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LEGAL AND PRE-LEGAL EDUCATION

LL.M., *University of Virginia Law School*, 1979.

J.D., *University of Virginia Law School*, 1977.

A.B., *Princeton University*, 1973.

LEGAL TEACHING EXPERIENCE

Appointments:

Vanderbilt University: Professor of Law, 7/08-present; Milton Underwood Professor of Law, 10/09 - present;
Professor, Department of Psychiatry (secondary appointment), 2/09 - present.

University of Florida: Stephen C. O'Connell Chair, 8/98-7/08; Alumni Research Scholar, 6/94-8/98; Prof., 3/87;
Associate Prof., 3/85-3/87; Assistant Prof., 9/82-3/85; Affiliate Prof., Dep't Psychiatry, 3/95-7/08.

Visitorships:

Oxford University, Centre for Criminology (Fellowship), 5/17-7/17.

Stanford Law School, Edwin A. Heafey Visiting Scholar, 9/06-5/07.

University of California, Hastings Law School, 1/05-5/05; 1/03-5/03.

University of Frankfurt Law School, Frankfurt, Germany, 4/01-7/01.

University of Southern California Law School, 1/00-5/00.

Monash University, Melbourne, Australia, 2/91-6/91.

University of Virginia Law School, 8/88-6/89.

University of Nebraska Law School, 6/88-8/88.

Kyiv University Law School, Kyiv Ukraine, Fulbright Scholar, 10/87-12/87.

Courses Taught

Criminal Procedure I & II	Mental Health Law	Professional Responsibility
Comparative Criminal Procedure	Health Law	Evidence
Criminal Law/Sentencing	Law & Social Science	Civil Procedure
White Collar Crime	Forensic Practicum	Introduction to Law

Also developed 3-credit online course on Criminal Law and Procedure for Vanderbilt's Masters in Legal Studies program and a similar in-person course for Vanderbilt University undergraduates.

Teaching Awards/Evaluations:

Average overall evaluation score, fall, 2003 through fall, 2023 at UF and Vanderbilt: 4.6 (out of 5)

Hall-Hartman Outstanding Professor Award, Hartman Division, Vanderbilt University, 2018-2019

Chosen to create Vanderbilt-Coursera Course on "Hot Topics in Criminal Justice" (six 90-minute lectures, 5/19).

Teaching Improvement Program Award, Univ. Florida, 1995-96 (awarded to 4 law teachers for superior teaching).

Teacher of the Year, Univ. Florida College of Law, 1986-87.

PUBLICATIONS (most forthcoming works may be accessed at <http://ssrn.com/author=55346>)

Monographs

REHABILITATING CRIMINAL JUSTICE: INNOVATIONS IN POLICING, ADJUDICATION AND SENTENCING (in press, Cambridge University Press)

VIRTUAL SEARCHES: REGULATING THE COVERT WORLD OF TECHNOLOGICAL POLICING (NYU Press, 2022).

JUST ALGORITHMS: USING SCIENCE TO REDUCE INCARCERATION AND INFORM A JURISPRUDENCE OF RISK (Cambridge Univ. Press, 2021).

JUVENILES AT RISK: A PLEA FOR PREVENTIVE JUSTICE (w/ Mark Fondacaro) (Oxford Univ. Press, 2011).

PROVING THE UNPROVABLE: THE ROLE OF LAW, SCIENCE, AND SPECULATION IN ADJUDICATING

CULPABILITY AND DANGEROUSNESS (Oxford Univ. Press, 2007).
 PRIVACY AT RISK: THE NEW GOVERNMENT SURVEILLANCE AND THE FOURTH AMENDMENT
 (Univ. Chicago Press, 2007).
 MINDING JUSTICE: LAWS THAT DEPRIVE PEOPLE WITH MENTAL DISABILITY OF LIFE AND
 LIBERTY (Harvard Univ. Press, 2006).
 COMMUNITY MENTAL HEALTH CENTERS AND THE COURTS: AN EVALUATION OF COMMUNITY-
 BASED FORENSIC SERVICES (Univ. Neb.Press, 1985) (w/ Gary Melton & Lois Weithorn).

Texts and Treatises

MODERN SCIENTIFIC EVIDENCE (w/ D. Faigman, E. Cheng, J. Mnookin, E. Murphy & J. Sanders) (Thomson
 Reuters, 2023, updated yearly). Responsible for 5 chapters: *Insanity, Diminished Capacity and Competency;*
Clinical & Actuarial Predictions of Violence; Rape Trauma Syndrome; Eyewitness Identifications; Hypnosis.
 ADVANCED INTRODUCTION TO U.S. CRIMINAL PROCEDURE (Elgar Press, 2020).
 CRIMINAL PROCEDURE: AN ANALYSIS OF CASES AND CONCEPTS (Foundation, 7th ed., 2020) (w/
 Charles Whitebread) (with annual updates).
 LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS (Westgroup, 7th. ed., 2020
 & supps.) (w/ T. Hafemeister & D. Mossman).
 PSYCHOLOGICAL EVALUATIONS FOR THE COURTS: A HANDBOOK FOR MENTAL HEALTH
 PROFESSIONALS AND LAWYERS (Guilford, 4th ed., 2018) (w/ G. Melton, J. Petrila, R. Otto, L. Condie
 and D. Mossman) (1st ed.--Winner, *Behavioral Science Book Award, 1988*).
 CRIMINAL PROCEDURE--REGULATION OF POLICE INVESTIGATION: LEGAL, HISTORICAL, EMPIRI-
 CAL AND COMPARATIVE MATERIALS (Reed-Elsevier/Michie Co, 5th ed., 2012) (out of print).

Law Review Articles

Scrutinizing Sentencing (in preparation)
Proving the Future in Criminal Cases, ___ B.U. L. REV. ___ (forthcoming, 2025).
Data-Driven Police Profiling, ___ U. LOUISVILLE L. REV. ___ (forthcoming, 2025) (symposium)
Putting Police Body-Worn Camera Footage to Work: A Civil Liberties Evaluation of Truleo's AI Analytic Platform,
 Cardozo L. Rev. (forthcoming, 2025) (with F. Heydari, M. Isaacs, B. Friedman & A. Heydari).
New and Newer Ways of Thinking about the Fourth Amendment, ___ CORNELL L. REV. ___ (forthcoming, 2024).
Illegitimate Choices: A "Minimalist(?) Approach to Consent, Waiver and Choice in the Criminal Legal System,
 101 WASH. U. L. REV. 1913-1953 (2024) (with Kate Weisburd).
The Minimalist Alternative to Abolitionism: Focusing on the Non-dangerous Many, 77 VAND. L. REV. 531-560
 (2024).
"Volunteer" Searches, 85 U. PITT. L. REV. 1-26 (2024) (solicited).
Administrative Regulation of Programmatic Policing: Why Leaders of a Beautiful Struggle is Both Right and
Wrong, 75 ADMINISTRATIVE L. REV. 565-585 (2023).
Presumptive Use of Pretrial Risk Assessment Instruments, 72 AM.U.L. REV.F. 133 (2023) (solicited).
Suspectless Searches, 83 OHIO STATE L. J. 953-975 (2023).
Equality in the Streets: Using Proportionality Analysis to Regulate Street Policing, 2 AM. J. L. & EQUALITY 36-62
 (2022) (Kennedy, Minow & Sunstein, eds) (solicited).
The Police as Community Caretakers: Caniglia v. Strom, 2020-2021 CATO SUP. CT. REV. 191-216 (2021).
Preventive Justice: How Algorithms, Parole Boards and Limiting Retributivism Could End Mass Incarceration,
 56 WAKE FOREST L. REV. 97-168 (2021).
"A World of Difference?": Law Enforcement, Genetic Data and the Fourth Amendment (with James Hazel), 70
 DUKE L. J. 705-773 (2021).
The Case for a Federal Criminal Court System (and Sentencing Reform), 108 CAL. L. REV. 941-964 (2020).
Dangerousness, Disability and DNA, 52 TEXAS TECH L. REV. 149-161 (2019) (festschrift for Arnold Loewy).
Algorithmic Risk Assessment and the Double-edged Sword of Youth (with Megan Stevenson), 96 WASH. U. L. REV.
 1-26 (2018) (longer version: 36 BEHAVIORAL SCIENCES & THE LAW 638-656 (2018)).
Who Knows What, and When?: A Survey of Privacy Policies Proffered by U.S. Direct-to-Consumer Genetic
Testing Companies (with James Hazel), 28 CORNELL J. L. & PUB. POL'Y 35-66 (2018).
Principles of Risk Assessment: Sentencing and Policing, 15 OHIO ST. J CRIM. L. 583-596 (2018) (symposium);
 see also 36 BEHAVIORAL SCIENCES & THE LAW 507-516 (2018) (version addressed to researchers).
Manipulation of Suspects and Unrecorded Questioning: After 50 Years of Miranda Jurisprudence, Still Two (or
Maybe Three) Burning Questions, 97 B. U. L. REV. 1157-96 (2017) (symposium) (summarized in THE

CHAMPION, July, 2019).

Policing as Administration, 165 U. PA. L. REV. 91-152 (2016).

The American Bar Association's Criminal Justice Mental Health Standards: Revisions for the Twenty-First Century, 44 HASTINGS CONST. L. Q. 1-35 (2016).

