Before the
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Jessica Gonzales,

in her individual capacity and on behalf of her deceased daughters,

Katheryn, Rebecca, and Leslie Gonzales

vs.

The United States of America

Case No. 12.626

EXPERT REPORT OF PROFESSOR JEFFREY FAGAN

October 22, 2008
I. INTRODUCTION

1. My name is Jeffrey Fagan. This expert report expresses my analysis and opinions regarding police enforcement of domestic violence protection orders as an expert in criminology and domestic violence.1 After this Introduction and an initial section addressing my qualifications [paragraphs 1 – 14], the report makes the following points:

- Police departments’ frequent failure to enforce protection orders throughout the United States exacerbates the dangers to domestic violence victims [paragraphs 15 – 24].
- Adequate protection for domestic violence victims requires comprehensive protection order laws and police obligations to enforce those orders [paragraphs 25 – 36].
- Adequate protection for domestic violence victims requires institutional reforms to ensure that police consistently enforce protection orders [paragraphs 37 – 56].
- Adequate protection for domestic violence victims requires that police be held accountable when they fail to enforce protection orders [paragraphs 57 – 61].

2. In this report, I recommend law and policy reforms for state and local actors, but I also emphasize that the United States government must provide incentives for state and local governments to adopt these reforms. I recommend that these federal incentives take the form of conditional grants through a federal funding program like the one established under the Violence Against Women Act (VAWA). While the U.S. Congress already conditions some VAWA grants on states adopting tougher domestic violence response methods, the fact remains that police too often fail to enforce domestic violence protection orders. Thus, VAWA is an inadequate tool in its present form to effect actual changes in police response. In addition, because VAWA grants are entirely optional, states may choose not to accept them, meaning they have no obligation to

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1 I gratefully acknowledge the assistance of Jennifer Ryan, Dara Kaufman, Nazreen Mehta, and Abram Seaman from the Columbia Law School Sexuality and Gender Law Clinic in preparing this report.
enact the federal government’s domestic violence policy recommendations. I propose that the Commission recommend that the U.S. government create a new categorical grant to give effect to the recommendations in my report, as a national tool for improving local police response to domestic violence. Alternately, VAWA grants could provide a vehicle for implementing my recommendations; however, the VAWA program should be reformed to address the limitations I note above.

3. While this report emphasizes the role of law enforcement agencies in preventing domestic violence, the criminal justice system alone cannot adequately address the complex legal, social, and economic problems associated with domestic violence. Indeed, over-reliance on the criminal justice system may have negative consequences for domestic violence victims and the community as a whole. For example, in domestic violence cases, police officers disproportionately arrest low-income, African-American and Latino men. In addition, research suggests that post-arrest domestic violence laws result in increased dual arrests, where officers arrest both the victim and abuser when responding to a domestic violence call. While reforms to the criminal justice system are necessary to adequately protect domestic violence victims, social and economic justice issues must also be addressed.


"Do Fair Procedures Matter?: The Effect of Procedural Justice on Spouse Abuse," 31 Law & Soc’y Rev. 165 (1997) (showing that arrests for domestic violence that lead to no substantive criminal justice sanctions engender perceptions of poor procedural justice that delegitimizes perceptions of criminal law among arrestees).


See Coker, supra note 2.
II. QUALIFICATIONS

4. I am a 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 to this report.

5. I am a member of numerous societies, committees, and consortia focused on criminology, violence, and social sciences more generally. I am an elected Fellow of the American Society of Criminology; a former member and Vice Chair of the Committee on Law and Justice of the National Research Council; a member of the National Consortium on Violence Research at Carnegie Mellon University; past Chair of the National Policy Committee of the American Society of Criminology; a member of the National Academy of Sciences Committee on Law and Justice since 2000; a former member of the National Academy of Sciences Committee on the Assessment of Family Violence Interventions (1994 to 1998); and a former member of the National Academy of Sciences Committee on Fairness and Effectiveness of Policing (2000 to 2004).

6. I have held and currently hold editorial board positions on leading academic journals, and leading foundations focused on social sciences, violence prevention, and public health regularly support my research. 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 as editor of the Journal of Research in Crime and Delinquency (1990 to 1996) and as editorial board member of Criminology and the Journal of Quantitative Criminology. 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 Russell Sage Foundation, the Robert Wood
Johnson Foundation, the Open Society Institute, the Wallace Global Fund, Atlantic
Philanthropies, and the Sloan Foundation.

7. My research focuses on the intersection of crime, law, and social policy. My current
and recent research examines community courts and community justice, the social contagion of
violence, crime control, several aspects of policing practices, and perceptions of the legitimacy
of criminal law. I have conducted research on domestic violence since 1978. I was Principal
Investigator on: the National Evaluation of the Law Enforcement Assistance Administration
Family Violence Intervention Program (1978 to 1984); a Nebraska program to integrate child
welfare and family violence intervention services (1983 to 1984); a National Institute of Justice
research grant that estimated the deterrent effects of arrest in misdemeanor domestic violence
cases (1992 to 1994); and a research grant from the National Institute of Justice to study the
social and ecological risks of violence against women and intimate partner violence (1995 to
1999). I was a member of the Domestic Violence Working Group in New Jersey which drafted
guidelines for criminal and civil court processing of domestic violence cases in the early 1990s
that I served on two National Research Council committees that addressed violence against
women and intimate partner violence. I was a consultant on a grant directed by Dr. Laura Dugan
to study the causes of declining rates of intimate partner homicide across the nation.

8. I am the author or co-author of three books and over 100 articles published in peer-
reviewed journals or edited volumes. My curriculum vitae includes a list of these publications.
9. I have served as an expert witness in federal and state courts in both civil and criminal cases. My curriculum vitae identifies cases in which I have testified as an expert at trial or by deposition.

10. I submit this report based on my research and study in the fields of domestic violence and policing practices. I base my opinions on my education, training, research experience and knowledge of scholarly and technical literature on domestic violence.

