REPORT OF JEFFREY FAGAN, Ph.D.

I. OVERVIEW

A. Qualifications

I am the Isidor and Seville Sulzbacher Professor of Law at Columbia Law School and Professor of Epidemiology at the Mailman School of Public Health at Columbia University. I also am a Senior Research Scholar at Yale Law School. I have been retained to serve as an expert witness for defendants’ selective prosecution/enforcement claim in this case. A summary of my credentials and curriculum vitae is presented in Appendix G.

B. Issues Addressed

In this Report, I provide empirical evidence to address two principal claims by defendants in these cases.
• Defendants claim that the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereafter, law enforcement or ATF) targeted Black and Hispanic people for recruitment into fictitious “Stash House stings,” in violation of the equal protection principles of the Fifth Amendment.

• Defendants also claim that, in targeting Black and Hispanic people for recruitment into fictitious “Stash House stings,” the ATF recruited persons based on criteria and characteristics that were not specified as selection criteria articulated in the ATF Manual for this program.

C. Summary of Findings

• From 2006-2013, the probability of selection of a cohort of Stash House Program defendants with their observed racial and ethnic composition from among a large pool of similarly situated potential eligibles is less than 0.1% for the 94 defendants in these cases.

• ATF engaged in nearly exclusive recruitment of non-White persons over a three-year period from 2011-2013. From 2011-2013, the selection of only one White defendant among the 57 Stash House defendants recruited in that period suggests that Black and Hispanic persons were targeted for selection by the ATF. The probability of selecting a cohort of 56 non-White defendants out of 57 from among potential eligibles is less than 0.1%. These extremely low probabilities provide evidence of race-based selection of Stash House defendants.

• Large numbers of Stash House defendants were recruited into the Stash House Program without having met the explicit criteria of violent crime set forth in ATF policy and guidelines,¹ Many defendants also appear to fail to meet expanded offense criteria articulated by the ATF and prosecutors during the course of this litigation.

• Using three distinct statistical tests for disparate racial treatment, there is strong, consistent and statistically significant evidence that non-White suspects were more likely than White suspects to be targeted for recruitment into the Stash House Program, compared to a large population of similarly situated and matched potentially eligible persons with one or more prior convictions for any of the ATF target offenses. Non-White persons were more likely to be recruited into the

¹ The ATF has stated the violent crime criteria as: “Violent crime is defined as offenses that involve force or threat of force and includes murder, forcible rape, robbery, aggravated assault, and arson.” ATF Manual at A-31 (reprinting ATF O 3250.1B.b), see infra notes 7, 8.
Stash House Program after controlling for criminal histories relevant to the Stash House Program policies.

- The results of these tests show a pattern of selective enforcement in the recruitment of Stash House defendants. The results show that after controlling for the ATF criteria as well as several indicia of criminal propensity, race remains a statistically significant predictor of selection as a Stash House defendant. These analyses show that the ATF is discriminating on the basis of race in selecting Stash House defendants. In other words, Black status is a significant predictor of selection as a Stash House defendant after controlling for both formal and informal but articulated ATF criteria.

II. DATA AND MEASURES

This preliminary section describes the empirical foundations of the statistical analyses presented in this Report. This section describes the data sources and analytic methods that were used to compile evidence to address the claims in this case. There are two components to this section:

A. A description of the data sources that are used to characterize the defendants and potential eligibles in the Stash House cases.

B. A description of the measures that are used to assess the characteristics of the population that, after applying the ATF criteria, were potentially eligible for selection as Stash House defendants.

A. Data Sources – Defendants and Potential Eligibles

The sources of data used in the analyses are shown in Appendix A. These are described in the following sections.

1. Defendants

There were 24 cases with a total of 94 defendants charged between 2006 and 2013. Criminal history records were obtained and coded for each of the defendants across the cases analyzed for this Report. The criminal histories were in the form of “rap sheets” showing each arrest and conviction, with detailed information about the charges and dispositions in each case. Both the statute and generic description of each offense were listed for each offense. Since cases or arrest events often included multiple charges, all
charges were coded for analysis.\(^2\) The type of sentence was coded, as was whether the defendant was sentenced to jail or prison.\(^3\) Both the arrest charge(s) and final conviction charge(s), for those found or pleading guilty, were coded. Dispositions were reported, as were sentences for those convicted.\(^4\)

Access also was granted to the Complaints filed in each case (which were used to determine the dates of the beginning and end of each Stash House investigation), Investigative Memoranda, and ATF “takedown memos” describing the details of each group of defendants who participated in a specific event.\(^5\) These records together provide narrative descriptions of the criminal histories, recruitment, and other relevant information about the defendants in each case. These records also include the details of the recruitment of those recruited to carry out the fake Stash House robberies.

Race/ethnicity, gender, and year of birth also were coded from the rap sheets. Age at the beginning of each year 2006-2013 was computed from the year of birth. Arresting law enforcement agency was coded. Since most arrests took place in Chicago, the agency variable was limited to a binary measure of whether the arrest was made by the Chicago Police Department or another law enforcement agency. Specific location data (address), either for the location of the arrest or for the residence of the defendant at the time of arrest, was coded where available. However, the data were not available in most rap sheets. The extensive missing data on location made geographic analyses impossible at this point.

2. **Eligible Population**

To create a population of similarly situated persons (a comparison group), complete criminal history records of all persons with at least one prior conviction for certain offenses between 2000 and 2015 were obtained via subpoena from the Illinois State

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\(^3\) The custodial data provided by ISP had extensive missing records and incomplete information on custodial stays, precluding any analysis utilizing custodial stay length.

\(^4\) Sentences were coded in order of severity, with a prison sentence superseding a concurrent jail sentence (e.g., a sentence to 6 months with time served in jail and a one year prison sentence is recorded as one prison sentence).

\(^5\) See ATF Manual at A-35 – A-37 (reprinting ATF O 3250.1B.g) describing the purpose and content of these memos and the importance they play in the stash house investigation process. See infra notes 7, 8.
The parameters for the requested convictions were derived initially from the target offenses listed in the ATF Home Invasions Operations Manual. According to the ATF Manual, these target offenses were “offenses that involve force or threat of force and includes (sic) murder, forcible rape, robbery, aggravated assault, and arson.” The sample parameters for the requested data were derived initially from the target offenses listed in the ATF Manual for the Stash House Case Program. Appendix C shows the definitions of eligibility as stated in the ATF Manual.

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6 Details of the records produced are listed in Appendix B.
7 It is my understanding from review of discovery that the ATF states its formal selection criteria in a series of regulations, manuals, and training materials. The government produced four sets of ATF documents in discovery: (1) an ATF Home Invasions Operations Manual dated 2013 (hereinafter “ATF Manual”); (2) a policy entitled ATF O 3250.1B dated November 17, 2011; (3) an “ATF Course” dated 2009; and (4) an undated policy entitled ATF O 3250.1A from sometime before 2011. This Report relies on the 2013 ATF Manual, which reprints ATF O 3250.1B (the November 17, 2011 policy, which is currently in operation until November 17, 2016), and on the “target identification” criteria set out therein. See ATF Manual at A-31 – A-32 and Bates # ATF-Docs(12CR632; 12CR887/00045). The “target identification” portion of the ATF Manual is shown in Appendix C.

