcast.

National Board of Advisors, American Civil Liberties Union (current).

Board of Advisors, Project on Prosecution and Racial Justice, Vera Institute of Justice (2005-2014).

Board of Advisors, Center on Race, Crime and Justice, John Jay College (2008-2014).

Board and Executive Committee Member, ACLU PA Greater Pittsburgh Chapter (current).

American Bar Association National Task Force on Stand Your Ground Laws (2014-2016).

City of Pittsburgh Chief of Police Candidate Screening Committee (2014)

American Bar Association Section on Criminal Justice, Subcommittee on Police Practices (2006).

Chair, Association of American Law Schools Section on Criminal Justice (2009).

Center on Race and Social Problems, University of Pittsburgh School of Social Work – Affiliated Researcher and Chair, Criminal Justice Research Advisory Panel (2009-2015).

## **RECENT TESTIMONY, PAPERS, AND PRESENTATIONS**

### **Testimony: U.S. Congress, Commissions, State Legislatures and Other Public Bodies**

Presenter, White House Conference on Prosecution; President Obama's Task Force on 21<sup>st</sup> Century Policing; U.S. Commission on Civil Rights; U.S. House Judiciary Committee; U.S. House Subcommittee on Immigration, Citizenship, Border Security, and International Law; U.S. Senate Subcommittee on Immigration; U.S. Senate Subcommittee on the Constitution; U.S. Civil Rights Commission; Congressional Black Caucus; U.S. Department of Justice; Missouri Attorney General's Task Force on Racial Profiling; Ohio House of Representatives Committee on Criminal Justice; Minnesota Senate Committees on Judiciary and Crime Prevention; Pennsylvania House Committee on the Judiciary.

### **Selected Papers and Presentations**

Academic: Association of American Law Schools, 2007, 2008, 2012, and 2014; National Research Council, Panel on Juvenile Crime – Prevention, Treatment and Control; William Reckless Lecture, Ohio State University; Criminal Justice Forum Lecture, Cleveland-Marshall College of Law; Stranahan Lecture, University of Toledo; Goldberg Lecture in Law and Social Justice; symposia at the University of Pennsylvania, University of Michigan, New York University, Northwestern University, John Jay College of Criminal Justice, University of Utah, University of Nebraska, American Society of Criminology, and others. Multiple lectures and panels on *FAILED EVIDENCE: WHY LAW ENFORCEMENT RESISTS SCIENCE* (NYU Press, 2012) at institutions in New York City, Washington, D.C., Boston, Baltimore, Houston, Minneapolis, Chicago, Pittsburgh, Cleveland, and others, 2012—2014.

Professional: Pittsburgh Police Working Group on Body Camera Policy; U.S. Attorney's Civil Rights and Law Enforcement Leadership Group; Working Group on Police Use of Force (Taser Task Force) (primary author of report); International Assn. of Chiefs of Police, Police Executives Research Forum; Council of State Governments Eastern Regional Conference; National Conference of State Legislatures; U.S. Department of Justice Community Relations Service Law Enforcement Training Conference; American Bar Association; Wisconsin Governor's Task Force on Racial Profiling; Children's Defense Fund; National Bar Assn. (with Rep. Conyers and Sec. Transp. R. Slater); National Council on Crime & Justice; National Black Police Officers Assn.; COL Conference on Racial Profiling; Nat'l Urban League.

### **Awards and Fellowships**

Jefferson Award for Outstanding Public Service, 2015

Buchanan, Ingersoll & Rooney Faculty Scholar Award, School of Law, 2015-2016

Distinguished Public Interest Professor of the Year, School of Law. 2015

YWCA of Greater Pittsburgh Racial Justice Award, 2012

U.S. Attorney's Award for Service, Western District of Pennsylvania, 2012

University of Pittsburgh School of Law Excellence in Teaching Award, 2009

Soros Senior Justice Fellow, Open Society Institute, New York, 2000-2001.

St. Louis University Teaching Excellence Award, 2002.

Ohio State Bar Foundation Outstanding Research Award, 2001.

University of Toledo Outstanding Faculty Research Award, 2001.

College of Law Distinguished Faculty Award, 2001.

Eastman & Smith Faculty Award (1999).

Prettyman Fellowship, Georgetown University Law Center, 1986 to 1988.

## **LAW PRACTICE**

Office of the Public Defender, Montgomery County, Maryland. Staff Attorney, September 1988 to June 1990. Representation of indigent defendants in all phases of the criminal trial process.

E. Barrett Prettyman Fellow, Georgetown University Law Center, Washington, D.C., 1986 to 1988.

Wolf, Block, Schorr and Solis-Cohen, Philadelphia, Pennsylvania. Associate, Litigation Department, December 1984 through June 1986.

The Honorable Walter K. Stapleton, United States District Court, Wilmington, Delaware. Law Clerk, June 1983 to June 1984.