The Science of Gatekeeping: Using the Structure of Scientific Inference to Draw the Line Between Admissibility and Weight in Expert Testimony, 110 NW. U.L. REV. 859-904 (2016) (with David Faigman & John Monahan).

Teaching a Course on Regulation of Police Investigation—A Multi-Perspective, Problem-Oriented Course, 60 ST. LOUIS UNIV. L. REV. 527-541 (2016) (symposium).

Plea Bargaining and the Substantive and Procedural Goals of Criminal Justice: From Retribution and Adversarialism to Preventive Justice and Hybrid-Inquisitorialism, 57 WM. & MARY. L. REV. 1505-47 (2016).

A Defense of Privacy as the Central Value Protected by the Fourth Amendment, 48 TEXAS TECH L. REV. 143-163 (2016) (symposium).

Standing and Covert Surveillance, 42 PEPPERDINE L. REV. 517-548 (2015) (symposium).

How Changes in American Culture Triggered Hyper-Incarceration: Variations on the Tazian View, 58 HOWARD L. J. 305-331 (2015) (symposium).

Scientizing Culpability: The Implications of Florida v. Hall and the Possibility of a "Scientific" Stare Decisis, 23 WM. & MARY BILL RTS. J. 415-430 (2014) (symposium).

Panvasive Surveillance, Political Process Theory and the Nondelegation Doctrine, 102 GEO. L.J. 1721-1776 (2014).

Cause to Believe What? The Importance of a Search's Object—Or How the ABA Would Analyze the NSA Metadata Surveillance Program, 66 OKLA. L. REV. 725-746 (2014) (symposium).

Group to Individual (G2i) Inference in Scientific Expert Testimony, 81 U. CHI. L. REV. 417-480 (2014) (with David Faigman & John Monahan).

Lessons from Inquisitorialism, 87 S.CAL. L. REV. 699-731 (2014) (symposium).

Empirical Desert and Preventive Justice: A Comment, 17 NEW CRIM. L. REV. 376-403 (2014) (reply).

The Exclusionary Rule: Is It on Its Way Out? Should It Be? 10 OHIO ST. J. CRIM. L. 341-355 (2013) (symposium).

Treating Juveniles Like Juveniles: Ending Transfer and Expanding Juvenile Court Jurisdiction, 43 TEXAS TECH L. REV. 106-132 (2013) (symposium).

Putting Desert in Its Place, 65 STANFORD L. REV. 77-135 (2013) (with Lauren Brinkley-Rubinstein).

Community Control over Camera Surveillance: A Reply to Professor Capers, 40 FORD. URB. L. J. 993-998 (2013) (symposium).

Rehnquist and Panvasive Searches, 82 MISS. L. J. 307-328 (2012) (symposium).

Making the Most Out of United States v. Jones in a Surveillance Society: A Statutory Implementation of Mosaic Theory, 8 DUKE J. CONST. L. & PUB. POLICY 1-37 (2012).

Sell's Conundrums: The Right of Incompetent Defendants to Refuse Anti-Psychotic Medication, 89 WASH. UNIV. L. REV. 1523-1543 (2012).

Why Crime Severity Analysis is Not Reasonable, 97 IOWA L. REV. BULL. 1-16 (2012).

An Original Approach to Originalism, 125(2) HARV. L. REV. FORUM (2012).

The Implications of Disentanglement, 111 COLUM. L. REV. SIDEBAR 103-108 (2011).

Comparative Empiricism and Police Investigation, 37 N.C. J. INT'L & COMM'L L. 321-348 (2011) (symposium).

Prevention as the Primary Goal of Sentencing: The Modern Case for Indeterminate Dispositions in Criminal Cases, 48 SAN DIEGO L. REV. 1127-1172 (2011) (symposium).

Some Hypotheses about Empirical Desert, 42 ARIZ. ST. L. REV. 1189-1202 (2011) (symposium).

Citizens United and Corporate and Human Crime, 14 THE GREEN BAG 77-86 (2010) (a version of this article also appeared in a symposium, at 41 STETSON L. REV. 127-136 (2011)).

Government Dragnets, 73 J. LAW & CONTEMP. PROBS. 107-143 (2010) (symposium).

The Right to Voice Reprised, 40 SETON HALL L. REV. 1647-62 (2010) (symposium).

Proportionality, Privacy, and Public Opinion: A Reply to Kerr and Swire, 94 MINN. L. REV. 1588-1619 (2010).

Distinguished Lecture: Surveillance and the Constitution, 55 WAYNE STATE L. REV. 1105-1130 (2009).

Republished in 37 SEARCH & SEIZURE L. REP. No. 8 (Sept., 2010).

Justice Ginsburg's Gradualism in Criminal Procedure, 70 OHIO STATE L.J. 867-887 (2009) (symposium).

A Defense of the Integrationist Test as a Replacement for the Special Defense of Insanity, 42 TEX. TECH. L. REV. 523-542 (2009) (symposium).

Juvenile Justice: The Fourth Option, 95 IOWA L. REV. 1-65 (2009) (with Mark Fondacaro).

The Death Penalty in Florida, 1 ELON L. REV. 17-64 (2009) (symposium).

Mental Illness and Self-Representation: Faretta, Godinez and Edwards, 7 OHIO ST. J. CRIM. L. 391-411 (2009).

Introduction to the Symposium on the Model Penal Code's Sentencing Revisions, 61 U. FLA. L. REV. 665-682 (2009).

The Perils of the Fight Against Cognitive Illiberalism, 121(3) HARV. L.REV. FORUM (2009).
The Meaning of Intellectual Privacy, SEE ALSO: ONLINE COMPANION TO TEX. L. REV. (2009) (solicited).
Experts, Acts and Mental States, 38 SETON HALL L. REV. 1009-30 (2008) (symposium).
Government Data Mining and the Fourth Amendment, 75 U. CHI. L. REV. 317-41 (2008) (symposium).
Lying and Confessing, 39 TEXAS TECH L. REV. 1275-1292 (2007) (symposium).
The Liberal Assault on the Fourth Amendment, 4 OHIO ST. J. CRIM. L. 603-18 (2007).
Tarasoff as a Duty to Treat: Insights from Criminal Law, 75 CIN. L. REV. 645-51 (2006) (symposium).
Dangerousness and Expertise Redux, 56 EMORY L. J. 275-323 (2006).
Reconceptualizing Due Process in Juvenile Justice: Contributions from Law and Social Science, 57 HASTINGS L. J. 955-989 (2006) (with Mark Fondacaro & Tricia Cross).
Transaction Surveillance by the Government, 75 MISSISSIPPI L.J. 139-191 (2005) (symposium).
Mental Disorder as an Exemption from the Death Penalty: The ABA-IRR Task Force Recommendations, 54 CATH. U. L. REV. 1133-1152 (2005) (symposium).
Prosecuting Martha: Federal Prosecutorial Power and the Need for a Law of Counts, 109 PENN STATE LAW REVIEW 1107-1131 (2005) (with Michael Seigel) (symposium).
The Civilization of the Criminal Law, 58 VANDERBILT L. REV. 121-168 (2005).
Subpoenas and Privacy, 54 DEPAUL L. REV. 805-845 (2005) (symposium).
Is Atkins the Antithesis or the Apotheosis of Anti-Discrimination Principles?: Sorting Out the Groupwide Effects of Exempting People with Mental Retardation from the Death Penalty 55 ALABAMA L. REV. 1101-1107 (2004) (symposium).
The Integrationist Alternative to the Insanity Defense: Reflections on the Exculpatory Scope of Mental Illness in the Wake of the Andrea Yates Case, 30 AM. J. CRIM. L. 315-341 (2004) (symposium).
Teaching a Course on Regulation of the Police (with a Special Focus on the Sixth Amendment), 42 BRANDEIS LAW JOURNAL 389-404 (2003-04) (symposium).
Rethinking Legally Relevant Mental Illness, 29 OHIO N. L. REV. 497-530 (2003) (symposium).
A Jurisprudence of Dangerousness, 98 NW. U. L. REV. 1-62 (2003).
What Atkins Could Mean for People with Mental Illness, 33 NEW MEX. L. REV. 293-314 (2003) (symposium).
Toward Taping, 1 OHIO STATE J. CRIMINAL LAW 309-322 (2003) (essay in inaugural issue).
The Structure of Expertise in Criminal Cases, 34 SETON HALL L. REV. 105-126 (2003) (symposium). Also published in Chinese, in 6 CRIM. RESEARCH 27 (2004).
The Poverty Exception to the Fourth Amendment, 55 U. FLA. L. REV. 391-412 (2003) (symposium).
Public Privacy: Camera Surveillance of Public Places and the Right to Anonymity, 72 MISS. L.J. 213-315 (2002) (symposium).
Peeping Techno-Toms and the Fourth Amendment: Seeing Through Kyllo's Rules Governing Technological Surveillance, 86 MINN. L. REV. 1393-1437 (2002) (symposium).
The Hartman Hotz Lecture—Race-Based Defenses: The Insights of Traditional Analysis, 54 ARK. L. REV. 739-776 (2002) (solicited).
An Empirically-Based Comparison of American and European Regulatory Approaches to Police Investigation, 22 MICH. J. INT'L L. 423-456 (2001).
Doubts About Daubert: Psychiatric Anecdotes as a Case Study, 57 WASH. & LEE L. REV. 919-948 (2000).
An End to Insanity: Recasting the Role of Mental Disability in Criminal Cases, 86 VA. L. REV. 1199-1247 (2000).
Mental Illness and the Death Penalty, 1 CALIF. CRIM. L. REV. 3, www.boalt.org/CCLR (2000) (inaugural issue).
Republished in 24 MENT. & PHYS. DIS. L. REP. 667-677 (2000).
The Criminal Defense Lawyer's Fiduciary Duty Toward Clients with Mental Disability, 68 FORDHAM L. REV. 1581-1642 (2000) (w/ Amy Mashburn) (symposium).
Is Justice Just Us? Foreword to Symposium on Community Views and Criminal Justice, 28 HOFSTRA L. REV. 601-610 (2000).
Terms of Endearment and Articles of Impeachment, 51 U. FLA. L. REV. 615-640 (1999) (w/ Charles Collier).
A Prevention Model of Juvenile Justice: The Promise of Kansas v. Hendricks for Children, 1999 WISC. L. REV. 185-226 (1999) (w/ Mark Fondacaro and Jennifer Woolard).
Treating Kids Right: Deconstructing and Reconstructing the Amenability to Treatment Concept, 10 J. CONTEMP. LEG. ISS. 299-333 (1999) (symposium).
Why Liberals Should Chuck the Exclusionary Rule, 1999 U. ILL. L. REV. 363-446 (1999). *Republished in* 26-27 SEARCH & SEIZURE L. REP. (Dec. 1999-Jan. 2000).
Let's Not Bury Terry: A Call for Rejuvenation of the Proportionality Principle, 72 ST. JOHN'S L. REV. 1053-1095 (1998) (symposium). *Republished in* 26 SEARCH & SEIZURE L. REP. 125 (1999).