The government produced these materials to lawyers for defendants in discovery as follows (Government’s in camera submission of December 16, 2013): (1) The 2013 Home Invasions Operations Manual (1st ed. 2013), Bates # ATF-Docs(12CR632; 12CR887/00011–54), includes an appendix that reproduces (2) the 2011 policy, ATF O 3250.1B (Nov. 17, 2011), Bates # ATF-Docs(12CR632; 12CR887/00045–52); (3) the 2009 ATF Course is Richard Zayas, ATF Course: Advanced Undercover Investigations: Lesson: Home Investigations (Feb. 27, 2009), Bates # ATF-Docs(12CR632; 12CR887/00069–82), and (4) the undated policy is ATF O 3250.1A, Bates # ATF-Docs(12CR632; 12CR887/00064–67), and was reproduced in the appendix to Lawyers for defendants shared these documents with me under the confidentiality stipulations in effect in this case.

8 ATF Manual at A-31. This Report relies on the 2011 targeting criteria, even though some of the cases analyzed arose before the date of the policy. All of the ATF Manuals reflect a focus on violent offenders, a focus elaborated most clearly in the 2011 policy. For example, the ATF used very similar targeting criteria in its earlier 2009 “ATF Course” materials. Specifically, the materials focused on “violent offender[s]” with “past convictions for violent crimes.” Zayas, ATF Course at 5. See also ATF O 3250.1A (“’Home Invasion’ investigations are defined as those investigations that focus upon members of the criminal element who break into or forcibly enter residences or other facilities generally for the purpose of committing armed robbery or burglary.”); ATF Manual at 2 (discussing Stash House Program’s origins in the 1990s as “viable means of continuing to arrest violent armed home invasion robbery crews” in South Florida), Bates # ATF-Docs(12CR632; 12CR887/00018).

After this selective enforcement litigation began, the Government also publicly asserted that narcotics and firearms offenses are relevant to target identification.10 These two categories of offenses are not mentioned by name in the ATF Manual that guides supervisors and undercover agents in the selection and recruitment of individuals for the Stash House Program. They also are not offenses that “involve force or threat of force.” This appears on its face to be a post-hoc expansion of the authorized guidelines for the Stash House Program.11

To account for the Government’s expanded criteria, the pool of potential eligibles was expanded beyond persons with one or more convictions for the target offenses listed in the ATF Manual, to include individuals with one or more state convictions for narcotics and firearms offenses.12 Expanding the eligible population to include these additional individuals ensures the most “similar” comparison group, according to the government’s claims.

Records were requested for the entire Metropolitan Statistical Area of Chicago, but the Court ordered records produced only for the counties where the Stash House cases arose: Cook, Lake, Will, DuPage, Kane, Kendall, LaSalle and Winnebago Counties. This analysis does not consider any potential eligibles after 2013 because no Stash House cases were brought after 2013.

Once the potential eligibles for the Stash House Program were identified using these criteria, their complete criminal history was created through a search of the ISP databases. In addition to the arrest information, other information included data on prosecution outcomes, case outcomes and sentences, and correctional or custodial confinement.13 Each of these components of criminal history were generated as separate files, and records of individuals were constructed by concatenating information for each person using the State Identification number (SID). The subpoenaed records included thousands of specific arrest charges based on chapters and subsections of the Illinois

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10 See, e.g., Oral Argument, United States v. Davis, 14-1124, Dkt. 40 at 11:49 (7th Cir. May 21, 2014) (“The comparison group should be individuals who have sustained prior state or federal convictions for offenses involving robbery, narcotics, or firearms . . . .”), available at http://media.ca7.uscourts.gov/sound/2014/nr.14-1124.14-1124_05_21_2014.mp3; Government Motion for Reconsideration Regarding Discovery Order, United States v. Williams, 12-CR-887, Dkt. 74 (N.D. Ill. Aug. 21, 2013) (“Defendants have failed to identify any individuals remotely similar to themselves – people with criminal histories including narcotics and weapons offenses who sought to commit potentially violent robberies – who were not further investigated or prosecuted because of their race.”).


12 The offenses and variables are further explained infra in Table 1 at 26 and notes 43, 44 and the accompanying text.

13 However, extensive missing records and incomplete information precluded use of the custodial data to determine lengths and locations of correctional confinement.
criminal statutes. Appendix E provides examples of the coding of a subset of frequently cited specific statutes – among the thousands in the ISP dataset – into the crime categories shown in Appendix D.

3. Coding Race: Hispanic Surname Analysis

Both sources of criminal history information provided for this litigation have limited or no information on the Hispanic ethnicity either of the defendants or the potentially eligible population. The ISP data identified less than .1% of the 292,442 potential eligibles as Hispanic. For the defendants, criminal history records (“rap sheets”) contained no information on Hispanic ethnicity. For that group, information on race was supplemented and verified using individual-level inquiries by defense counsel in consultation with defendants (“Hispanic Verified”).

I also used a second method to determine Hispanic ethnicity in these two populations. I applied a commonly-utilized method that assigns Hispanic ethnicity based on self-reported ethnicity data from the 2000 United States Census.14 This method has been applied and accepted by the Court in a recent case in the U.S. District Court for the District of Arizona.15 The method was applied in that case to determine the size and proportion of the Hispanic population in class action litigation alleging racial discrimination under the Equal Protection Clause of the Fourteenth Amendment. Details of the procedure are discussed in Appendix F and are summarized here.

The Census Bureau has created a list of all surnames occurring 100 or more times in the 2000 Census data and the corresponding likelihood of an American with that name being Hispanic.16 Using this list, I treat defendants and potential eligibles as Hispanic if the probability of a person being Hispanic based on their last name exceeds certain thresholds. “Hispanic (60%)” means that, based on their last name, a person is more than

15 “Dr. Taylor relied on independent U.S. Census data correlating the likelihood that a person with any given name self-identified as Hispanic. He did a differential analysis that focused particularly on names whose owners identified as Hispanic more than 90% of the time, more than 80% of the time, and more than 70% of the time. He also included names whose owners self-identified as Hispanic at a 60% threshold as ‘a type of robustness analysis.’” Findings of Fact and Conclusions of Law, Melendres, 07-CV-2513, Dkt. 579 at 79 (May 24, 2013). “Dr. Taylor’s statistics in this respect were, apparently, more sophisticated than those provided in the 1980 census list of Spanish surnames.” Id. at 79 n.69.
60% likely to be Hispanic. For each person, I calculate if they are Hispanic at the 60%, 70%, 80%, and 90% cutoffs.

For the potential eligible comparison group, I use the 60% Hispanic cutoff throughout the analysis, with a robustness check using the 90% Hispanic cutoff. I use this conservative measure in order to provide a consistent basis for statistical tests to determine disparate treatment. As shown in Table 4, *infra* at 21, the summary statistics for the Hispanic population at the 60%-80% thresholds are nearly identical, reducing potential error or bias that might be a function of the surname classification method and any differences between the thresholds.