11. I also base my report on the facts of this case. I have read the Petitioner’s merits brief and the Respondent’s reply brief. Based on these documents, I understand the undisputed facts to be the following: On June 4, 1999, a Colorado court issued Jessica Gonzales a permanent protection order against her husband, Simon Gonzales. The protection order made permanent a previous temporary restraining order which directed Simon Gonzales not to “molest or disturb the peace” of Jessica Gonzales or their three children; excluded Simon Gonzales from the family home; and ordered that Simon Gonzales “remain at least 100 yards away from this location at all times.” The judge specifically found that there was a risk of “irreparable injury” and that “physical or emotional harm would result” if Simon Gonzales was not excluded from the family home.6

12. The language on the back of Jessica Gonzales’ temporary restraining order mirrored the language contained in Colorado’s ‘mandatory arrest’ law, which directs that, upon probable cause of a violation, “[a] peace officer shall arrest, or, if an arrest would be impractical under the circumstances, seek a warrant for the arrest of a restrained person,” where the restrained person has violated “any provision” of the order and has either “been properly served with a copy of the

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5 See Gonzales Petition, at Ex. A: May 21, 1999 Temporary Restraining Order.
6 Id.
restraining order” or “has received actual notice” of its existence. The statute provides that “[a] peace officer shall enforce a valid restraining order whether or not there is a record of the restraining order in the registry.”

13. On Tuesday, June 22, 1999, Simon Gonzales picked up Rebecca, Katheryn, and Lettie Gonzales in the early evening hours (sometime between 5:50 pm and 7:40 pm) from Jessica Gonzales’ front yard or the street in front of her house in Castle Rock, Colorado. Jessica Gonzales called the Castle Rock Police to report the incident. In total, over a period of at least seven hours, Jessica Gonzales called the police at least four times before midnight and met with police officers in person at least twice. Records reflect that Jessica Gonzales showed the police her restraining order at approximately 7:40 pm, and that at approximately 8:30 pm she notified the Castle Rock Police that Simon Gonzales and the children were at Elitch Gardens Amusement Park in Denver. The police did not ultimately arrest Simon Gonzales or locate the children. At approximately 3:25 am, the police shot and killed Simon Gonzales after he opened fire on the police station. The police then found the dead bodies of the three children inside Simon Gonzales’ truck.

14. This case illustrates the weaknesses of current structures and police procedures for enforcing protection orders and reinforces the need for reform.

III. POLICE DEPARTMENTS’ FREQUENT FAILURE TO ENFORCE PROTECTION ORDERS THROUGHOUT THE UNITED STATES EXACERBATES THE DANGERS TO DOMESTIC VIOLENCE VICTIMS.

15. Domestic violence is a serious problem in the United States. Despite the severity, police officers in the United States too often fail to enforce domestic violence protection orders.

\footnote{Colo. Rev. Stat. § 18-6-803.5(3)(b) (1999).}

\footnote{Colo. Rev. Stat. § 18-6-803.3(3) (1999).}
When police fail to enforce protection orders, this puts victims in greater danger, fails to deter abusers, and discourages victims from seeking police help. Unfair stereotypes about domestic violence victims may be one reason police may fail to enforce protection orders.

A. Police Failure to Enforce Protection Orders Endangers Domestic Violence Victims.

16. Police officers regularly fail to enforce domestic violence protection orders. Several studies suggest that police arrest abusers in only 20% to 40% of cases involving an alleged violation of a protection order. For example, in Harrell and Smith’s study of 355 women with protection orders, 290 of the women sought police assistance when an abuser violated the order. Despite a state law that required police to arrest the offender for any protection order violation, police made only 59 arrests (20%) in response to these calls from victims.

17. While orders of protection can make domestic violence victims safer, “weak enforcement and limited punishment for violations may undermine the utility of the protection

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9 See Centers for Disease Control and Prevention, Understanding Intimate Partner Violence Factsheet (2006) http://www.cdc.gov/violenceprevention/pdf/ipv_factsheet.pdf. (Each year, women in the United States experience around 4.8 million intimate partner-related physical assaults. Intimate partner violence resulted in 1544 deaths in 2004, 75% of which were women.); Elizabeth M. Schneider, et al., Domestic Violence and the Law: Theory and Practice 10 (2d ed. 2008) (One in four women in the United States is likely to suffer domestic violence during her lifetime and each year about 3.3 million children are exposed to domestic violence against their mother or female caregiver.); National Institute of Justice, Assessing Risk Factors for Intimate Partner Homicide NJJ Journa l (US Department of Justice, 2003) 250, 5. (Noting that intimate partner homicides comprise 40-50 percent of all murders of women in the United States and that domestic violence is the leading cause of death for African-American women aged 15 to 45.); Patricia Tjaden and Nancy Thoennes, National Institute of Justice, Extent, Nature, and Consequences of Intimate Partner Violence (2000) http://www.ncjrs.gov/pdffiles1/nij/181867.pdf. (There are about 1.1 million victims of intimate partner rape, physical assault, and stalking that obtain protection orders against their attacker annually. Approximately 60% of these orders are violated.)

10 See, e.g., Lawrence W. Sherman, Policing Domestic Violence 241 (1992) (citing a National Institute of Justice survey which found that the most basic problem with enforcement of protection orders is police officers’ failure to make arrests when orders are violated.)


12 Schneider, supra note 9, 273.
order.13 Indeed, "[w]ithout enforcement, restraining orders actually harm victims by giving them a false perception of reliance and security[,]"14 or, put another way, "a promise to protect them that will not be kept."15 The fact that police failure to enforce protection orders actually increases danger to domestic violence victims highlights the critical need for police officers to enforce these orders.

18. In addition to putting victims at greater risk, when police fail to enforce protection orders, it eviscerates the orders’ deterrent value. Orders of protection deter domestic abuse because they communicate to the abuser "the notion that the victim has the full force of law enforcement behind . . . her."16 When police do not arrest an abuser who has violated a protection order, the order becomes an empty threat. In addition, offenders perceive police failure to arrest as implicit permission to continue their violent behavior.17 Thus, police failure to enforce orders of protection contributes to the cycle of domestic violence instead of breaking it.