Psychiatric Evidence in Criminal Trials: To Junk or Not to Junk?, 40 WM. & M. L. REV. 1-56 (1998).

Deceit, Pretext, and Trickery: Investigative Lies by the Police, 76 OREGON L. REV. 755-800 (1997) (symposium, with responses by Robert Mosteller and Margie Paris).

Technologically-Assisted Physical Surveillance: The American Bar Association's Tentative Draft Standards, 10 HARV. J. L. & TECH. 383-463 (1997) (symposium).

Having It Both Ways: Proof that the Supreme Court is "Unfairly" Prosecution-Oriented, 48 U. FLA. L. REV. 743-59 (1996) (special Florida faculty issue).

Testilying: Police Perjury and What to Do About It, 67 COLO. L. REV. 1037-1060 (1996) (symposium). *Republished* in 24 SEARCH & SEIZURE L. REP. 101 (1997).

Prosecution Discovery in the U.S: A Balancing Perspective, 36 CRIM. L. Q. 423-447 (1994).

Reasonable Expectations of Privacy and Autonomy in Fourth Amendment Cases: An Empirical Look at "Understandings Recognized and Permitted by Society", 42 DUKE L. J. 727-775 (1993) (w/ J. Schumacher). Briefer version: 17 LAW & HUM. BEH. 183 (1993).

The World Without a Fourth Amendment, 39 U.C.L.A. L. REV. 1-107 (1991).

Treatment of the Mentally Disabled: Rethinking the Community First Idea, 69 NEB. L. REV. 413-433 (1990) (symposium). *Republished* in LAW AND PSYCHOLOGY: THE BROADENING OF THE DISCIPLINE, ch. 9 (Ogloff ed., 1992).

State Adoption of Federal Law: Exploring the Limits of Florida's "Forced Linkage" Amendment, 39 U. FLA. L. REV. 653-732 (1987).

The Guilty But Mentally Ill Verdict: An Idea Whose Time Should Not Have Come, 53 GEO. WASH. L. REV. 494-527 (1985) (symposium).

Dangerousness and Expertise, 133 U. PA. L. REV. 97-174 (1984).

Estelle v. Smith: Constitutional Contours of the Forensic Evaluation Process, 31 EMORY L. J. 71-138 (1982). *Republished* in 1984 CRIMINAL L. REVIEW.

Capacity to Contest a Search and Seizure: The Passing of Old Rules and Some Suggestions for New Ones, 18 AM. CRIM. L. REV. 387-418 (1981). *Republished* in 1982 CRIM. L. REP.; 1982 NAT'L. L. REV. REP.

The Role of Mental Health Professionals in the Criminal Process: The Case for Informed Speculation, 66 VA. L. REV. 427-522 (1980) (w/ Richard Bonnie).

Interdisciplinary Journal Articles (peer-reviewed)

Proving the Future in Criminal Cases, BEHAV. SCI. & L. (forthcoming, 2025)

Regimagining Risk Assessment: Comment on Viljoen and Vincent, 31 CLINICAL PSYCHOLOGY: SCIENCE AND PRACTICE 132-135 (2024) (w. K. Heilbrun & J. Dvoskin).

Surveillance Technologies and Constitutional Law, 6 ANN. REV. CRIMINOL. (with Sarah Brayne) 219-240 (2023).

Legal Admissibility of the Competence Assessment for Standing Trial for Defendants with Mental Retardation, (CAST-MR), 104 J. PERSONALITY ASSESSMENT 289-301 (2021) (w/ M.E. Woods, Kimberly Brown, Amanda Bitting & Brooke Bowerman), <https://doi.org/10.1080/00223891.2021.1951742>.

The Law on Police Use of Force in the United States, 21 GERMAN L. J. 1526-1540 (2020) (with Brandon Garrett).

Psychological Assessments in Legal Context: Are Courts Keeping "Junk Science" Out of the Courtroom? 20 PSYCHOL. SCIENCE IN THE PUB. INTEREST 135-164 (w/ T. Neal, M. Saks, K. Geisinger & D. Faigman) (2019).

The Use of Statistics in Criminal Cases, 37 BEH. SCI. & L. 1-6 (2019) (introduction to special issue).

Insights: Is It Time for a Universal DNA Database?, 362 SCIENCE 898-900 (Iss. 6417, Nov. 23, 2018) (with James Hazel, Ellen Clayton & Brad Malin); *Response*, 363 SCIENCE 939 (Iss. 6430, Mar. 1, 2019).

Preventive Justice: A Paradigm in Need of Testing, 36 BEHAV. SCI. & L. 394-410 (2018), doi.org/10.1002/bsl.2350.

Introduction to the Special Issue on the Characteristics of Insanity and Insanity Evaluations, 36 BEH. SCI. & L. 271-275 (2018), doi.org/10.1002/bsl.2342.

Neuroscience Nuance: Dissecting the Relevance of Neuroscience in Adjudicating Criminal Culpability, 4 JOURNAL OF LAW & THE BIOSCIENCES 577-593 (2017), doi.org/10.1093/jlb/lxx033 1-17.

A Neuro-Legal Lingua Franca: Bridging Law and Neuroscience on the Issue of Self-Control, 5 MENTAL HEALTH LAW & POLICY JOURNAL 1-30 (2016) (with Joshua Buckholtz & Valerie Reyna).

Eliminating Mental Disability as a Legal Criterion in Deprivation of Liberty Cases: The Impact of the Convention on the Rights of Persons with Disabilities on the Insanity Defense, Civil Commitment, and Competency Law, 40 INT'L J. L. & PSYCHIATRY 36-42 (2015). Also in 40 L. & PSYCHOL. REV. 297-320 (2016).

Prevention of Sexual Violence by Those Who Have Been Sexually Violent, 34 INT'L J. L. & PSYCH. 210-216 (2011).

A Prevention Model of Juvenile Justice, 25 SOC'Y RES. COUNCIL SOC. POL'Y REP. 22-23 (2011).

Competency in the Criminal Context: An Analysis of Robert Schopp's Views, 24 BEH. SCI. & L. 529-34 (2006).

Pragmatic Forensic Psychology: A Means of "Scientizing" Testimony from Mental Health Professionals?, 9 PSYCHOLOGY, PUB. POL. & L. 275-300 (2003) (symposium).

Directions for Future Research on the Juvenile Justice System, 25 L. & HUM. BEH. 13-23 (2001) (with J. Woolard & M. Fondacaro) (symposium).

Three Models of Liberty Deprivation: The Contributions of Therapeutic Jurisprudence and Ecological Jurisprudence, 18 BEH. SCI. & L. 499-516 (2000) (with Mark Fondacaro).

The Admissibility of Behavioral Science Information in Criminal Trials: From Primitivism to Daubert to Voice, 5 PSYCHOL., PUB. POL. & L. 100-119 (2000) (symposium).

"Appreciation" as a Measure of Competency: Some Thoughts about the MacArthur Group's Approach, 2 PSYCHOL., PUB. POL. & L. 18-30 (1996) (symposium).

Insanity, Justification, and Culpability: Toward a Unifying Scheme, 19 L. & HUM. BEH. 447-464 (1995) (w/ N. Finkel).

Therapeutic Jurisprudence: Five Dilemmas to Ponder, 1 PSYCH., PUB. POL. & L. 193-219 (1995). *Republished in LAW IN A THERAPEUTIC KEY* (D. Wexler & B. Winick eds., 1996).