For defendants, both the Hispanic 60% and the Hispanic Verified measures of Hispanic ethnicity are used in the analyses. I use the conservative Hispanic 60% measure to provide a consistent basis for statistical tests to determine disparate treatment. Table 4, *infra* at 21, shows that the summary statistics for the Hispanic population at the 60%-80% thresholds are identical, reducing potential error or bias that might be a function of the surname classification method and any differences between the thresholds. Appendix F presents a full discussion of the methods for the Hispanic Surname Analysis.

**B. Measures**

From the respective data sources, records of each arrest, conviction, sentence and custodial placement were aggregated to create a criminal history for each defendant and for each person in the pool of potential eligibles. The following variables were included in the aggregated criminal history data file:

<table>
<thead>
<tr>
<th>Variables Created from Rap Sheets and Criminal Histories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race - Black</td>
</tr>
<tr>
<td>Race - non-Hispanic White</td>
</tr>
<tr>
<td>Ethnicity - Hispanic (60%)</td>
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<tr>
<td>Ethnicity - Hispanic (70%)</td>
</tr>
<tr>
<td>Ethnicity - Hispanic (80%)</td>
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<tr>
<td>Ethnicity - Hispanic (90%)</td>
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<tr>
<td>Gender - Female</td>
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<tr>
<td>Age</td>
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<tr>
<td>Age at First Arrest</td>
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<tr>
<td>Number of Prison Sentences</td>
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<td>Number of Jail Sentences</td>
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<tr>
<td>Percent of Arrests in Chicago</td>
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<tr>
<td>Number of Arrests</td>
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<tr>
<td>Number of Convictions</td>
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<tr>
<td>Number of Arrests – UCR Violent†</td>
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<tr>
<td>Number of Arrests – UCR Expanded</td>
</tr>
<tr>
<td>Number of Convictions – UCR Violent†</td>
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<tr>
<td>Number of Convictions – UCR Expanded</td>
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<tr>
<td>Number of Arrests and Convictions – Weapons Offenses</td>
</tr>
<tr>
<td>Number of Arrests and Convictions – Drug Possession</td>
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<tr>
<td>Number of Arrests and Convictions – Drug Sale</td>
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<tr>
<td>Number of Arrests and Convictions – Marijuana Possession</td>
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<tr>
<td>Number of Arrests and Convictions – Marijuana Sale</td>
</tr>
</tbody>
</table>

**Notes:** †Based on ATF Manual.
The data are arrayed in the database for each individual as of January 1st of each year 2006-2013. This permits controls for criminal activity over time taking into account the specific temporal period when Stash House Program arrests took place and more precise specification of selection effects for those periods.

III. THE STASH HOUSE DEFENDANTS

A. Stash House Defendant Population

The population for analysis is a set of 94 defendants spanning 24 cases. According to the ATF, the investigation should “target persons who show a propensity of doing harm to the public through violent behavior/armed robberies and whose activities have been documented either through criminal history, criminal reputation, or self-incrimination.” The ATF Manual setting standards for Stash House cases goes on to state “minimum criteria [that] must be followed.”

In addition to setting forth the criteria for recruitment, the ATF Manual states that “[t]he undercover agent must meet with at least two members of the robbery crew.” The ATF Manual also states that successful prosecutions “place a greater emphasis on the undercover conversations as opposed to … the physical evidence obtained at the time of arrest.” And, “[i]t is therefore mandatory that an undercover agent … be used throughout the investigation, up to and including the arrest of the subjects.”

Throughout the section of the ATF Manual describing the procedures, there is repeated emphasis on directions given by the undercover ATF agent to the “violator(s).” The ATF Manual goes on to describe the undercover agent’s role in supervising the “robbery crew”: “The undercover agent must meet at least two members of the robbery crew.” For example, in referring to meetings between the undercover ATF agent and the “violator(s),” the Manual states:

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17 At the outset of research for these proceedings, 25 cases were identified, each including multiple defendants. However, one case, U.S. v. Vidal, was dropped from the analysis after attorneys for defendants notified me that this was not an ATF case.
19 Id. at A-31 – A-32.
20 Id. at A-32.
21 Id.
22 Id. (emphasis added).
23 Id. at A-33, § 3250.1B.e(2).
24 Id. at A-32.
“This also allows the undercover agent an opportunity to speak with all members of the organization in the event that all subjects were not present at prior meetings.”

Accordingly, the analyses in this Report examine the full set of defendants in each case together in each statistical test. Based on statements in the ATF Manual setting forth procedures that undercover agents will follow, these procedures place undercover agents in full control and active management of the activities of the entire “robbery crew,” including the initial target(s) of the investigation and the other members of the “crew.” The analyses of the full complement of defendants directly address the claims in this litigation, more so than an analysis focusing solely on the initial targets. According to the stated procedures, the undercover agents approve of the full membership of each “crew,” meet on several occasions with the full “crew,” are responsible to their supervisors at ATF for the training of all the conspirators, and prepare the full “crew” to take the substantial steps necessary for a successful prosecution.

B. Who are the Stash House Defendants?

1. Identifying Defendants

To identify the 94 defendants, I relied on three sources: (1) the “takedown memoranda,” (2) criminal complaints, and (3) the initial reports of investigation (ROIs) for each case. I consider the ATF takedown memo to be the controlling document of the investigation because it provides the aggregated record of the facts of the investigation up to the arrest. In some instances, further investigations after the completion of the takedown memo but before the Stash House arrest took place revealed additional facts. In the four cases where the takedown memo has not been produced to me, I rely on the complaint and the initial ROIs read in tandem.

2. Defendants by Race

Table 2 (on the following pages) lists the Stash House cases. The table also shows the race of each defendant, with Hispanic defendants identified using the Hispanic Surname

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25 Id. at A-34.

26 For example, in Williams, 12-CR-887, the last meeting/contact listed in the takedown memorandum was on November 8, 2012 (Takedown Memo at 3, 5–6). The takedown memo also states that it anticipates future meetings on November 12 and 13 (Takedown Memo at 6). It was during a post-takedown memorandum meeting on November 12 that the ATF met Mr. Hummons (Complaint at 12–13). The defendants were arrested on November 14, 2012 (Complaint at 18).

Analysis method described earlier. Hispanic ethnicity is assigned using the 60% threshold. See Appendix F.

28 See supra Subsection II.A.3 of this Report. As discussed in that section and in Appendix F, this method undercounts Hispanics when compared to self-identification of ethnicity and information from attorneys. However, to maintain methodological consistency in classifications between the defendant and potential eligible groups, the analyses proceed using the computed ethnicity.