19. When domestic violence victims cannot depend on police officers to enforce their protection orders and arrest abusers, they stop relying on the police to protect them. A domestic violence victim is less likely to call the police if a previous protection order violation went unpunished after she reported it.18 Instead, a victim will either try to endure the abuse or take matters into her own hands. The United States Supreme Court also recognizes that failure to

impose punishment for a crime "sow[2] the seeds of anarchy of self-help, vigilame justice, and lynch law."13 In the context of domestic violence, victims attempt self-help when police fail to enforce protection orders. Consistent police enforcement of protection orders preserves victims' trust that law enforcement officials will protect them from their abusers.

20. Jessica Gonzales' case before the Commission graphically illustrates the consequences of police failure to respond adequately when an offender violates a protection order. Numerous other tragic examples also show that where police fail to enforce a woman's protection order, the abuser may seriously injure or kill her or her family members.21

21. The United States Supreme Court's decision in Town of Castle Rock v. Gonzales22 threatens to undermine the belief among rank and file law enforcement officers that the federal government supports rigorous enforcement of orders of protection. The Commission should recommend that the United States implement my proposals to ensure that police officers nationwide consistently enforce protection orders.

B. A Policy Requiring Police to Enforce All Protection Orders Can Mitigate the Influence of Negative Stereotypes about Domestic Violence Victims.

22. Police may fail to enforce domestic violence protection orders because of negative stereotypes about victims. For example, police sometimes blame the victim for the domestic violence. According to N. Zoe Hilton, police officers may not see the offender as responsible and "they perhaps even see him as justified when the victim has been unfaithful. Verbal

antagonism by the victim is also seen to make her more responsible for the abuse."\textsuperscript{23} Police may also provide lesser protection when they view the victim as not needing or deserving of protection based on her relationship, family structure, age, race, income, and/or class.\textsuperscript{24}

23. Police may fail to enforce protection orders when they see domestic violence as normal for a particular household. One study, for example, found that as the number of domestic violence incidents involving the same couple increases, police are less likely to arrest the offender.\textsuperscript{25} Another study found that police may view women from low-income neighborhoods, particularly racial minorities, as "enmeshed in a culture of violence. In this context, a specific violent event is understood to be part of a larger pattern of degradation beyond the scope of police intervention."\textsuperscript{26} As a result of such views, police may fail to enforce orders of protection for women in these communities, which raises the additional risk that victims from communities of color will avoid calling the police for help.\textsuperscript{27}

24. Police commanders must be aware of these issues underlying police failure to arrest. They should train officers to recognize why they provide less protection to some domestic violence victims, and stress the importance of arresting all offenders who violate protection orders.\textsuperscript{28} Only an approach that restricts police reliance on impermissible stereotypes and results in enforcement of all protection orders can begin to provide adequate protection for domestic violence victims.


\textsuperscript{28} Kane, supra note 25, at 577.
IV. ADEQUATE PROTECTION FOR DOMESTIC VIOLENCE VICTIMS REQUIRES COMPREHENSIVE PROTECTION ORDER LAWS AND POLICE OBLIGATIONS TO ENFORCE THOSE ORDERS.

25. This section outlines the statutory framework in place for protecting domestic violence victims and highlights the importance of police enforcement of protection orders.

26. To protect domestic violence victims, statutes must authorize courts to issue both civil and criminal orders of protection, and provide for enforcement of both types of orders through criminal prosecution or criminal contempt proceedings. Although many states have protection order statutes in place, protection orders are only adequate and meaningful when police officers actually enforce them.

A. Orders of Protection are Essential to Protect Domestic Violence Victims.

27. Civil and criminal protection orders can be a domestic violence victim’s most important protection.29 Civil protection orders are injunctions issued by a general purpose civil court or family court that place restraints on persons accused of threatening, harassing, or abusing an individual.30 The order may require the abuser to stay away from the victim, restrict contact, specify child custody and visitation arrangements, award spousal and child support, provide for monetary compensation, require the abuser to undergo counseling, or ban possession of weapons.31 States typically offer both temporary and permanent civil protection orders.32 Temporary orders are often in effect for several weeks, and can be issued on an emergency basis...

without a hearing. These orders can become permanent after notice to the abuser and a hearing. Permanent orders are typically in effect for one to three years.\(^{31}\)

28. Civil protection orders are a “uniquely valuable asset” in the effort to combat domestic violence.\(^{34}\) One benefit is that victims can obtain these orders relatively quickly and easily through a process that they initiate and control.\(^{35}\) Civil protection orders can also provide individualized and broad-ranging relief which addresses a victim’s particular safety and economic needs.\(^{36}\) Another benefit of civil orders is that they allow women to obtain protection without engaging the criminal justice system. This approach may be particularly appealing to women of color and immigrants who may be hesitant to call the police because they fear that their partners will face unfair discrimination or be deported.\(^{37}\)

29. In most jurisdictions criminal courts issue criminal protection orders, which prosecutors often request as a condition of pretrial release following a domestic violence arrest.\(^{38}\) These orders prohibit the defendant from contacting the victim and exclude the defendant from the victim’s home, school, business, and place of employment.\(^{39}\) Criminal protection orders remain in effect while prosecution is pending and a judge can make the order permanent as part of a criminal sentence.\(^{40}\) In contrast to a civil protection order, which the victim seeks for her protection, the state seeks and issues a criminal protection order on behalf of the public.\(^{41}\)

30. Statutes must authorize courts to impose criminal sanctions on offenders who violate either a civil or criminal protection order. This will ensure that police officers intervene

\(^{31}\) Id.
\(^{34}\) Goldfarb, supra note 31, at 1507; National Research Council & Institute of Medicine, supra note 26, at 173 (“the advantage of protection orders is that they are victim-initiated and timely.”).
\(^{35}\) Goldfarb, supra note 31, at 1508.
\(^{36}\) Id.; National Research Council, supra note 26, at 174.
\(^{37}\) Goldfarb, supra note 31, at 1508.
\(^{39}\) Id. at 48.
\(^{40}\) Id. at 17.
\(^{41}\) Id.
aggressively whenever an abuser violates a protection order, regardless of which type of court issued the order. Most states make violation of a domestic violence protection order a separate criminal offense. Some states use existing criminal contempt procedures to punish protection order violations. These methods are not mutually exclusive and most states use both criminal prosecution and criminal contempt sanctions to punish offenders who violate domestic violence protection orders.42