Involuntary Community Treatment of People Who Are Violent and Mentally Ill: A Legal Analysis, 45 HOSP. & COMM. PSYCHIATRY 685-689 (1994) (symposium). *Republished in VIOLENT BEHAVIOR AND MENTAL ILLNESS* (APA Press: 1997).

The "Ultimate Issue" Issue, 7 BEH. SCI. & L. 259-266 (1989).

The Feasibility of a Brief Evaluation of Mental State at the Time of the Offense, 8 L. & HUM. BEH. 305-320 (1982) (w/ G. Melton & R. Showalter). See also, *Commentary on "The Mental State at the Time of the Offense Measure,"* 28 J. AM. ACAD. PSYCH. & L. 29-32 (2000) (w/ N. Poythress, G. Melton & J. Petrila).

Chapters

The American Criminal Legal System, in CRIME, DEVIANCE, AND SOCIAL CONTROL IN THE 21ST CENTURY: A JUSTICE AND RIGHTS PERSPECTIVE (Bruce Arrigo & Claudio Calaguori, eds., Canadian Scholars Press) (forthcoming 2025).

Finetuning a Jurisprudence of Risk, in FUTURE DIRECTIONS IN MENTAL HEALTH, DISABILITY AND CRIMINAL LAW: A Tribute to Professor Bernadette McSherry 186-202 (Kay Wilson, ed., Taylor Francis, 2023).

Preventive Justice, in THE OXFORD HANDBOOK OF PSYCHOLOGY AND LAW 36-58 (Dave DeMatteo & Kyle Scherr, eds., 2023).

Predictive Policing, in THE ALGORITHMIC TRANSFORMATION OF THE CRIMINAL JUSTICE SYSTEM (Castro-Toledo ed., Thomson Reuters, 2023).

The Accuracy, Equity and Jurisprudence of Criminal Risk Assessment, in RESEARCH HANDBOOK ON BIG DATA LAW 9-29 (Roland Vogl, ed., Elgar Publishing, 2021) (with S. Goel, J. Skeem & R. Schroff).

Limiting Retributivism and Individual Prevention, in THE ROUTLEDGE HANDBOOK ON THE PHILOSOPHY AND SCIENCE OF PUNISHMENT 49-61 (F. Focquaert, E. Shaw, B.N. Waller, eds., 2021).

Constitutional and Evidentiary Issues Concerning Risk Assessment, HANDBOOK OF VIOLENCE RISK ASSESSMENT 70-90 (Kevin Douglas & Randy Otto, eds., Routledge Press, 2021).

Assessing the Risk of Offending Through Algorithms, CAMBRIDGE HANDBOOK OF LAW AND ALGORITHMS 432-448 (Woodrow Barfield, ed., 2021).

The Legality of Trickery During Interrogation, INTERROGATION, CONFESSION AND TRUTH 61-86 (Lutz Eidam, Michael Lindemann & Andreas Ransiek eds., Nomos Publishing, 2020).

A Defence of Modern Risk-Based Sentencing, in PREDICTIVE SENTENCING: NORMATIVE AND EMPIRICAL PERSPECTIVES 107-125 (J. de Keijser, J. Roberts, & J. Ryberg, eds., Hart Publishing, 2019).

Legislative Regulation of Government Surveillance, in CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW 597-622 (David Gray & Stephen Henderson, eds., 2017).

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Domestic Surveillance of Public Activities and Transactions with Third Parties: Melding European and American Approaches, in *Surveillance*, in PRIVACY AND TRANSATLANTIC RELATIONS 31-45 (David Cole,

Stephen Schulhofer & Federico Fabbrini, eds., Hart Publishing, 2017).

A Comparative Perspective on the Exclusionary Rule in Search and Seizure Cases, RESEARCH HANDBOOKS IN COMPARATIVE LAW 280-307 (Jacqueline Ross & Stephen Thaman, eds., Elgar Press, 2016).

Preventive Justice for Juveniles, in APA HANDBOOK OF PSYCHOLOGY AND JUVENILE JUSTICE 45-65 (Kirk Heilbrun, David DeMatteo & Naomi Goldstein, eds., American Psychiatric Association, 2015).

Mental Disability and the Death Penalty in AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT 335-356 (James Acker, Charles Lanier & Robert Bohm eds., Carolina Academic Press, 2014).

Bioprediction in Criminal Cases, BIOPREDICTION, BIOMARKERS AND BAD BEHAVIOR 76-90 (Ilina Singh, Warren Synott-Armstrong & Julian Savulecu, eds., Oxford Univ. Press, 2013).

Preventive Detention in the United States and Europe and Preventive Detention and Tradeoffs: A More Optimistic View in PREVENTING DANGER 137-166, 248-253 (Michele Caianello & Michael Corrado, eds.) (Carolina Academic Press, 2013). A similar version of the first chapter, entitled *Preventive Detention in Europe, the United States, and Australia*, is published in PREVENTIVE DETENTION: ASKING THE FUNDAMENTAL QUESTIONS 31-54 (Patrick Keyser ed., Intersentia Press, 2013).

Risk Assessment, in OXFORD HANDBOOK ON SENTENCING AND CORRECTIONS 196-214 (Kevin Reitz & Joan Petersilia, eds., Oxford Univ. Press, 2012).

Is the Fourth Amendment Relevant in a Technological Age? in THE FUTURE OF THE CONSTITUTION 11-36 (Jeffrey Rosen & Benjamin Wittes, eds.) (Brookings Institute, 2012) (abbreviated version in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 152-156 (John Parry & Song Richardson, eds., Cambridge Univ. Press, 2012) and 44 DIE VERWALTUNG 464-97 (2012) (German)).

Legal Limitations on the Scope of Preventive Detention, "DANGEROUS" PEOPLE: POLICY, PREDICTION AND PRACTICE 37-47 (B. McSherry & P. Keyser, eds., Routledge, 2011).

Psychological Syndromes and Criminal Responsibility, 6 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 109-127 (John Hagan, et al. eds., Annual Reviews, 2010).

Capital Punishment and Dangerousness, in MENTAL DISORDER AND CRIMINAL LAW: RESPONSIBILITY, PUNISHMENT AND COMPETENCE 119-133 (Robert Schopp et al., eds., Springer Press, 2009).

Defending Preventive Detention and Reply in CRIMINAL LAW CONVERSATIONS 67-86 and *Abolition of the Insanity Defense and Reply* in CRIMINAL LAW CONVERSATIONS 473-491 (Paul Robinson et. al. eds., Oxford University Press, 2009).

Different Visions of Juvenile Justice, in CHILDREN AS VICTIMS, WITNESSES AND OFFENDERS: PSYCHOLOGICAL SCIENCE AND LAW 385-401 (B. Bottoms, C. J. Najdowski & G. Goodman, eds., Guilford Press, 2009).

Legal and Ethical Issues in Accessing and Utilizing Third Party Information, in FORENSIC PSYCHOLOGY: EMERGING TOPICS AND EXPANDING ROLES 190-205 (Alan Goldstein, ed., Wiley Press, 2006) (with Randy Otto & Stuart Greenberg).

The Story of Rule 410 and United States v. Mezzanatto: Using Plea Statements at Trial, in EVIDENCE STORIES 103-126 (Richard Lempert, ed., Foundation Press, 2006).

An Empirically Based Comparison of American and European Police Investigative Techniques, in ADVERSARIAL V. INQUISITORIAL TECHNIQUES: PSYCHOLOGICAL PERSPECTIVES ON CRIMINAL JUSTICE SYSTEMS 27-54 (Peter J. Koppel & Stephen D. Penrod, eds., Kluwer Press, 2003).

Psychiatric Evidence in Criminal Trials: A 25-Year Retrospective, in THE EVOLUTION OF MENTAL HEALTH LAW 245-276 (Linda Frost & R. Bonnie, eds., APA Press, 2001).

Dangerousness as a Legal Criterion in the Criminal Process, in LAW, MENTAL HEALTH, AND MENTAL DISORDER 360-383 (B. Sales & D. Shuman eds., Brooks/Cole, 1996).

Commentaries (as a Reporter)

Commentary to Criminal Justice Mental Health Standards (with Lawrence Fitch AMERICAN BAR ASSOCIATION (2023).

Commentary to Suspicionless Searches and Seizures, AMERICAN LAW INSTITUTE PRINCIPLES OF POLICING (Adopted May, 2021).

Commentary to Policing Databases, ALI PRINCIPLES OF POLICING (Adopted May, 2021).

Commentary to ABA Resolution on Mental Disability and the Death Penalty (August, 2007), available at <http://www.ndrn.org/issues/cj/ABA%20Resolution-%20feature%20article305.pdf>.

Commentary to Standards Relating to Technologically-Assisted Physical Surveillance, ABA CRIMINAL JUSTICE STANDARDS 1-96 (ABA Publications, 1999).

Commentary to Part VI, *Nonresponsibility for Crime*, ABA CRIMINAL JUSTICE MENTAL HEALTH STANDARDS 321-394 (ABA Publications, 1987).

Encyclopedia Entries

Miranda Rights, in OXFORD COMPANION TO AMERICAN POLITICS (2012).

Searches; Seizures; Warrants; Insanity Defense and several mental health law cases, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (ACLU, 2007).

Insanity Defense, in OXFORD COMPANION TO AMERICAN LAW (2d. ed., 2005).