29 Three of the defendants in United States v. Elias, Adrian and Salvador Elias and Angel Olsen, have been classified as White using the Spanish surname methodology at the 60% cutoff. In reality all three are Hispanic. This conclusion is based on discovery and communications with defense counsel in consultation with the defendants. Specifically, Adrian and Salvador Elias self-identify as Hispanic and the ATF takedown memorandum in this case identifies them as Hispanic. Olson self-identifies as Hispanic, see United States v. Elias, 13 CR 0476, Dkt. 162 at ¶ 1 (N.D. Ill. Oct. 18, 2013), and, based on communications with defense counsel, Olson has one Hispanic parent and one Black parent. In addition, the U.S. Attorney’s Office previously categorized Olson as Black in an earlier filing in which Hispanic categorizations were omitted. Williams, 12 CR 887, Dkt. 74-1 at 2 (Aug. 21, 2013).
<table>
<thead>
<tr>
<th>Year of Investigation</th>
<th>Case Name</th>
<th>Defendant Name (Initial Targets Highlighted)</th>
<th>Race / Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>United States v. Conson, et al.</td>
<td>Alvarez, Oscar</td>
<td>Hispanic (60%)</td>
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<tr>
<td></td>
<td></td>
<td>Conson, Aaron</td>
<td>White</td>
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<td></td>
<td></td>
<td>Conson, Marcus</td>
<td>White</td>
</tr>
<tr>
<td></td>
<td>United States v. Harris, et al.</td>
<td>Birch, Christopher</td>
<td>Black</td>
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<td></td>
<td>Carwell, Michael</td>
<td>Black</td>
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<td></td>
<td></td>
<td>Harris, Michael</td>
<td>Black</td>
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<td>Washington, Devard</td>
<td>Black</td>
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<td>Lewis, Scott</td>
<td>Black</td>
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<td></td>
<td>Williams, Vernon</td>
<td>Black</td>
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<tr>
<td></td>
<td>United States v. Tankey, et al.</td>
<td>King, James</td>
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<td>Lewis, Demarion</td>
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<td>Tankey, Joaquin</td>
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<td>Spagnola, Michael</td>
<td>White</td>
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<td>United States v. Sidney, et al.</td>
<td>Lawrence, Charles</td>
<td>Black</td>
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<td>Scott, Jerome</td>
<td>Black</td>
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<td>Sidney, Ben</td>
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<td>United States v. Tanner, et al.</td>
<td>Calvert, Fred</td>
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<td>Calvert, Keith</td>
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<td>Tanner, Rodney</td>
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<td>Farella, Frank</td>
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<td>Ray, Rodney</td>
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<td>United States v. Mahan, et al.</td>
<td>Barber, Mario</td>
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<td>Stewart, Steven</td>
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<td>White, Dwayne</td>
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<td>Middleshoff, Hugh</td>
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<td>Saunders, Devin</td>
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<td>Flowers, David</td>
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<td>Flowers, Myron</td>
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<td>Jones, Dwayne</td>
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<td>Trapp, Anwar</td>
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<td>Jones, Dwayne</td>
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<td>Taylor, Kenneth</td>
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<td>Washington, Alfred</td>
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<td>Year of Investigation Initiation</td>
<td>Defendant Name (Initial Targets Highlighted)</td>
<td>Race / Ethnicity</td>
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<td>United States v. Cousins, et al. Cousins, Michael</td>
<td>Black</td>
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<td>United States v. Cousins, et al. Lloyd, Dunwom</td>
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<tr>
<td></td>
<td>United States v. Davila, et al. Davila, Jason</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Davila, Justin</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davis, et al. barbecue, Corey</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davis, et al. Davis, Paul</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davis, et al. Morris, Julius</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davis, et al. Smith, Vernon</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Borreto, Luis</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Corona, Jessas</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. DeJean, Benjamin</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Malave, Ceferno</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Paxton, Randy</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Webster, Matthew</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Jackson, Brandon</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Davila, et al. Jackson, Brian</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Williams, et al. Hummons, John</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Williams, et al. Williams, Antonio</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Elias, et al. Leducma, Miguel</td>
<td>Hispanic (60%)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Elias, et al. Olson, Angel</td>
<td>White (Verified Hispanic)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Elias, et al. Reding, Paul</td>
<td>White</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Elias, et al. Sistrunk, Cornelius</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Elias, et al. Stevens, Deetc</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States v. Jackson, et al. Williams, Calvin</td>
<td>Black</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
[1] Race and ethnicity is based on rap sheets and the Hispanic surname analysis. Neiko Hadley, whose rap sheet lists him as both Black and White, has been categorized as Black based on confirmation by defense counsel in consultation with Mr. Hadley.

[2] The defendants in United States v. Elias are classified as White using the Hispanic surname methodology at the 60% cutoff, but are categorized as Verified Hispanic based on confirmation by defense counsel in consultation with the defendants.
The table below summarizes the race and ethnicity (Hispanic 60%) for the full defendant sample from Table 2.

<table>
<thead>
<tr>
<th>Race</th>
<th>All Defendants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>74 (78.7%)</td>
</tr>
<tr>
<td>Hispanic (60%)</td>
<td>9 (9.6%)</td>
</tr>
<tr>
<td>White</td>
<td>11 (11.7%)</td>
</tr>
<tr>
<td>Total</td>
<td>94 (100%)</td>
</tr>
</tbody>
</table>

The tables below and Figure 1.1 show that case origination took place in two distinct intervals. The tables below collapse the years into the two periods. From 2006-2009, 12 cases were originated with 37 defendants. There were no cases originated in 2010, and another 12 cases were originated from 2011-2013, with 57 defendants. The pattern of recruitment by race changed noticeably from the first to the second period. Figure 1.1 and the first table below shows the number of cases originated by year, and the number of White and non-White (Black and Hispanic) defendants during each year. In the table below and in Figure 1.1, race and ethnicity are shown using the Hispanic 60% criterion.

<table>
<thead>
<tr>
<th>Defendant Race</th>
<th>2006-2009</th>
<th>2011-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>29 (78.4%)</td>
<td>45 (78.9%)</td>
</tr>
<tr>
<td>Hispanic (60%)</td>
<td>1 (2.7%)</td>
<td>8 (14.0%)</td>
</tr>
<tr>
<td>White</td>
<td>7 (18.9%)</td>
<td>4 (7.0%)</td>
</tr>
<tr>
<td>Total</td>
<td>37 (100%)</td>
<td>57 (100%)</td>
</tr>
</tbody>
</table>

Note that three of the defendants listed as White in Figure 1.1 and in the tables on this page under the Hispanic 60% threshold have been verified by defense counsel in consultation with defendants to be Hispanic. See supra note 29.
In the first interval, 30 of 37 defendants, or 81.1%, were either Black or Hispanic. The trend data show that over time, minority representation in the racial and ethnic composition of the defendant pool became more concentrated. Starting in 2011, 53 of 57 defendants, or 93.0%, were either Black or Hispanic. Among the 57 defendants in the latter period, 45 (78.9%) were Black, and 8 (14.0%) were Hispanic.

The next summary table and Figure 1.2 show the same trend, but this time with race and ethnicity data that were verified by defense counsel and self-reported by defendants. In the 12 cases originating between 2006 and 2009, 30 of 37 defendants (81.8%) were Black or Hispanic. From 2011-2013, 56 of 57 defendants (98.2%) were Black or Hispanic.