31. Violation of a protection order is a misdemeanor in most states.43 Some statutes elevate the offense to a felony after multiple convictions.44 Alternatively, states could give prosecutors the discretion to upgrade the offense from a misdemeanor to a felony in cases where the abuser has repeatedly violated orders of protection, or has a prior criminal record of domestic violence.45 Classifying a protection order violation as a crime against the state demonstrates society’s commitment to the protection order process, encourages adequate police response to violations, and imposes substantial sanctions on offenders.46

32. In addition, some states use the criminal contempt process to punish protection order violations. “Criminal contempt proceedings seek to punish the defendant for flouting the authority of the court . . . .”47 The major benefits of using criminal contempt proceedings to enforce protection orders are their speed, simplicity (because they are conducted as a bench rather than jury trial), and victims’ ability to initiate proceedings if the state is reluctant to

43 See, supra note 38, at 16.
45 For example, the state of California’s penal code grants prosecutors the discretion to classify an offense as either a misdemeanor or a felony, depending on the offender’s prior record. (Cal. Penal Code §§ 17(b)(1), (5) (West 1999)). Crimes that can be charged this way are known as “wobblers,” since their classification depends on the offender’s criminal history and the discretion of prosecutors.
47 Id.
prosecute. Typically, the maximum penalty for criminal contempt is six months in prison.\textsuperscript{49} States could make this contempt remedy more effective by enhancing the penalty in the domestic violence context.

33. Regardless of whether states punish offenders through criminal prosecution or contempt, states must require police officers to make arrests when an abuser violates a protection order. Laws in almost every state permit warrantless arrests in this context\textsuperscript{50} and over 30 states require police officers to make probable cause arrests for protection order violations.\textsuperscript{51} These laws are meant to check police discretion and provide victims with assurance that their orders will be enforced.\textsuperscript{52}

B. Police Must Enforce Protection Orders to Protect Domestic Violence Victims.

34. Orders of protection are only effective if police officers enforce them. A National Institute of Justice study of civil orders of protection points out that, "[a]ny abuser who is determined to batter—or kill—his partner will not be deterred by a piece of paper."\textsuperscript{53} That piece of paper can only protect a domestic violence victim against a determined abuser if the police enforce it by arresting the offender whenever he violates the order.\textsuperscript{54}

\textsuperscript{48} Id. at 264.

\textsuperscript{49} Id.

\textsuperscript{50} Jeannie Suk, Criminal Law Comes Home, 116 Yale L.J. 2, 16 (2006).

\textsuperscript{51} Metesalem, supra note 45, at 1055; See e.g. Cal. Rev. Stat. Ann. § 14-6-803, 5(West 2004) ("A peace officer shall use every reasonable means to enforce a protection order. A peace officer shall arrest, or, if an arrest would be impractical under the circumstances, seek a warrant for the arrest of a restrained person when the peace officer has information amounting to probable cause that the restrained person has violated or attempted to violate any provision of a protection order.").

\textsuperscript{52} Schneider, supra note 46, at 265.


\textsuperscript{54} Sara Metesalem, Should There Be a Public Duty to Respond to Private Violence? The Effect of Town of Castle Rock v. Gonzales on Restraining Orders, 38 t: Tel. L. Rev. 1037, 1037 (2007) ("While legislation authorizing restraining orders is an important step for protecting victims, these orders are ineffective unless enforced."); see also Sally F. Goldfarb, Reconciling Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship?, 29 Cardozo L. Rev. 1487, 1516 (2008) ("Even though obtaining a protection order may be valuable in and of itself, the fact remains due to achieve their full potential, orders must be properly enforced.").
35. When police officers have information that constitutes probable cause to believe that an abuser has violated a domestic violence protection order, they must make an arrest to adequately protect the victim. Probable cause exists when the facts and circumstances would lead a reasonably prudent person to believe that someone has violated an order of protection.  

Police officers must arrest in this situation because the protection order itself is a court order that requires it.  

States have strengthened these court orders by enacting statutes that, like the protection orders themselves, require probable cause arrests for violations. However, regardless of whether a jurisdiction has such a statute, in order to adequately protect domestic violence victims, police officers must arrest an offender whenever they have probable cause to believe that he violated a protection order.

36. While it can be difficult for police officers to assess whether a domestic violence victim is in real danger, a protection order violation provides officers with a shortcut. An order of protection indicates that a judge has already determined that a particular person poses a real threat to the victim. By arresting the abuser when there is probable cause that he violated a...
protection order, police officers can intervene immediately before a violent situation escalates any further. Police should give the victim the benefit of the doubt if there is any uncertainty about whether a protection order has been violated (for example, if the terms of the order are unclear or there are conflicting accounts concerning the alleged violation).

V. ADEQUATE PROTECTION FOR DOMESTIC VIOLENCE VICTIMS REQUIRES INSTITUTIONAL REFORMS TO ENSURE THAT POLICE CONSISTENTLY ENFORCE PROTECTION ORDERS.

37. This section outlines institutional reforms designed to increase police enforcement of protection orders. Domestic violence protection order laws and policies will not provide adequate protection for victims without institutional reforms to facilitate their implementation. As Laura Dugan notes, "[s]tatutory powers are likely to be most effective when accompanied by clear policies and procedures that provide guidance for police response to domestic violence, such as specialized domestic violence units and training in local law enforcement agencies." 60

38. Institutional reforms within police departments and local court systems that can lead to better enforcement of domestic violence protection orders include:

- Comprehensive domestic violence training programs for all police officers and dispatchers.
- Improved staffing and supervision for officers assigned to domestic violence incidents.
- Incentive programs that are tied to appropriate police response to domestic violence.
- Creation of a state registry of protection orders.

• Creation of databases of domestic violence incident reports and prior arrests.
• Separate domestic violence response units within police departments.
• Specialized courts for domestic violence cases.
• Mayoral offices dedicated to domestic violence.