Police Procedures, in OXFORD COMPANION TO AMERICAN LAW 614-8 (2002).

Eyewitness Identification, in ENCYCLOPEDIA OF CRIME AND JUSTICE 661-64 (2002).

Professional and Popular Press, Blogs, Editorials, Etc.

JOTWELL (JOURNAL OF THINGS WE LIKE LOTS), <http://crim.jotwell.com/> (annual contributor): *The Many Colors of Punitiveness*, review of Eisen, EXCESSIVE PUNISHMENT: HOW THE JUSTICE SYSTEM CREATES MASS INCARCERATION (June, 2024); *The Rationality of Criminality*, Review of Winter, THE ECONOMICS OF CRIME: AN INTRODUCTION TO RATIONAL CRIME ANALYSIS (July, 2023); *The Sociology of Big Data Policing: Review of Brayne*, PREDICT AND SURVEIL, Review of Brayne, PREDICT AND SURVEIL: DATA DISCRETION AND THE FUTURE OF POLICING (June, 2022); *The Costs of Privacy: Review of Simmons*, SMART SURVEILLANCE (August, 2021); *Reconciling Risk and Equality*: Review of Hellman, Sex, Causation and Algorithms (June, 2020); *The Next Steps in Criminal Justice Reform*: Review of Epperson & Pettis-Davis, SMART DECARCERATION; *How and Why is the American Punishment System “Exceptional”?* (June, 2019): Review of Reitz, ed. AMERICAN EXCEPTIONALISM IN CRIME AND PUNISHMENT; *The Causes of Punitiveness* (May, 2018): Review of Forman, LOCKING UP OUR OWN (June, 2017); *The Definition of Suspicion in an Era of Modern Policing*: Review of Bambauer, Hassle (May, 2016); *Democracy as a Cause of and a Solution for Hyper-Incarceration*: Review of Taslitz, The Criminal Republic (May 2015); *What Comes After Mass Incarceration?*: Review of Clear & Frost, THE PUNISHMENT IMPERATIVE (May, 2014); *How Much Information Can Government Collect to Protect National Security?* Review of Chesterman, ONE NATIONAL UNDER SURVEILLANCE (April, 2013); *Toward Real Criminal Justice*, Review of Stuntz, THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE (April, 2012); *Reducing Reductionism*, Review of Dripps, The Substance-Procedure Relationship in Criminal Law (April, 2011); *Government Dragnets*: Review of Worf, The Case for Rational Basis Review of General Suspicionless Searches and Seizures (May, 2010).

Principles for Just and Rational Policing (with B. Friedman, B. Garrett, R. Harmon, T. Meares & M. Ponomarenko, 108 JUDICATURE 22 (forthcoming, 2025)

Oral Argument 2.0. Simulated Response of Petitioner in *Torres v. Madrid*, Jan. 2021, <https://argument2.oyex.org>.

The Sacred Fourth Amendment Text, Review of Bellin, *Fourth Amendment Textualism*, MICHIGAN L. REV. ONLINE (Oct., 2020), <https://michiganlawreview.org/the-sacred-fourth-amendment-text/>.

PRIMER ON RISK ASSESSMENT FOR LEGAL DECISION-MAKERS (August, 2020), https://law.vanderbilt.edu/academics/academic-programs/criminal-justice-program/Primer_on_Risk_Assessment.pdf.

How the U.S. Supreme Court Facilitates Police Misconduct, THE TENNESSEAN, July 9, 2020, <https://www.tennessean.com/story/opinion/2020/07/10/supreme-court-decisions-affirmed-police-misconduct/5408893002/>.

CHANGING THE LAW TO CHANGE POLICING: FIRST STEPS (June 10, 2020) (with Barry Friedman, Brandon Garrett, Rachel Harmon, Christy Lopez, Tracey Meares, Maria Ponomarenko and Tom Tyler), <https://www.ali.org/news/articles/changing-law-change-policing-initial-steps/>.

Intelligence Gathering: Implications of Subject and Public Perceptions, BLUE LINE: CANADA’S LAW ENFORCEMENT MAGAZINE (Oct. 2018) (with A. Saulnier, J. LaBianca, S. Oleszkiewicz & D. Sivasubramaniam).

Billy Irick Should Not Be Executed (Editorial), THE TENNESSEAN (August 9, 2018).

The Admissibility of Neuroscience in Criminal Cases, 11(2) THE SCITECH LAWYER 18-21 (Winter, 2015) (w/ Casey LaDuke & Emily Haney-Caron)

Has the NSA Gone Rogue?, CNN.net (October 30, 2013); *The U.S. Must Act Now in the Face of the NSA Scandal*, CNN.net (August 13, 2013).

Risk Assessment and Risk Management in Juvenile Justice, 27 ABA CRIM. JUS. MAG. 1-18 (Winter, 2012).

The Future of Mass Dossiers, JURIST (April 11, 2012).

The Fourth Amendment in 2020, BALKANIZATION (September, 2010).

The Supreme Court’s Recent Criminal Mental Health Cases: Rulings of Questionable Competence, 22 ABA

CRIMINAL JUSTICE MAGAZINE 8-15 (Oct., 2007).
Transnational Law and Regulation of the Police, 56 J. LEGAL EDUCATION 451-58 (2007).
Florida's Death Penalty System: Is It Fair and Reliable?, ST. PETERSBURG TIMES, Sept. 17, 2006.
The ABA's Standards Governing Technological Surveillance, 18 ABA CRIM. JUST. 5, 19 (2003) (w/ Martin Marcus).
Don't Target Mental Illness in Gun Checks, NEWSDAY, April 11, 2002 (op ed piece).
Who Chooses Insanity? Case Comment on Vermont v. Bean, FORENSIC ECHO (Nov. 2001).
You Can Recover, But You Can't Hide: Mass. v. Plumley, FORENSIC ECHO (June, 1998).
Some Random Observations on the Soviet Union, FLORIDA LAWYER 27-29 (Summer, 1988).
Harris v. State: The Death Penalty and the GBMI Verdict, 12 NEWS. AM. ACAD. PSYCHOLOGY & L. 22-23 (Dec., 1987).

Book Reviews and Review Essays (other than on Jotwell blog)

Technology is Not the Boogeyman: Orly Lobel's The Equality Machine, YALE J. REGULATION NOTICE & COMMENT BLOG (Feb. 23, 2023).
Review of The Fourth Amendment in Flux: The Roberts Court, Crime Control, and Digital Privacy, by Michael C. Gizzi & R. Craig Curtis, in 16 PERSPECTIVES ON POLITICS 1130-1131 (Dec. 2018).
Does Law Work?: A Review of Lawrence M. Friedman, How Law Affects Behavior, in CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS, <http://clcjbooks.rutgers.edu/> (May, 2017).
Collecting and Using Information to Protect National Security: A Review of Simon Chesterman, One Nation Under Surveillance, 29 INTELLIGENCE & NAT'L SECURITY 136-141 (2014).
What is the Essential Fourth Amendment?: Review of Stephen J. Schulhofer, More Essential Than Ever: The Fourth Amendment in the Twenty-First Century, 91 TEX.L.REV. 403-417 (2012).
American Criminal Justice Exposed: Review of William J. Stuntz, The Collapse of American Criminal Justice, 31 CRIM. J. ETHICS 42-52 (2012).
New Wisdom About Old Crimes: Review of D. Shuman & A. Smith, Justice and the Prosecution of Old Crimes, JURIST, <http://jurist.law.pitt.edu> (March, 2001).
Can Mental Patients Afford Rights?, Review of Bruce Winick, The Right to Refuse Mental Health Treatment, JURIST, <http://jurist.law.pitt.edu> (April, 1998).
Is Justice Just Us? A Review of Justice, Liability and Blame, by Paul Robinson & John Darley, 87 J. CRIM.L. & CRIMINOL. 315-33 (1996).
A New and Improved Version of a Hard to Improve Product: A Review of John Monahan & Laurens Walker, Social Science in Law, 15 LAW & HUM. BEH. 95-98 (1991).
A Rational Approach to Responsibility: A Review of Michael Moore, Law and Psychiatry: Rethinking the Relationship, 83 MICH. L. REV. 820-848 (1985).

PRACTICE AND ADMINISTRATIVE EXPERIENCE

Significant committee work: Vanderbilt: Chair, Grievance Committee, 2021-2023, member 2024-25; Chair, PTRC, 2012-14, member 2010-2012; Law School Appointments, 2010-11 (chair), 2011-13; 2015-16 (chair); member, 2017-18; 2020-21, 2024-2025 (subcommittee chair); Chair, Tenure Committee for J. Shinall (2019); Univ. Trans-Institutional Grant Review Committee, 2014-18 (co-chair, 2018); Univ. Publication Comm., 2014-17 (chair, 2016-17); Florida: Appointments (chair twice, member 5 times); Faculty Development Committee (sabbatical, salary & summer research grant policies) (chair 3 years); Self-Study Committee (3 times).
Director, Criminal Justice Program, Vanderbilt University Law School, 9/08-present.
Associate Dean for Faculty Development, U. Fla. College of Law, 6/96-8/99 and 1/01-1/03.
Director, Virginia Forensic Evaluation Training & Research Center, 9/80-8/82 (trained forensic evaluators; helped create Virginia's outpatient forensic evaluation system).
Legal Director, Forensic Psychiatry Clinic, 9/79-8/80 (coordinated evaluations).
Director, Western State Hosp. Legal Aid Society, 9/77-8/78 (represented mental patients).
Briefs (contributor or author): *Diaz v. United States* (U.S. Sup. Ct. amicus brief, 2024); *Kahler v. Kansas* (U.S. Sup. Ct. amicus brief for American Bar Association, 2020); *Irick v. Tennessee* (author, U.S. Sup. Ct. amicus brief, 2018); *Carpenter v. United States* (U.S. Sup. Ct. amicus, 2017); *Roper v. Simmons* (U.S. Sup. Ct. amicus, 2004); *Lionel Tate v. Florida* (co-author, Fl. Sup. Ct. 2003); *Trodglen v. Martino* (Fl. Sup. Ct. 1998); *Welker v. University of South Florida* (Fl. Cup. Ct. 1995).