Together, the summary table and Figure 1.2 show that, using the verified race and ethnicity data, recruitment into the Stash House Program from 2011-2013 was nearly exclusively minority defendants. As shown in the next section, it is extremely unlikely that this selection took place by chance alone.

<table>
<thead>
<tr>
<th>Defendant Race</th>
<th>2006-2009</th>
<th>2011-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>29 (78.4%)</td>
<td>45 (78.9%)</td>
</tr>
<tr>
<td>Hispanic (Verified)</td>
<td>1 (2.7%)</td>
<td>11 (19.3%)</td>
</tr>
<tr>
<td>White</td>
<td>7 (18.9%)</td>
<td>1 (1.8%)</td>
</tr>
<tr>
<td>Total</td>
<td>37 (100%)</td>
<td>57 (100%)</td>
</tr>
</tbody>
</table>
3. Unadjusted Probabilities of Defendant Selection by Race

Given the race and ethnicity distributions in the defendant and potential eligible populations, I next simply estimated the probability of drawing a sample with its racial distribution of 79% Black and 13% Hispanic from the very large pool of 292,442 potential eligibles. In that pool, 55% are Black and 17% are Hispanic (60%) (See Table 4 infra at 21). To do this, I estimated a binomial distribution, which takes the form:

\[ P(x) = \frac{N!}{x!(N-x)!} \pi^x (1-\pi)^{N-x} \]

where \( P(x) \) is the probability of \( x \) successes out of \( N \) trials, \( N \) is the number of trials, and \( \pi \) is the probability of success on a given trial. From this, the probability of drawing a sample of defendants with the observed racial and ethnic distribution can be estimated. Tables 3.1 and 3.2 show the results. Separate estimates were developed for Black defendants only, and also for non-White defendants combined (Black and Hispanic 60%). Separate estimates were developed for the post-2010 period, when the number of White defendants was sharply reduced.
Table 3.1. Binomial Probability of Defendant Selection (Estimated Hispanic - 60%)

**Panel I: All Years**

<table>
<thead>
<tr>
<th>Test</th>
<th>Defendants % Black</th>
<th>Total Eligible % Black</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probability of Selecting 74 Black Defendants from 94 Defendants</td>
<td>78.7%</td>
<td>55.4%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Using 60% Hispanic Surname Probability Cutoff

| Probability of Selecting 83 Non-White Defendants from 94 Defendants | 88.3%              | 72.2%                  | 0.0%        |

**Panel II: Post-2010**

<table>
<thead>
<tr>
<th>Test</th>
<th>Defendants % Black</th>
<th>Total Eligible % Black</th>
<th>Probability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probability of Selecting 45 Black Defendants from 57 Defendants</td>
<td>78.9%</td>
<td>55.4%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Using 60% Hispanic Surname Probability Cutoff

| Probability of Selecting 53 Non-White Defendants from 57 Defendants | 93.0%              | 72.2%                  | 0.0%        |

Notes:

[1] "Probability" is the percent chance that a number of Black/non-White defendants or more are selected.
[2] A defendant is classified as non-White if he is Black or Hispanic.

The upper portion of Table 3.1 shows that the probability of selecting a sample of 74 Black defendants in a pool of 94 from the population of potential eligibles is less than 0.1%, which is rounded to 0%. This is a very low probability estimate. In the post-2010 period, the probability is similarly low: 0% for Black defendants, and 0% for non-White defendants.
Table 3.2 shows the same results using the verified Hispanic ethnicity classification. Recall that three defendants were classified as White using the Hispanic Surname Analysis method, but their actual ethnicity is Hispanic as verified by defense counsel in consultation with the defendant. The results here are similar to Table 3.1: the probabilities of randomly selecting a defendant pool that matches the actual defendant pool are 0%, and 0% for defendants after 2010.

The results suggest that it is extremely unlikely that a Stash House defendant pool would be selected with the racial and ethnic composition that we observe, given the racial and ethnic composition of the pool of potential eligibles. In the three tests that follow in Sections IV and V, the estimates are adjusted for the simultaneous effects of the ATF criteria, the expanded set of ATF criteria, and other criminal propensity indicators on the probability of selection as a defendant.

### 4. Defendant Prior Records

In addition to examining the racial distribution, I arrayed the Stash House defendants using the measures of criminal activity that describe the “criminal propensity” indicia listed in the ATF Manual. The defendants are a heterogeneous group, including some

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31 ATF Manual at A-31 – A-32; see supra Section II.A.2 of this Report.
who have very limited criminal histories while others have extensive histories. Specifically, with respect to the conviction criteria:

- 19 of the 94 defendants had no prior convictions for any offense prior to the Stash House case.
- 65 of the 94 defendants had no prior convictions for any of the ATF UCR Part I Violent Offenses.\(^{32}\)
- 78 of the 94 defendants had no prior convictions for any of the ATF Expanded Violent Offenses.
- 22 defendants had only one prior conviction for the ATF UCR Part I Violent Offenses.
- 15 defendants had only one prior conviction for the ATF Expanded Violent Offenses.
- 39 defendants had no prior convictions for drug or weapons offenses.

The patterns of prior arrests show much the same. Specifically:

- 37 of the 94 defendants had no prior arrests for any of the ATF UCR Part I Violent Offenses.
- 29 of the 94 defendants had no prior arrests for the ATF Expanded Violent Offenses.
- 13 of 94 defendants had no prior arrests for drug or weapons offenses.

For the post-2010 recruitment period:

- 35 of 57 defendants had no prior convictions for the ATF UCR Part I Violent Offenses or the ATF Violent Expanded Offenses.

These patterns suggest that a substantial number of the Stash House defendants did not meet the ATF offense criteria as stated in the ATF Manual.\(^{33}\) Nor did many of these defendants meet the expanded criteria, including a broader list of violent crimes. The widening of the offense criteria for recruitment resulted in the prosecution of dozens of persons who fail to meet either the stated or expanded ATF criteria in targeting the most violent offenders in the community. In turn, many of those who were recruited were lured into criminal conspiracies that exposed them to lengthy terms of confinement under federal criminal law without having satisfied the government’s own objectives with respect to the most serious offenders in the community.

\(^{32}\) See infra notes 42–44 and accompanying text for definitions of which offenses are included in ATF UCR Part I Violent Offenses and ATF Expanded Violent Offenses.

C. Comparing Stash House Defendants and Potential Eligibles

Before proceeding to the results of the three tests for disparate treatment, a preliminary step is to examine the composition of the Stash House defendant and potential eligible populations. Table 4 provides summary statistics to compare the Stash House defendants to the population of 292,442 potential eligibles. See infra at 21. The potential eligibles were identified according to the criteria listed in Appendix B. Table 3 compares the 94 defendants to the potential eligibles on parameters of demographics and several dimensions of criminal history. The table shows that the two populations are well-matched along several dimensions, but poorly matched along several others. Specifically:

- 55% of the potential eligibles are Black, compared to 79% of the defendants.
- 17% of the potential eligibles are Hispanic, compared to 10% of the defendants.
- Stash House defendants are younger (28.6 years) compared to potential eligibles (33.4 years).
- Stash House defendants were younger at first arrest: 18.5 years of age, compared to 21.6 years of age for potential eligibles.
- Potential eligibles had fewer prior convictions (2.3 compared to 2.8) but about the same number of prior arrests, compared to the Stash House defendants. The two groups had equivalent numbers of prior jail sentences.
- Of the total number of prior arrests for each group, about half were made by the Chicago Police Department.
- Defendants had more UCR Part I violent arrests (0.96 per person) compared to potential eligibles (0.69). Defendants also had more UCR Part I violent convictions (0.38 per person) compared to potential eligibles (0.21).
- Similar differences were observed for arrests and convictions for weapons offenses, and drug sale and possession charges.