A. Police Officers Need Comprehensive Domestic Violence Training.

39. Police officers must undergo comprehensive training on responding to domestic violence incidents, with a focus on protection order enforcement. Changes to domestic violence legislation and policy will have little impact on practice unless police officers are aware of them and trained to implement them.\textsuperscript{61} Effective training, and institutional reforms to reinforce training content (both procedural and substantive), can neutralize police departments' and officers' long-standing and intractable reluctance to intervene in domestic violence matters.\textsuperscript{62} Such interventions will likely strengthen enforcement of protection orders.

40. Police departments need to increase the number of hours they devote to training officers on proper domestic violence response. The amount of domestic violence training that police academies provide for new officers varies widely across the country, with a median of 12 hours.\textsuperscript{63} In-house domestic violence training for experienced officers is sporadic across police departments.\textsuperscript{64} Increasing the time devoted to domestic violence training would emphasize that adequate police response is essential to protecting victims of domestic violence.\textsuperscript{65}

\textsuperscript{61} National Research Council & Institute of Medicine, Violence in Families: Assessing Prevention and Treatment Programs 184 (Rosemary Chalk & Patricia A. King, eds., National Academy Press 1998).
\textsuperscript{63} Metusalum, supra note 62, 1062.
\textsuperscript{64} Drew Humphries, No Easy Garners: Public Policy, Criminal Justice, and Domestic Violence, 2 Criminology & Pub. Pol’y 91, 94 (2002).
\textsuperscript{65} Metusalum, supra note 62, at 1062.
41. Police departments should provide ongoing domestic violence training for experienced police officers. A quick, low-cost idea is roll-call training: short training sessions at “roll-call,” which occurs when officers check in for a shift. The Chicago Police Department, for example, gives patrol officers short trainings on every watch. At these roll-call trainings, supervisors update officers on new policies and laws and provide ongoing training on domestic violence dynamics. As another example, the Aurora Police Department in Colorado established a six-part domestic violence roll-call training program. The training in that program discusses the prevalence of domestic violence, reviews proper protection order procedures, and emphasizes the importance of referring domestic violence victims to social services agencies.

42. Police particularly need training on how to respond to violations of civil and criminal protection orders. For example, in states where a protection order violation constitutes contempt of court, “police officers are generally unaware that they have power to make arrests on the contempt charge.” Training should ensure that police officers know what penalties their jurisdiction permits for protection order violations, either through criminal prosecution or criminal contempt proceedings.

43. A comprehensive domestic violence training program for police should include the following elements:

- Police obligation to enforce civil and criminal protection orders by arresting the offender when there is probable cause of a violation. Police officers must be trained to make on the spot determinations of whether probable cause exists.

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• The importance of adopting a victim-focused approach. This should include listening to a domestic violence victim at the scene, conveying to the victim that the abuse is not her fault, and taking a victim statement.\textsuperscript{69} Police officers should be trained to assume that the victim is telling the truth about the risk as abuser poses to her safety.

• Information on the prevalence and dynamics of family violence, including gender dynamics and why women sometimes stay with an abusive partner.\textsuperscript{70}

• Techniques for assessing the level of risk a domestic violence victim faces and the importance of communicating risk assessments to both superiors and victims.\textsuperscript{71}

• Domestic violence within same-sex couples and in different racial and ethnic communities.\textsuperscript{72}

• Dispatchers' and 911 emergency service call-takers' responsibility to make police officers aware of relevant orders of protection when responding to a domestic violence call.\textsuperscript{73} Police departments must train dispatchers to always ask a domestic violence caller if she has a protection order.\textsuperscript{74} The dispatcher must convey this information to the police officers responding to the call and to supervisors.

\textsuperscript{69} Marsh E. Wolff et al., Barriers to Seeking Police Help for Intimate Partner Violence, 18 J. Fam. Violence 121, 127 (2003).


\textsuperscript{72} Wolff, supra note 69, at 127.


B. Police Departments Must Improve Prioritization, Staffing, and Supervision for Domestic Violence Incidents.

44. Police departments must make responding to domestic violence incidents a priority. Research indicates that police departments often give low priority to emergency calls that they categorize as simple assaults. Because police departments typically classify domestic violence incidents as simple assaults, dispatchers often tell a domestic violence victim to wait until more officers are available or encourage her to contact social service agencies for assistance.75 Police departments should treat domestic violence as seriously as any other violent crime and give domestic violence incidents priority attention.76 For example, Chicago police departments categorize domestic violence at the highest priority level for dispatch, which is the level reserved for calls involving bodily harm and crimes in progress.77

45. "Police departments are often understaffed on nights and weekends when the majority of domestic disturbances occur."78 Departments need a sufficient number of officers at all times to ensure prompt response to protection order violations. If necessary, departments should coordinate with neighboring departments to provide back-up during particularly busy periods.

46. Police departments must ensure adequate supervision of officers who respond to domestic violence incidents. One study found that despite incidents of repeated violence, new officers are more inclined to use informal advice to respond to domestic violence that does not

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75 Landis, supra note 73, at 77.
result in visible injuries. 79 This underscores the need for supervisors to closely monitor junior officers who respond to domestic violence incidents. In addition, supervisors should respond to domestic violence calls themselves when possible.80 Police departments should also consider using computerized incident reports to help monitor how often officers responding to domestic violence incidents take victim statements and make arrests.81

C. Incentive Programs for Police Officers Should Tie Proper Enforcement of Domestic Violence Policies to Department Promotion or Other Career Benefits.

47. Linking proper enforcement of domestic violence policies to departmental promotion and other career benefits can improve police response to domestic violence. Because felony arrests have historically been a primary factor in an officer’s promotion and in the assessment of departments’ effectiveness, police may consider processing domestic violence charges—usually misdemeanors—as a waste of time.82 Additional factors that may deter police from responding to domestic violence calls include: the amount of time police spend responding to domestic violence calls compared with other matters, the low prosecution rate and high numbers of dismissed domestic violence cases, and victims’ reluctance to have offenders arrested or prosecuted once the violence is over.83 To help overcome police reluctance to respond to domestic violence incidents, departments should create incentives for officers to respond.

effectively to protection order violations, such as factoring proper enforcement of protection orders into promotion decisions, even if the violation is not classified as a felony.84

D. Police Officers Must Access State Protection Order Registries When Responding to Domestic Violence Calls.

48. All states should create central registries of orders of protection that law enforcement officers can access easily. Police officers must be trained to check these databases each time they respond to a domestic violence incident.