OTHER LAW-RELATED ACTIVITIES AND HONORS

American Association of Law Schools

Chair, Criminal Justice Section, 1999-00.

Chair, Section on Law and Mental Disability, 1988-1990.

Invited Speaker at AALS Conference: 1989, 1996, 2000-2004, 2006-2009, 2012-2014, 2016-2018, 2021, 2022

Member, Committee on Bar Admission and Lawyer Performance, 6/97-1/01

Planning Committee, Criminal Justice Section Professional Development Conference, 2013

American Bar Association

Chair and Reporter, Criminal Justice Mental Health Standards Task Force, 7/12 to 8/16, 5/24.

Chair, Criminal Justice Section Ad Hoc Law School Outreach Committee, 5/99-8/04.

Chair, Death Penalty Moratorium Implementation Project (Florida), 8/04-9/06.

Expert Panel, Benchbook for Judges on Psychiatric Evidence, 3/97-1/99.

Member, Criminal Justice Section Task Force on Risk Assessment and Risk Management, 4/19-present.

Member, Criminal Justice Section Council, 6/10-6/13.

Member, Criminal Justice Section on Prosecutorial Independence, 2/24-present.

Member, Task Force on Transaction Surveillance, 5/07-1/10.

Member, Criminal Justice Section Standards Committee, 8/04-8/07.

Member/Chair, Section on Individual Rights and Responsibilities Task Force on Mental Illness and the Death Penalty, 1/04-8/06 (drafted commentary and chaired ad hoc committee).

Reporter, CJS Task Force on Law Enforcement and Technology, 3/95-10/99.

Reporter, CJS Task Force on Non-Responsibility for Crime, 8/83-10/85.

American Law Institute

Associate Reporter, Principles on Policing Project, 1/15-5/22

Member, 6/86-present.

American Psychology-Law Society

Chair, Legal Scholars' Committee, 8/13-7/18

Lead Reviewer, Mental Health Policy Papers, 8/13-8/15

Member, Book Award Committee, 8/14-7/18

Editorial Boards/Reviewer

Senior Editor, BEHAVIORAL SCIENCES & THE LAW, 1/17-1/21.

Associate Editor, LAW & HUMAN BEHAVIOR, since 9/87.

Editorial Board, PSYCHOLOGY, PUBLIC POLICY & LAW, since 3/95; OHIO STATE J. CRIMINAL LAW, since 1/02.

Occasional Reviewer: for over 20 psychological and psychiatric journals, and over 10 publishing companies.

Grants

Co-PI, Civil Rights Implications of Truleo Body Camera AI, Arnold Ventures, \$50,000, 4/24-present

Co-PI and chair of Privacy Mechanisms subgroup, Genetic Privacy and Identity in Community Settings, NIH Grant (\$8 million for eight years), 5/16-present.

Principal Investigator, Study of Risk Assessment and Risk Management in the Criminal Justice System, Koch Foundation (\$300,000 for one year), 5/19-5/20.

Co-PI, Improving Community and Neighborhood Safety through Open Data Collection (\$150,000), 8/20-8/22.

Other Memberships/Significant Consulting/Grant Activities

Advisory Board, Arnold Ventures' Research Advisory Board, 4/20-present

Advisory Board, Saks Institute for Mental Health Law, Policy and Ethics, 9/10-present

Advisory Board, SSRN Law & Psychology Journal, 10/06-present

Advisory Board, Encyclopedia of Psychology and Law, 10/06

Advisory Committee, Policing Project's State Legislative Initiative, 01/21-present.

Associate Director, University of Florida Center for Children & Law, 9/02-9/08.

Consultant/contributor, Key Legal Cases in Forensic Mental Health, American Academy of Forensic Psychology

Consultant, Law & Order, Special Victim's Unit, 5/07-08.
Consultant, Hawai'i Department of Mental Health, 10/02-04/03.
Consultant, CEELI, re Draft Law of the Police for the Republic of Montenegro, 3/02.
Consultant, MacArthur Research Network on Juvenile Law (Grant Funded), 6/97-10/97.
Member, Risk Assessment Guidelines Working Group, Council of State Governments, 3/20-present
Member, Equitas Model Legal Processes Workgroup, 9/19-9/22.
Member, Florida Bar Committee on Professionalism, 6/02-6/05.
Member, American Law Institute, since 1/93.
Member, MacArthur Steering Committee (Grant-Funded), Reasoning from Group to Individual, 6/12 – 6/14.
Member, Task Force on Curriculum Revision, National Judicial College, 9/88-2/90.
Member, Virginia Task Force on Insanity Defense, 8/81-8/82. Drafted VA. CODE §§ 19.2-169.1 et. seq. (1982).

Special Faculty (multi-week, multi-day or multi-hour courses)

American Academy of Forensic Psychology—Advanced courses on criminal mental health law (7 hrs.): annually at various locations since 2001.
American Academy of Judicial Education—Law & Psychiatry (1 wk.): Miami, annually 1978-81.
Forensic Fellow Seminar—Weekly, Univ. Florida, 9/99 - 7/08.
Center for Governmental Responsibility, U.F.—Crim. Env't'l Law (1 wk.): Parana Judicial College, Brazil, 7/97; Introduction to Law (2 wks.): Warsaw Law School, Poland, 10/01.
Florida Bar Association—CLE: Criminal Procedure/Evidence (3 hrs.): Tampa, 5/93; 5/95; 5/97; Mental Disability Law (5 hrs.): Pensacola, 2/04; 9/24.
Florida Mental Health Institute, University of South Florida—Forensic training programs for Florida mental health professionals (3 days): various cities in Florida, annually.
Hawaii Dep't of Mental Health—Forensic training (2 days): Honolulu, 11/02; 4/03.
National Judicial College—American Law for Russian Judges (1 wk.): Reno, 4/90; 5/93; 9/93; 3/95; Moscow and Irkutsk, 5/96; Scientific Evidence (1 wk.): Reno, 6/99.
Palo Alto University (online faculty), 3/23-present.
State Department Speaker's Series—Teaching American Criminal Law (3 hrs.): Talca University and U.S. Embassy, Santiago, Chile, 5/00.
Tennessee Forensic Evaluator Renewal Training, 5/09, 5/19.
University of Florida Summer Program—White Collar Crime/Comparative Criminal Procedure (5 weeks): Univ. of Montpellier, 7/04; 7/06; 6/08; Comparative Criminal Procedure (9 weeks): Univ. of Frankfurt, 4/01-6/01.
University of San Diego Institute Int'l & Comp. Law—Comparative Crim. Procedure (5 wks.), Trinity College, Dublin, 7/99; Magdalen College, Oxford, 7/00; Comparative Health Law (5 wks.), U. of Barcelona, 6/04.

Awards/Recognitions/Citations for Scholarship (see also p. 1 and distinguished lectures in Speeches below)

Earl Sutherland Prize for Achievement in Research, 2023, awarded annually to a member of the Vanderbilt faculty whose achievements in research, scholarship, or creative expression, particularly in the past ten years, have garnered significant critical reception and are recognized nationally or internationally, see [Earl Sutherland Prize for Achievement in Research | Office of Faculty Affairs | Vanderbilt University](#).
Harvie Branscomb Distinguished Professor, 2020 (awarded to one Vanderbilt University faculty member each year for distinction in scholarship, teaching and service, see <https://www.vanderbilt.edu/faculty-affairs/faculty-development/faculty-awards/harvie-branscomb-distinguished-professor-award/>)
Hein Online Top Law Scholars, 2023 (No. 71) (based on number of times cited by articles in previous ten years, number of times cited by cases, and number of times accessed).
Among Most Cited Criminal Law & Procedure Professors, 2015-2020 (No. 4), according to Brian Leiter, available at <http://leiterlawschool.typepad.com/>
Network Scholar of the MacArthur Neuroscience Network, Steering Committee, Reasoning from Group Scientific Data to Individual to Individual Decisions, 2013-2016
Distinguished Contribution to Psychology and Law Award, American Psychology-Law Society, 2016 (given to “one who has made distinguished theoretical, empirical, and/or applied contributions to the field of psychology and law”). This award has about 20 recipients in its 40-year existence; other than Justice Harry Blackmun and Virginia law professor Laurens Walker no other lawyer has received this award.
Distinguished Contribution Award, American Academy of Forensic Psychology, 2016 (given annually to person who has made significant contributions to the field of law and psychology; second law professor to win).