It is important to note that in Table 4, for each of the criminal history and conviction parameters, the standard deviations (i.e., the variances) are quite large. This means that there is a large spread in these parameters, and there are large “tails” to the distributions. For example, the standard deviation for prior arrest for UCR Part I violent crimes is almost the same for potential eligibles as it is for the defendants, even though the average for the Stash House defendants is higher. In these instances, the mean (average) value can be misleading, as there may well be comparably large populations at the extreme values of those distributions. The disparate treatment tests control for those tails and distributions, and provide a more definitive test of differences in the populations.

34 This statistic uses the Hispanic 60% cutoff. The range of Hispanic population is 12% to 17%.
<table>
<thead>
<tr>
<th>Variable</th>
<th>ISP Data (Excluding All Defendant Data)</th>
<th>Rap Sheet Data (All Charged Defendants)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Obs</td>
<td>Mean</td>
</tr>
<tr>
<td>General Demographics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>292,442</td>
<td>0.15</td>
</tr>
<tr>
<td>Black</td>
<td>292,442</td>
<td>0.55</td>
</tr>
<tr>
<td>Hispanic (50%)</td>
<td>292,442</td>
<td>0.17</td>
</tr>
<tr>
<td>Hispanic (75%)</td>
<td>292,442</td>
<td>0.17</td>
</tr>
<tr>
<td>Hispanic (80%)</td>
<td>292,442</td>
<td>0.16</td>
</tr>
<tr>
<td>Hispanic (90%)</td>
<td>292,442</td>
<td>0.12</td>
</tr>
<tr>
<td>Hispanic (60%) Plus Verified Hispanic</td>
<td>292,442</td>
<td>0.17</td>
</tr>
<tr>
<td>Age</td>
<td>292,329</td>
<td>33.36</td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age at First Arrest</td>
<td>291,953</td>
<td>21.59</td>
</tr>
<tr>
<td>Number of Arrests</td>
<td>292,442</td>
<td>10.55</td>
</tr>
<tr>
<td>Number of Convictions</td>
<td>292,442</td>
<td>2.34</td>
</tr>
<tr>
<td>Number of Prison Sentences</td>
<td>292,442</td>
<td>0.48</td>
</tr>
<tr>
<td>Number of Jail Sentences</td>
<td>292,442</td>
<td>0.99</td>
</tr>
<tr>
<td>Percent of Arrests by CFD</td>
<td>292,442</td>
<td>0.50</td>
</tr>
<tr>
<td>Arrest History</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrests for ATF Manual Violent (UCR Part 1)</td>
<td>292,442</td>
<td>0.69</td>
</tr>
<tr>
<td>Arrests for ATF Manual Violent (Expanded)</td>
<td>292,442</td>
<td>1.53</td>
</tr>
<tr>
<td>Arrests for Weapons</td>
<td>292,442</td>
<td>0.38</td>
</tr>
<tr>
<td>Arrests for Drug Sale</td>
<td>292,442</td>
<td>0.35</td>
</tr>
<tr>
<td>Arrests for Drug Possession</td>
<td>292,442</td>
<td>1.55</td>
</tr>
<tr>
<td>Arrests for Marijuana Sale</td>
<td>292,442</td>
<td>0.10</td>
</tr>
<tr>
<td>Arrests for Marijuana Possession</td>
<td>292,442</td>
<td>0.91</td>
</tr>
<tr>
<td>Conviction History</td>
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<tr>
<td>Convictions for ATF Manual Violent (UCR Part 1)</td>
<td>292,442</td>
<td>0.21</td>
</tr>
<tr>
<td>Convictions for ATF Manual Violent (Expanded)</td>
<td>292,442</td>
<td>0.26</td>
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<tr>
<td>Convictions for Weapons</td>
<td>292,442</td>
<td>0.14</td>
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<tr>
<td>Convictions for Drug Sale</td>
<td>292,442</td>
<td>0.31</td>
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<tr>
<td>Convictions for Drug Possession</td>
<td>292,442</td>
<td>0.40</td>
</tr>
<tr>
<td>Convictions for Marijuana Sale</td>
<td>292,442</td>
<td>0.05</td>
</tr>
<tr>
<td>Convictions for Marijuana Possession</td>
<td>292,442</td>
<td>0.10</td>
</tr>
</tbody>
</table>

Note: Data is at the person level. For the ISP data, the data represents an 8-year average of 2006-2013. For the rap sheet data, the data represents an average of all years up to and including the year in which the defendant was involved in a stash house bust.
IV. METHODS FOR TESTING FOR DISPARATE TREATMENT

A series of three empirical tests provides the basis for assessing the selective enforcement claims underlying these cases.35 Using multiple arrays of selection criteria and three different analytic models, I test to determine whether race predicts selection into the Stash House defendant pool, controlling for the selection criteria as stated in the ATF Manual and other documents. Each successive test is increasingly rigorous in isolating the role of race – net of other factors such as criminal history – in the selection of Stash House defendants. The tests begin with simple regressions and move on to analyses that approximate clinical trials to test the role of race in the selection of Stash House defendants.

A. Test 1

The first test is a disparate treatment test. The general test for evidence of disparate treatment is a regression equation that takes the form:

\[
\text{Outcome} = \alpha + \beta_1 \times \text{Minority} + \Sigma \beta_i \times (\text{Plausible Non-Race Influences}) + \varepsilon,
\]

where \text{Outcome} is the event or status of interest, \text{Minority} is an indicator for the racial composition or status of the unit observed, \text{Plausible Non-Race Influences} are a set of variables representing non-race factors that also might influence the outcome, and an error term \varepsilon that captures the variation in the outcome that cannot be explained by either Minority status or the Plausible Non-Race Influences. These models may include non-race influences that are correlated with race, so as to better identify the unique effects of race that are present once the influence of proxies for race are removed.36

Consider the following example, from \textit{Griggs v. Duke Power Co.}, a seminal employment discrimination case.37 In a disparate treatment claim, one could test whether the use of a high school diploma requirement biases the hiring process since African American job applicants may be less likely to have obtained a high school diploma. Had this race-correlated control been introduced, it would likely have reduced the racial disparity in the hiring rates – for the simple reason that minority applicants at that time were less likely to have obtained a high school diploma. Should a statistical test control for whether or not


an applicant had a high school diploma? As Ian Ayres points out, in a disparate treatment case, the answer is yes. Under a disparate treatment theory, the critical question is whether an applicant’s race was the cause of being denied employment. If applicants were rejected because the employer chose not to hire diploma-less applicants, the applicants’ race would not be a “motivating factor” in the employer’s decision (unless there was evidence to establish that the employer adopted the diploma requirement with the intention of excluding minority applicants from the work force). The goal in specifying these models is to identify the effects of race on outcomes after simultaneously considering factors that may be relevant as well. Failure to do so raises the risk of “omitted variable bias”, which could lead to erroneous conclusions about the effects of variables that do appear in a regression test.