49. State registries provide an easy way for officers to confirm the existence of a relevant order of protection. In 1992, Massachusetts became the first state to implement a computerized database of all domestic violence protection orders issued within the state.85 Several other states have followed Massachusetts’ lead.86 For example, in New Jersey, all protection orders are entered into a central registry, and this information is available to law enforcement agencies that investigate domestic violence reports.87 Similarly, Colorado requires all protection orders to be entered into a computerized central registry to provide law enforcement agencies with easy access.88

50. States should also develop mechanisms for coordinating their registries on either a permanent or ad hoc basis. For example, New York, New Jersey, and Connecticut could create a combined database to facilitate police response to domestic violence across the region. Coordination is particularly important when an offender flees to a neighboring police

86 Id.
department's jurisdiction. In addition, states should be able to request and gain access to other states' databases as needed. Easy access to accurate information regarding the existence and terms of a protection order can improve police enforcement and offer greater protection to domestic violence victims. 89

E. Police Departments Should Create Databases of Domestic Violence Incident Reports and Prior Arrests and Use Them When Responding to Domestic Violence Calls.

51. When responding to a domestic violence call, police officers should have access to databases that provide information about the history of violence for a victim or alleged offender, or at a particular address. Databases could link the address of the caller or the name of the alleged offender to records of previous arrests and domestic violence incident reports. This reform is feasible because "[i]n the people and places repeatedly involved in [violent incidents] can be identified with almost any police computer system." 90 Such a database would provide officers with the necessary data to make an informed risk assessment of the situation and to calibrate their responses to particular domestic violence calls accordingly.

52. While domestic violence is pervasive, a discrete number of violent individuals account for an astonishingly large percentage of domestic violence incidents within particular communities. 91 For example, a Minneapolis study found that 62 buildings (out of 115,000) accounted for 15% of the domestic violence calls to police in 1986. 92 Predicting further domestic violence in these 62 "hot spots" could be done with a high degree of accuracy. 93 This study suggests that police officers should consider evidence of a history of domestic abuse when

91 See e.g. Id. at 20 (Explaining most domestic violence cases that police deal with involve a small group of chronically violent individuals and addresses.)
92 Id. at 226.
93 Id. at 227.
responding to a domestic abuse call. This is particularly true given other research which shows that the type and severity of prior domestic abuse is a good predictor of recurrence of abuse.94

53. Police officers should also be aware of whether the alleged offender has a criminal background. “[S]uspects with prior arrests for any offense are from 250% to 330% more likely to commit new acts of intimate partner violence.”95 A Massachusetts study similarly found that abusers with criminal records re-abuse intimate partners more than those without criminal records; the more recent and more extensive the criminal record, the greater the probability of re-abuse.96 Police departments must have access to databases of prior domestic violence incidents and criminal activity so they are equipped to adequately respond to domestic violence calls.

F. Police Departments Should Consider Establishing Specialized Units to Respond to Domestic Violence Incidents.

54. Police departments should create specialized domestic violence response units, where resources permit. Specialized domestic violence police units “have the potential to increase efficiency, develop expertise, minimize the burdens on victims, and improve case outcomes.”97 A number of United States cities successfully operate specialized units.98 For example, the Family Response Unit in Dallas, Texas, is a specialized investigative office comprised of a sergeant, detectives, a crime analyst, and a civilian counselor. In addition to investigative duties, the Unit conducts domestic violence training and community education.99

The Domestic Violence Unit in Washington D.C., which is part of the Metropolitan Police

96 Goldfarb, supra note 94, at 1513.
97 Id., at 1517.
98 Cities with specialized domestic violence response units include: San Diego and San Francisco, California; Dallas, Texas; Washington D.C.; Aurora and Longmont, Colorado; Cambridge, Massachusetts; Kingsport, Tennessee; Durham, North Carolina; Toledo, Ohio; Charlotte, North Carolina.
Department’s Investigative Services Bureau, is another example of a specialized unit. It provides police domestic violence training, coordinates with law enforcement and victim service agencies, and conducts community outreach and education.  

G. Jurisdictions Should Establish Domestic Violence Courts to Prioritize the Prosecution of Domestic Violence Cases.

55. Specialized domestic violence courts help the judicial system prioritize domestic violence prosecutions. These courts provide an integrated approach to victim advocacy by combining a forum for legal matters, such as prosecution of protection order violations and custody issues, with access to social services. Domestic violence courts focus on procedures and outcomes that promote victim safety and enhance accountability and punishment of offenders (rather than rehabilitation of the offender). A model system is the Integrated Domestic Violence Courts operating in New York State. This system involves a “one family – one judge” model, which allows the same judge to hear family, criminal, and matrimonial matters. The courts work with other agencies to ensure legal representation for parties and to facilitate victims’ access to safety planning, counseling and social services.

H. Municipalities Should Consider Establishing Mayoral Offices Dedicated to Combating Domestic Violence.

56. Mayoral offices on domestic violence can encourage greater police department accountability for domestic violence response. For example, the New York City Mayor’s Office for Domestic Violence develops domestic violence policies and programs, monitors delivery of

100 Available at http://mpdc.dc.gov/mpdc/cwp/view_a.1232.Q.5411/0.aspx (last visited October 21, 2008).
services, and raises awareness of domestic violence issues. The Office is responsible for nearly 400 Domestic Violence Prevention Officers and Domestic Violence Investigators across the city. Other services include a Family Justice Center providing counseling, advocacy, access to prosecutors, and civil legal assistance; Language Line, which provides police precincts with 24-hour access to interpreters in over 150 languages; and housing assistance. Another example, the Chicago Mayor’s Office on Domestic Violence, raises community awareness of domestic violence issues, contributes to public policy, and provides direct support to victims. This office created a Domestic Violence Court, set up a 24-hour domestic violence helpline, and established a Family Violence Prevention Initiative, which includes parenting and job readiness classes.