Network Scholar of the MacArthur Neuroscience Network, Steering Committee, Reasoning from Group Scientific Data to Individual Decisions, 2013-2016

Distinguished Visitor, USC Law School, Feb. 11-15, 2008

Honorary Distinguished Member, American Psychology-Law Society, 2007 (inaugural group)

Provost's Faculty Achievement Recognition Program, 2007 (awarded to 51 Univ. Florida professors for "milestone achievements in the past two years")

Merck Visiting Scholar, Seton Hall Law School, October 14-18, 2006

STEP Award, 2000-01 (awarded to ten UF law faculty for superior performance).

Professorial Excellence Award, 1998-99 (during 1998 to 2001, awarded annually to from two to four law professors at UF Law School for excellence in scholarship and teaching).

Citations (as of Jan., 2021): in over 6000 articles, treatises and manuals and over 250 judicial decisions, including five U.S. Supreme Court opinions.

Selected Media (since 1990): over 650 contacts, including ABA Journal (6 times); ABC News (10); Al Jazeera (3); Atlanta Constitution (3); Cheddar TV (1); Chicago Tribune (4); Christian Science Monitor (5); CBS Radio (2); CourtTV Radio (1); Good Morning America (1); L.A. Times (9); Miami Herald (30); Mother Jones (2); National Law Journal (3); National Public Radio (9); NBC News (6); Newsday (3); N.Y. Times (15); Nightline (2); Politico (1); Politifact (1); Radio Sputnik (2); St. Pete Times (47); Tennessean (24, including three op eds); Today Show (2); USA Today (11); Vox (8); Wall St. Journal (11); Washington Post (16).

SPEECHES, WORKSHOPS, ETC. (previous five years only)

2020: (** denotes cancelled due to coronavirus; presentations after March 6 all virtual)

Jan. 13: "Assessing the Risk of Offending Through Algorithms," Book Roundtable, *Duke Law School*

Jan. 23: "Legal Regulation of Algorithms", Symposium on Algorithmic Criminal Justice? *UCLA Law School*

Feb. 19: "Police Surveillance," Faculty Feature Dinner, *Cole Hall, Vanderbilt*

Mar. 4: Workshop, "Constitutional Mental Health Law," *American Psychology-Law Society*, New Orleans

Mar. 6: Panel, "Legal Scrutiny of Psychological Assessment Instruments," *APLS*

Apr. 17-18: Host, Roundtable on Building a Consensus on the Use of Risk Assessment, *Vanderbilt*

May 1:** Paper presentation, "'A World of Difference': Law Enforcement, Genetic Data and the Fourth Amendment, Conference on Empirical Privacy, *Northwestern Law School*

May 26: Workshop, "Just Algorithms" (chapters 2 & 3), *Duke Law Center for Science and Justice*

June 2: Brownbag, "Just Algorithms (chapter 4), *Vanderbilt*

June 2:** Lecture, "Why the GDPR Should Be Rethought," *Vanderbilt in Venice Program*

June 4: Host, Empirical Scholars on Privacy, *Privacy Law Scholars Conference*

June 6: Webinar, "Competency to Stand Trial: Legal Foundations," *GAINS Center, Philadelphia*

June 25: Presentation, "Kahler v. Kansas," Forensic Interest Group, *Vanderbilt Dep't Psychiatry*

June 29: Panel, "Big Data, Privacy, Liberty and Covid-19," *Webinar for Vanderbilt Alumni*

July 14: Brown Bag, "Kahler v. Kansas," *Vanderbilt Law School*

Aug. 24: "Police Use of Force," Telephonic presentation to *GAO Homeland Security Unit*

Sept. 25: Briefing on Risk Assessment Instrument Guidelines, *Council of State Governments*

Oct. 14-16: Florida Mental Health Training, sponsored by *Univ. S. Florida*, Tampa

Oct. 25: The Law on Police Use of Force, *Vanderbilt Commons*

Oct. 28: "Competency to Proceed, Plead Guilty and Waive Rights," *American Board of Psychology*, Ariz.

Nov. 2: Workshop, "Risk Algorithms," *Berkeley Psychology Department*

Nov. 6-7: Host, and commentator on Irene Joe "Learning from Exonerations," Criminal Justice Program Roundtable on "Criminal Law as Administration," *Vanderbilt Law School*

Nov. 10: Presentation to *Nashville City Council* re Automated License Plate Readers

Nov. 12: ABA Criminal Justice Section Roundtable, Presentation of "Preventive Justice: How Algorithms, Parole Boards and Limiting Retributivism Could End Mass Incarceration"

Nov. 13: "Kahler v. Kansas," Criminal Law Association panel, *Vanderbilt*

Dec. 3: Commentator on "Pretrial Indigent Defense," at Conference on Criminal Defending, *University of Illinois Law School*

Dec. 4: Commentator at Empirical Criminal Law Roundtable, *Duke University Law School*

Dec.10: Invited Lecturer, "Using Risk Assessment Instruments to Reduce Incarceration," *George Mason Law School Marketplace of Ideas Podcast*, see <https://masonlec.org/podcast/>; <https://twitter.com/MasonLEC/status/1339983805449457669?s=20>

- Dec. 11: The Law on Police Use of Force, Criminal Law Forum, *Tennessee Bar Association*
 Dec. 17: Paper presentation, "Assessing the Risk of Offending Through Algorithms, *Universidad Miguel-Hernandez, Valencia, Spain*

2021 (* in-person presentations, all others via zoom; ** denotes cancelled due to coronavirus;)

- Jan. 4: Invited panelist, "Irresponsibility, Reconsidered," *AALS Annual Meeting*
 Jan. 5: Lecturer, "The Ultimate Issue" Issue, Law & Mental Health Series, *University of New Mexico*
 Feb. 23: Workshop, "Risk Assessment and Police Profiling," *Berkeley Psychology Department*
 Mar. 19: "Primer on Risk Assessment," presentation to *ABA Criminal Justice Sentencing Task Force*
 Mar. 22: Workshop, "Should Courts Engage in Risk Assessment and, If So, How?" Criminal Law Speaker Series, *Fordham Law School*
 Apr. 8: "Mental & Behavioral Health Among the Justice-Involved", The Center on Media, Crime and Justice (CMCJ), at *John Jay College of Criminal Justice*
 Apr. 8: "Improving Community and Neighborhood Safety Through Data Collection," presentation with Dan Balasubramanian, at Smart and Connected Communities Principal Investigators' Meeting, *National Science Foundation*
 Apr. 9: "A Jurisprudence of Risk," presentation on panel "The Most Important Substantive Criminal Law Issues," *Texas Tech Law School* symposium
 May 20: "A Jurisprudence of Risk," presentation at *APLS Legal Scholarship Panel*
 May 25:* "Event-Based Virtual Searches," *Vanderbilt Law School* brown bag
 July 29: Invited commentator, Department of Justice Focus Group on Electronic Surveillance Data
 Aug. 11: "Police as Community Caretakers," Virtual Crim Workshop, hosted by *University of Virginia*
 Aug. 26:** Keynote speaker, "Technology and Criminal Justice: Searches and Sentencing," *Annual Florida Judicial Conference, Amelia Island*
 Sept. 17:* "Caniglia v. Strom: What is the Policing Role?," Constitution Day Conference, *Cato Institute, D.C.*
 Oct. 8: Commentator on Will Crozier et al., "Deception in the Interrogation Room: A Framework for Understanding the Psychology of Deceptive Interrogation Practices," *Duke APLS* paper symposium
 Oct. 22: "Suspectless Searches," at Calibrating Data Science conference (virtual), *UCLA Law School*
 Nov. 12-13:* Convenor, Criminal Justice Roundtable; commentator on Ngozi Okidegbe, "Discredited Data," *Vanderbilt Law School*
 Nov. 18:* "Just Algorithms," Forensic Interest Group, *Vanderbilt Dep't Psychiatry*
 Dec. 2-5: Florida State Mental Health Professional Training, *University South Florida, Tampa*
 Dec. 10:* "Mental Health and the Courts: What Can New Science and Technologies Offer?" *ASU Law School*
 Dec. 14: "Ethics and the Insanity Defense," MentalHealthAmerica of Mid South, Nashville
 Dec. 20: "Predictive Policing," International Conference on Artificial Intelligence, *Valencia University, Valencia, Spain*

2022 (*denotes presentation via zoom, all others in-person)

- Jan. 8:* Works in Progress, New Voices in Criminal Justice, Commentary re Jamelia Morgan's paper, *AALS Meeting, Denver*
 Jan. 18:* "A Jurisprudence of Risk," *Columbia University Dep't Psychiatry*
 Feb. 10:* Panel on the Death Penalty, Phi Alpha Delta Pre-Law fraternity, *Vanderbilt*
 Feb. 25:* "Suspectless Searches," at The Fourth Amendment in a Digital Age conference, *OSU Law School*
 Feb. 28: Commentator on Joshua Windham, The Open Fields Doctrine and *Rainwaters v. Tennessee Wildlife Resources Agency, Federalist Society, Vanderbilt*
 Mar. 15: Moderator, Vanderbilt University Panel with Governor Bill Haslam & Cyntoia Brown-Long, sponsored by *Vanderbilt Project on Unity and American Democracy*
 Mar. 22: Athenaeum Lecture, "Can (Should) Algorithms Reduce Incarceration in the United States?" *Claremont McKenna College, Calif.*
 Apr. 7:* Inaugural Al Grudzinskas Memorial Lecture, "A Jurisprudence of Risk," *Univ. Massachusetts Medical Center*
 Apr. 8:* "A Constitutional Analysis of the Pathways to Mental Health Project," 2022 *Texas Tech Mental Health Law Symposium*
 Apr. 29:* "Finetuning a Jurisprudence of Risk," Festschrift for Professor Bernadette McSherry, *Monash University, Australia*
 May 24:* Competency Evaluations and Reports, *Washington State Hospital, Spokane, Wash.*

June 2: Commentator on Christina Konigisor, Police Secrecy Exceptionalism, *Privacy Law Scholars' Conference*, Boston

June 7: "Equality in the Streets: Using Proportionality Analysis to Regulate Street Policing, *Brown Bag*

June 9: Paper presentation, "Equality in the Streets," at Conference on Policing, *South Carolina Law School*

July 8: Participant, National Judicial Task Force to Examine State Courts' Response to Mental Illness, *National Association of Criminal Defense Lawyers*, Denver, Colo.