The test is performed using a logistic regression procedure. Logistic regression is well-suited for analysis of dichotomous outcomes, such as selection into a specific category or program. The results show the log odds of being selected into the category of interest, adjusted for the effects of other variables entered into the regression. The model takes the form of

\[
\pi_i = Pr(Y_i=1|X_i=x_i) = \frac{\exp(\beta_0+\beta_1 x_i)}{1+ \exp(\beta_0+\beta_1 x_i)}
\]

where \(Y\) is the outcome of interest (0 or 1), \(\pi\) is the probability that an individual \(i\) will be in the category of interest, \(\beta_0\) is the intercept, and \(\beta x\) represents the concurrent effects of a set of explanatory variables or predictors of that outcome. In this case, we are interested in selection as a Stash House defendant, and race is one of the predictors included in the vector \(x\).

In this and subsequent analyses, all defendants were pooled for the analyses. In each instance, the outcome of interest is selection as a defendant. Separate models are

estimated with cumulative sets of predictors that adds blocks of variables to the prior model.

Table 1 shows the design of the separate models. Each model iterates additional information and allows us to see if there are particular types or thresholds of information, such as demographic factors or criminal history, that explain whether and why the selection of Stash House defendants is based on race or ethnicity.

Model 1 includes only a variable for Black. This model simply tests whether defendants are more likely to be Black than the potential eligibles. Model 2 tests whether defendants are more likely to be Black or Hispanic than the potential eligibles. Model 3 re-estimates Model 2, adding gender and age variables. In criminological research, *age at first arrest* is a robust predictor of the length and seriousness of criminal careers. Since all the defendants are males, there is no estimate (odds) reported for females.

Model 4 includes the variables specified in the eligibility criteria in the ATF Home Invasions Operations Manual, including both robbery and armed robbery. Because the ATF Manual’s eligibility criteria closely parallel the offenses set out in the list of violent crimes in Part I of the FBI’s Uniform Crime Report (UCR), these variables are labeled “ATF Manual UCR Part I Violent Arrests” and “ATF Manual UCR Part I Violent Convictions.” This model also includes a variable with an expanded list of additional violent felony crimes. (ATF Manual – Expanded). This expanded list is included because the definition of “violent crime” proffered by ATF is broader than the enumerated offenses; it includes all offenses that “involve force or threat of force.”

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44 ATF Manual at A-31. Based on the statutes cited in the arrest and conviction records in the ISP database of criminal histories of potential eligibles, the following violent crimes are included in the “ATF Expanded” category: domestic battery, battery/bodily harm, battery, assault, unlawful restraint, armed violence, intimidation, aggravated unlawful restraint, involuntary manslaughter/reckless homicide, vehicular invasion, disarming a peace officer, kidnapping, aggravated kidnapping, aggravated fleeing/bodily injury, kidnapping/armed with firearm, aggravated intimidation, concealing homicidal death, interference/assault official, involuntary/reckless homicide/unborn child, mob action.
includes three additional parameters of criminal career. The number of prison and jail sentences is included as a measure of the person’s criminal propensity and crime seriousness spanning his or her criminal career.

Model 6 adds several variables that were identified as inclusive of the selection criteria, based on statements made in court and in the media that expanded the scope of offenses in the ATF Manual. These variables are arrayed in Subsection II.A.2 and accompanying notes above.

In each regression model, fixed effects are included for year in the interval from 2006-2013, grouping the cases by the year when they began. Fixed effects allow for statistical control of any unique or unobservable conditions that may have influenced the selection and recruitment of defendants in each year. All models are estimated with robust standard errors that are clustered for each individual.45

### Table 1. Variables and Measures Used in Each Estimation Model (Cumulative)

<table>
<thead>
<tr>
<th>Model</th>
<th>Model Parameters</th>
<th>Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Black defendants only</td>
<td>Black</td>
</tr>
<tr>
<td>2</td>
<td>Black and Hispanic defendants</td>
<td>Hispanic (60%)</td>
</tr>
</tbody>
</table>
| 3     | Demographic variables | Age at First Arrest (logged)  
Age at Jan 1st (logged)  
Female |
N of ATF Manual UCR Part I Violent Convictions (logged)  
N of ATF Manual (Expanded) Violent Arrests (logged)  
N of ATF Manual (Expanded) Violent Convictions (logged) |
| 5     | Other Criminal History Variables | N of Prison Sentences (logged)  
N of Jail Sentences (logged)  
% of Arrests by Chicago Police Department |
| 6     | US Attorney Statements (Post-Hoc) | N of Arrests for Weapons Offenses (logged)  
N of Convictions for Weapons Offenses (logged)  
N of Arrests for Drug Sale (logged)  
N of Convictions for Drug Sale (logged)  
N of Arrests for Drug Possession (logged)  
N of Convictions for Drug Possession (logged)  
N of Arrests for Marijuana Sale (logged)  
N of Convictions for Marijuana Sale (logged)  
N of Arrests for Marijuana Possession (logged)  
N of Convictions for Marijuana Possession (logged) |

**Note:** Logged measures use the natural log of the value. This transformation is done to limit the influence of extreme values in the regression estimates. When the value is zero, the natural log is not computed. To avoid missing data for those values, a value of zero is recoded to 0.01 before the log transformation is computed.

---

### B. Test 2

The second test analyzes race as a “treatment” variable predicting selection of individuals of specific races – Black compared to White, or non-White compared to White – as a Stash House defendant or target. In this test, the model assumes that persons are assigned to a treatment – in this case, race – in a manner that in theory is independent of the outcome – in this case, selection as a defendant. The model then estimates the effects of the treatment race on the outcome Stash House Program selection. The study population
in this test is the pooled sample of defendants and potential eligibles, with each group marked by their group membership (the outcome variable).

The procedure again uses the logistic regression equation. The distinction in this analysis is that the procedure first estimates one logistic regression model to predict treatment status – in this case, race – and then uses another logistic regression model to predict the outcomes given the results of the first model. The second model incorporates the covariates, or other predictors, including those that may be correlated with the treatment variable. This is known as Augmented Inverse Probability Weighting. The model produces consistent estimates of the predictors because the treatment (race) is assumed to be independent of the potential outcomes after conditioning on the other predictors (the covariates). If a predictor is statistically significant, it is presumed to be not independent of the outcome, but instead a predictor of that outcome. This procedure is called a double robust model because of the use of the separate regression models to estimate the effects of the treatment on the outcome.

As before, the models include fixed effects for year. The models are estimated in a sequence from Table 1, with the first model combining the predictors from models 1-3, and then separate estimates for models 4-6. The models are estimated with two specifications for race and ethnicity. One set of models compares Black and White persons (excluding Hispanic persons), and a second compares non-White persons (Black and Hispanic combined) with White persons.