VI. ADEQUATE PROTECTION FOR DOMESTIC VIOLENCE VICTIMS REQUIRES THAT POLICE BE HELD ACCOUNTABLE WHEN THEY FAIL TO ENFORCE PROTECTION ORDERS.

57. To adequately protect domestic violence victims, municipalities and police officers must be held accountable when they fail to enforce a protection order. Two mechanisms for ensuring that police are held accountable when they fail to enforce protection orders are: (1) municipal liability; and (2) police department internal review and investigation procedures.

A. Municipal Liability for Police Failure to Enforce Protection Orders Is an Essential Mechanism for Enhancing Accountability.

58. To enhance accountability, victims should be able to hold municipalities liable using state tort remedies when police officers negligently fail to enforce protection orders. Victims

106 Municipalities can be held liable for the negligence of police officers and departments, as their employees, under the respondent superior doctrine. See, e.g., Corinne L. McCann, Note: What Can States Do to Maintain Victims’ Security, Deter Aggressor’s Repeated Abuse, and Motivate Police Departments to Pursue Criminals in the Domestic Violence Context?, 30 Seton Hall Legis. J. 509, 538-39 (2006).
face two potential barriers in establishing a negligence claim against a municipality: (1) sovereign immunity laws; and (2) the “public duty” doctrine.\footnote{Elizabeth M. Schneider, et. al., Domestic Violence and the Law: Theory and Practice 771-2 (2d ed. 2008).}

59. State sovereign immunity laws may prevent municipal liability for police failure to enforce protection orders. Sovereign immunity shields public actors, including municipalities, from being held liable when they are responsible for injuries, with certain exceptions set out in each state’s law.\footnote{Emily J. Martin and Caroline Buttinger-Lopez, Castle Rock v. Gonzales and the Future of Police Protection for Victims of Domestic Violence, Domestic Violence Repot, Oct/Nov 2006, 1 at 13. (In Colorado, for example, government actors are immune from liability unless their actions are “wanton and willful. This means that a domestic violence victim would have to show that the police purposely failed to enforce the protection order with the conscious belief that this would cause her harm); Further examples include: Illinois: Moore v. Green, 848 N.E.2d 1015 (Ill. 2006) (partial immunity under a domestic violence statute, rather than full immunity under a tort immunity act, was applicable in a wrongful death suit where a woman was murdered by her abuser after police failed to enforce her order of protection); Tennessee: Mathews v. Picket County, 996 S.W.2d 163 (Tenn. 1999) (when an individual obtained an order of protection and contacted the police to enforce that order against her abuser, the police had a special duty to her under Tennessee law and could be held liable for breach of that duty); Montana: Massie v. Thompson, 90 P.3d 394 (Mont. 2004) (county sheriff liable for his failure to protect a victim of domestic violence); Oregon: Nearing v. Wenerx, 670 P.2d 137 (Or. 1983) (in light of Oregon’s mandatory arrest law, police officers who knowingly failed to arrest an individual violating a protective order were potentially liable for any injury to the beneficiary of the protective order resulting from their failure); New Jersey: Campbell v. Campbell, 682 A.2d 372 (N.J. Super. Ct. App. Div. 1996) (police officers were subject to liability when they failed to make an arrest for violation of a restraining order in the face of a state law mandating such arrest).}

State legislatures should adopt an explicit exception to their sovereign immunity statutes for negligent police failure to enforce domestic violence protection orders. Such an amendment would enable a victim to hold a municipality liable when she can show that a police officer unreasonably failed to enforce her protection order.

60. Another barrier to municipal liability is the “public duty” doctrine, which holds that law enforcement officers have a general duty to protect the public, but not a specific duty to safeguard any individual.\footnote{Elizabeth M. Schneider, et. al., Domestic Violence and the Law: Theory and Practice 774 (2d ed. 2008).} Under this doctrine, police departments and municipalities cannot be held liable for harm to an individual, even where the police unreasonably failed to enforce a protection order. This doctrine transforms police inaction into legally acceptable conduct.\footnote{G. Kristian Mello, Failed from the Province of Care: Domestic Violence, Duty and Conceptions of State Accountability, 37 Rutgers L.J. 111, 124 (2005).}
Courts recognize an exception to the public duty doctrine when there is a “special relationship” between the victim and law enforcement officer.\footnote{112} While some states do recognize a special relationship between the police and a domestic violence victim, some narrowly define this relationship, which prevents many victims from bringing a claim.\footnote{113} To remove this obstacle, states should enact legislation that explicitly creates a special relationship between the police and a domestic violence victim with a protection order. The statute must explain that this special relationship gives rise to municipal liability when police fail to enforce the order. To limit courts’ ability to impose additional requirements on victims to prove a “special relationship,” the legislation could state that a protection order is a specific promise of police protection, and that a request for enforcement of the order is sufficient to show detrimental reliance on that promise.\footnote{114}

B. Police Department Internal Review and Investigation of Failure to Enforce Protection Orders Are Other Effective Means of Increasing Accountability.

61. Police departments’ internal review and investigation systems can increase accountability and help ensure that officers take domestic violence seriously and follow legal mandates.\footnote{115} Such review systems require police departments to keep accurate records regarding protection order enforcement.\footnote{116} Police officers should complete a report whenever they respond to a domestic violence incident, whether or not an arrest is made.\footnote{117} Failure to arrest for probable cause of a protection order violation should trigger an internal investigation, resulting in

\footnote{112} Schneider, supra note 109, at 778.
\footnote{113} See Martin, supra note 108, at 13 (For example, New York requires both that a police department make a specific promise of assistance (like a protection order) and that the victim actually relied on it to her detriment (beyond a request for enforcement of the order)). Even more limiting, California does not recognize protection orders as the type of specific promise that gives rise to a special relationship).
\footnote{115} Id. at 15.
\footnote{116} Id, Lesley Lands, An Assessment of the Current Response to Domestic Violence in Chicago 20 (2007) https://www.cityofchicago.org/web/f?p=/300:10010:0::NO;401::P10010_SUBSITE::P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSITE;P10010_SUBSIDE.}
disciplinary action for officers when appropriate. Holding police officers accountable when they fail to enforce protection orders increases accountability and can have "a meaningful impact on on-the-ground enforcement."118

VII. CONCLUSION

62. Police failure to properly enforce domestic violence protection orders is a serious, devastating problem for domestic violence victims in the United States. The current federal, state, and municipal response to the problem is insufficient. To remedy this failure, all states must require officers to arrest abusers who violate protection orders. In addition, police departments must make institutional reforms to ensure police enforcement of all domestic violence protection orders. These reforms include: adequate training for police officers; improved supervision; incentive programs tied to enforcement of domestic violence protection orders; the creation of state registries for protection orders; and mechanisms to hold officers accountable if they fail to enforce domestic violence protection orders.