July 20: Participant, Cannabis, Criminal Justice and Clemency: A Symposium, *U.S. Capitol, sponsored by ASU Law School*

July 29: Interlocutor, Prospective Law Teachers' Workshop, *SEALS*, Sandestin, FL.

July 29: Panel discussion on Fourth Amendment developments, *SEALS*

Aug. 22-23: Speaker at Book Ceremony on *Just Algorithms*, and Convenor, Conference on *Just Algorithms* (featuring 10 scholars), *Vanderbilt*

Aug. 27: Can Algorithms End Mass Incarceration? *TedX Talk*, Nashville (**TED determined that this talk is "of particular global interest" and has decided to "publish" it internationally**).

Aug. 31: "The Fourth Amendment and Qualified Immunity," *Sixth Judicial Circuit Annual Conference*, Louisville.

Sept. 2-4: "Mass Incarceration and Technological Policing," "Law Enforcement Use of DNA" and two other panels at *Renaissance Weekend*, Monterey, Calif.

Sept. 8: Keynote speaker, "Technology and Criminal Justice: Searches and Sentencing," *Annual Florida Judicial Conference*, Hutchinson Island, FL.

Sept. 22-23: "Integrating Mental Disability into the General Defenses," Conference on Mental Disorder, Culpability, and the Criminal Law, *University of Bergen, Norway*

Oct. 3: Introduction, Chair Induction for Rob Mikos

Oct. 6: "What the Law Should (but often doesn't) Ask from the Developers and Users of Risk Assessment Instruments," *University of Massachusetts Medical School*, Worcester, Mass.

Oct. 7: "Just Algorithms," Talk to Vanderbilt University Law School Board of Advisors

Oct. 13-15: Forensic Mental Health Training, *USF*, Tampa

Oct. 19: "Virtual Searches," Federalist Radio Hour Broadcast

Oct. 25:* "What the Law Should (but often doesn't) Ask from the Developers and Users of Risk Assessment Instruments," *ASU Mental Health Law Symposium*

Oct. 27: "Versions of Insanity," Forensic Interest Group, *Vanderbilt*

Nov. 2: "Equality in the Streets," *Texas A & M* workshop

Nov. 4-5: Convenor, 15th Annual Criminal Justice Roundtable, presentation of "Equality in the Streets," *Vanderbilt*

Dec. 16: Discussion of "Virtual Searches," LawFare podcast.

2023 * denotes presentation via zoom

Feb. 6: "Virtual Searches," book talk, *Duke Law School*

Mar. 20: Moderator, Common Ground: Where the Left and the Right Can Meet on Police Reform, with Barry Friedman, NYU, and Vikrant Reddy, Koch Foundation, *Vanderbilt Law School*

Mar. 24: "Administrative Regulation of Programmatic Policing," Modern Policing Symposium, *N. Ky. Law School*

Mar. 28:* "U.S. Supreme Court Cases Relevant to Forensic Practice: A 30-Year Update," *Palo Alto University*

Apr. 13: Participant, "Rethinking Crime and Violence," Academy for Justice, *ASU Law School*

Apr. 14: Panel discussion, "The Police and People with Mental Illness," *Penn State Law School*

Apr. 28: Commentator on "Kids These Days," *AALS Inaugural Jr.-Sr. Criminal Procedure Section conference*

May 16: "Administrative Regulation of Programmatic Policing," *Vanderbilt Brown Bag*

May 23: "The Equitas Foundation's Mental Health Treatment Recommendations," *Delaware Courts Mental Health Summit*, Wilmington, Del.

June 7-8: "Administrative Regulation of Programmatic Policing," Law & Policing Conference, *Univ. Chicago Law School*

June 12:* "Constitutional Criminal Mental Health Law," *Palo Alto University online*

June 15-16: "The Incompatibility of Retributivism and Plea Bargaining," Plea Bargaining Institute, *Belmont University Law School*

June 22: "Virtual Searches," book talk, *Florida Annual Bar Meeting*, Boca Raton

July 11: "Volunteer Searches," *Vanderbilt brown bag*

July 17-18: “Volunteer Searches,” Crimfest, *Cardozo Law School*
 Aug. 15: Comments on License Plate Reader Ordinance, *Nashville City Council Meeting*
 Sept. 7: “When Can Cops Look Over Your Doctor’s Shoulder?: Public Perceptions of Privacy Vis-à-vis Law Enforcement,” GetPrecise Conference, *Vanderbilt University Medical School*
 Sept. 27: “The Minimalist Alternative to Abolitionism,” *Vanderbilt Law School Workshop*
 Nov. 2: Book Ceremony for Virtual Searches: Regulating the Covert World of Technological Policing (with Barry Friedman, Maria Ponomarenko and Kate Weisburd), *Vanderbilt Law School*
 Nov. 3-4: 16th Annual Criminal Justice Roundtable, Convenor and Commentator on Kate Weisburd, Criminal Procedure Without Consent, *Vanderbilt Law School*
 Nov. 16: Commentator on Judging Insanity, Punishing Difference: A History of Mental Illness in Criminal Court, *American Society of Criminology*, Philadelphia
 Dec. 7-9:* Forensic Training Program, *University of South Florida*

2024 * denotes presentation via zoom

Jan. 23: “The Minimalist Alternative to Abolitionism,” and “Delegitimizing Voluntariness” (w/ Kate Weisburd), Conference on Minimalism, *Washington University Law School*
 Jan. 25: “The Equitas Foundation’s Mental Health Treatment Recommendations,” Forensic Interest Group, *Vanderbilt*
 Mar. 14: “Virtual Searches,” *Nashville Salon*
 Mar. 21: “Race and Risk Assessment in Criminal Cases,” *Am. Psychol. & Law Society, Los Angeles*
 Mar. 29:* “Virtual Searches: Regulation of Covert Technological Policing,” *ABA Fellows Program*
 April 2: “A Jurisprudence of Risk,” Keynote Address, *University of Leiden, Netherlands*
 April 30: “Illegitimate Choices: A Minimalist(?) Approach to Consent, Waiver and Choice in Criminal Cases,” *Duke Law School*
 May 7: Group Facilitator, Conference on Prosecution in the South, *Vanderbilt Law School*
 May 8: “The ABA’s Proposed Commentary on Prosecutorial Independence,” American Prosecution Association Meeting, *Vanderbilt Law School*
 May 28: “Illegitimate Choices,” *Vanderbilt brown bag*
 June 21: “Predictive Policing,” 2d Annual Tsai Summit, Santa Fe, N.M. (*SMU Law School*)
 July 10: “Virtual Searches,” presentation to C200 Women’s Group, Bulle Meres, Brentwood, Tn.
 Oct. 15:* “Proving the Future in Criminal Cases,” *North Sea Seminar Group, Netherlands*
 Nov. 7-8: 17th Annual Criminal Justice Roundtable, Convenor and Presenter of “Scrutinizing Sentencing,” *Vanderbilt Law School*
 Nov. 12: “The American Criminal Justice System,” *Vanderbilt Women in Government*
 Nov. 15: AI and Expertise, *Boston University Law School*
 Nov. 16: Author Meets Critics (Andrea Roth, Berkeley; David Sklansky, Stanford; David Weisberg, Stanford), Critique of *Rehabilitating Criminal Justice* (CUP), *American Society of Criminology*, San Francisco

2025 * denotes presentation via zoom

Jan. 10: “Proving the Future in Criminal Cases,” Evidence Section panel, AALS, San Francisco
 Jan. 14:* “What Direct to Consumer Genetic Testing Companies Don’t Tell You, Inst. For Public Health Genetics
 Jan. 30: “The American Bar Association’s Criminal Justice Mental Health Standards,” Forensic Interest Group, Vanderbilt Dep’t Psychiatry
 Feb. 11: “A Minimalist Program for Reducing Incarceration,” Vanderbilt Social Justice Program
 Feb. 28: “Data-Based Police Profiling,” *Louisville Law School*
 Mar. 12: “Proving the Future in Criminal Cases,” Acad. Of Criminal Justice Sciences Annual Meeting, Denver