Dated: October 21, 2008

[Signature]

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118 Marsh, supra note 114, at 15.
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University Research Council Grantee, Rutgers University, 1989-90
Lecturer, Fordham Colloquium, Preventive Detention and the Validity of Judicial Predictions of Dangerousness. New York University School of Law, October, 1988
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PUBLICATIONS:

Books:

Refereed Journal Articles and Chapters:


Chapters:
Fagan, J., and F. Zimring, “Editors’ Introduction.” Chapter 1 in The Changing Borders of


1983.

Works in Progress

Book Reviews:

PAPERS PRESENTED (SELECTED):


“Immigration and Crime.” Presented at the Annual Meeting of the American Society of Criminology, Los Angeles, November 2006 (with Garth Davies).


“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.


“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 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).


"Consequences of Waiver: Recidivism and Adolescent Development." Presented at the Symposium on The Juvenile Justice Counter-Reformation: Children and Adolescents as Adult Criminals, Quinnipia College School of Law, Hamden CT, September 17-18, 1998.


"Crime and Public Housing: Conceptual and Research Issues." Presented at the Joint Conference


"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.


"Deindustrialization and the Emergence of Youth Gangs in American Cities." Colloquium at the Institute of Politics, University of Pittsburgh, April 1993.


"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,


**EXPERT TESTIMONY:**

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OTHER PRESENTATIONS:

“Guns, Social Contagion, and Youth Violence.” Presented at the Annual Conference of the Cuyahoga County Mental Health Institute, Cose Western Reserve University, Cleveland, May 1998.


Keynote Speaker, Philadelphia Coalition for Children and Youth, Juvenile Justice Conference, June, 1989

Ohio Governor’s Task Force on Juvenile Violence, Statewide Conference on Gates, 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 Data 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):**


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Final Technical Report, Grant R9W/CACR210534, Centers for Disease Control, National 
Institutes of Health, 1997. 
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J. Fagan, R. Kelly). Final Report, Grant 89-J-I-CX-0021 (S1), National Institute of Justice, 
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Offenders: Certainty, Severity and Effectiveness of Legal Intervention (J. Fagan). Final 
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  Hartstone), 1986. 
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three interim reports: History and Development, Process Analysis, Client and Program 
Characteristics.) 
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Background Paper for the Violent Juvenile Offender Research and Development Program (J. 
and Delinquency Prevention, April 1981. 

EDITORIAL: 
Senior Editor, Criminology and Public Policy, 2001 - present 
Advisory Board, Family and Child Law Abstracts, Legal Scholarship Network, 1999-present
Editorial Advisory Board, *Journal of Criminal Law and Criminology*, 1996-present
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Editor, *Contemporary Drug Problems, Special Issues on Crack* (Winter 1989, Spring 1990)

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Committee on Law and Justice, National Academy of Sciences (2000-2006) (Vice Chair, 2004-6)
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Fellow, Aspen Roundtable on Race and Community Revitalization (1999 - 2001)
Fellow, East Warren Legal Institute, University of California School of Law (1998 - present)
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) (1997 - 1996).
Racial Disparities in Juvenile Justice, Missouri Department of Law and Public Safety (1990-91)
Research Program on “Linking Lifetimes — Intergenerational Mentoring for Youths at Risk and Young Offenders,” Temple University (1989-91)


Research and Development Project on Sexually Exploited Children, Tufts University, New England Medical Center Hospital, Boston, MA (1983-85)


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Co-Principal Investigator, "Female Participation in Drug Selling," September 1992 - August 1994, National Science Foundation, SES-92-0761. Also supported by the Rockefeller Foundation.
Principal Investigator, "Patterns of Organized Crime Activities among Asian Businessess in the


Principal Investigator, "Pipelines Study for a Field Experiment on Drug Testing in Community Corrections," June-December, 1990, National Institute of Justice, 90-JJ-R-026


FEER REVIEW:

Scholarly Journals
Law and Society Review
Journal of Contemporary Ethnography
American Sociological Review
Crime and Justice: An Annual Review of Research
Sociological Methods and Research
Justice Quarterly
Violence and Victims
Social Science Quarterly

Social Problems
American Journal of Sociology
Journal of Drug Issues
Journal of Quantitative Criminology
Journal of Criminal Justice
Alcohol Health and Research World
Criminal Justice Ethics
Contemporary Drug Problems

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

Other Presses
MacMillan Publishing

Greenwood Publications
Research Grants: 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
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Courses Taught:
Juvenile Justice
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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:
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-Cite (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
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, 1996
Texas Youth Commission, 1990
California State Advisory Group on Juvenile Justice, 1988
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
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
National Center for the Prevention and Control of Rape, NIMH, 1980

SERVICE:

Columbia University
University Senate, Mailman School of Public Health, 2003-present
Director, JSD Program, Columbia Law School, 2001-present

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 Councilor, American Society of Criminology, 1994-97
Chair, Nominations Committee, American Society of Criminology, 1995-96.
Council, Crime, Law and Deviance Section, American Sociological Association, 1993-94
Nomination Committee, American Society of Criminology, 1993-94
Site Selection Committee, American Society of Criminology, 1992
Program Committee, American Society of Criminology, 1988, 1990, 2006
Awards Committee, Western Society of Criminology, 1988

Public
Prevention Task Force, New Jersey Governor's Commission on Drug and Alcohol Abuse, 1990
Task Force on Youth Gangs, State of New York, Division for Youth, 1989-90