C. Test 3

The third test uses propensity score matching (PSM) to simulate an experiment to determine the effect of race on the outcome of interest: selection as a defendant into the Stash House Program. Ideally, an experiment would be conducted that adopts the logic of fair housing audits. In those audits, prospective renters with identical rental and income histories but who are from different racial or ethnic groups are sent to housing agents (sellers or rental agents) to determine whether there are differences by race in

---


several dimensions of renter or seller responses. Any disparity in these measures of housing assistance are attributable to the race or ethnicity of the seller or agent, since all other variables are equally distributed among the auditors.

For obvious reasons, such an experiment is not possible in the context of selection of defendants for the Stash House Program. When experiments on a treatment are not possible, propensity score matching (PSM) is a statistical technique that attempts to estimate the effect of a treatment by accounting for the covariates that predict receiving the treatment. The goal of the analysis is to reduce the confounding effects of factors that may predict receiving the treatment with the effects of the treatment itself.

For each person in the “treatment” group – Black or non-White people – one or more persons is selected from the “control” group – White people – that are matched to the first group on all characteristics except race. This simulates random assignment to a treatment group – race – by matching persons on numerous predictors of treatment assignment. Similarity between subjects is based on estimated treatment probabilities, known as propensity scores.

The average treatment effect (ATE) is computed by taking the average of the difference in probability of selection between the observed and potential outcomes (Stash House defendant v. potential eligible) for each subject. The precision of the match for subjects is adjustable, so that the effects can be calibrated along a precision scale (a caliper). A smaller caliper or precision implies a more rigorous estimate of the treatment effects. The difference in estimates for different levels of precision provides a range of effects, with the “true” effect somewhere in that range.

As in Test 2, separate models are estimated for Blacks versus Whites (with Hispanics excluded) and Blacks and Hispanics (non-White) versus Whites. The same four sets of models are estimated for each race/ethnicity comparison. The models are in turn estimated at two calipers: .100 and .025. Smaller calipers are more precise but risk

48 For example, the number of housing units made available to the two prospective renters or buyers, the terms and conditions of the rental or sale, information or assistance in obtaining financing, the racial and ethnic composition of neighborhoods where prospective renters or buyers are looking for homes. See Margery Austin Turner, “Discrimination in urban housing markets: Lessons from fair housing audits,” 3 Housing Policy Debate 183-215 (1992).

finding no suitable matches among the untreated. Because of the large sample size in this analysis, there were no unmatched cases in these analyses. In each estimation, a control variable is included as a fixed effect for year in the interval from 2006-2013 when the cases began.

V. RESULTS

Three tests for disparate treatment were conducted. Each shows statistical evidence of discrimination against Black persons in the selection of defendants for Stash House prosecutions.

A. Test 1

The first test shows results of a series of regressions that examine whether race explains selection of suspects for the Stash House Program. Six models were estimated, as described in Part IV of this Report. The results are shown in Tables 5.1 and 5.2. The results show that after controlling for criminal propensity, race remains statistically significant, meaning that the ATF is selecting defendants on the basis of race. In other words, Black status is a significant predictor of selection as a Stash House defendant after controlling for both formal and informal but articulated ATF criteria and other criminal propensity scores.

Table 5.1 shows the results of the logistic regressions for the defendants. Model 1 estimates the effects of Black race alone on selection as Stash House defendants compared to the pool of potential eligibles. Race is significant: Blacks are significantly more likely than Whites or Hispanics to be selected as a Stash House defendant. Model 2 estimates the same probability, this time with separate predictions for Black and Hispanic (60%) defendants. Again, Blacks are significantly more likely to be selected as a Stash House defendant compared to Whites, but Hispanics are not significantly more likely to be selected as a defendant. Model 3 adds demographic characteristics of the defendant. The results for the race and ethnicity variables remain the same, although the size of the coefficient for Black defendants is somewhat smaller (1.217 compared to 1.020).

Model 4 adds a block of predictors that measure the effects of the ATF Criteria (as stated in the ATF Manual). Black status is again significant, and again, the size of the coefficient is reduced to 0.903. Again, Hispanic status is not a significant predictor. Model 5 adds additional criminal history variables. Important in this block of variables are the predictors for prison sentences and jail sentences, proxies for the seriousness of a criminal career and also for criminal propensity. Again, Black status is significant, but Hispanic status is not. Blacks again are more likely to be selected for the Stash House
<table>
<thead>
<tr>
<th></th>
<th>Add Hispanic Variable</th>
<th>Add Demographic Variables</th>
<th>Add ATF Manual Variables</th>
<th>Add Other Criminal History Variables</th>
<th>Add Post-Hoc Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case:</strong> 1:12-cr-00887 Document #: 338-2 Filed: 09/23/16 Page 31 of 75 PageID #:2840</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Table 5.1. Logistic Regression Results ( Defendant N = 94)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>1.093*** (0.252)</td>
<td>1.217*** (0.323)</td>
<td>1.020*** (0.327)</td>
<td>0.903*** (0.338)</td>
<td>0.956*** (0.349)</td>
</tr>
<tr>
<td>Hispanic (60%)</td>
<td>0.298 (0.449)</td>
<td>0.157 (0.450)</td>
<td>0.080 (0.452)</td>
<td>0.179 (0.463)</td>
<td>0.068 (0.470)</td>
</tr>
<tr>
<td>Female</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Log of Age at First Arrest</td>
<td>-1.523*** (0.557)</td>
<td>-0.886* (0.538)</td>
<td>-0.253 (0.640)</td>
<td>0.227 (0.669)</td>
<td></td>
</tr>
<tr>
<td>Log of Age</td>
<td>0.048 (0.300)</td>
<td>-0.309 (0.323)</td>
<td>-1.318*** (0.469)</td>
<td>-1.622*** (0.479)</td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for ATF Manual Violent (UCL)</td>
<td>0.081 (0.054)</td>
<td>0.074 (0.054)</td>
<td>0.051 (0.053)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for ATF Manual Violent Exp</td>
<td>0.032 (0.044)</td>
<td>0.038 (0.046)</td>
<td>0.025 (0.046)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for ATF Manual Violent (Exp)</td>
<td>0.056 (0.059)</td>
<td>0.001 (0.059)</td>
<td>0.017 (0.063)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for ATF Manual Violent &amp;</td>
<td>-0.075 (0.061)</td>
<td>-0.089 (0.061)</td>
<td>-0.078 (0.062)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Number of Prison Sentences</td>
<td>0.257*** (0.055)</td>
<td>0.247*** (0.056)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Number of Jail Sentences</td>
<td>0.000 (0.050)</td>
<td>-0.007 (0.052)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Arrests by CPD</td>
<td>-0.216 (0.283)</td>
<td>-0.301 (0.307)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for Weapons</td>
<td>0.156** (0.055)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for Weapons</td>
<td>0.036 (0.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for Drug Sale</td>
<td>-0.013 (0.063)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for Drug Sale</td>
<td>-0.015 (0.068)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for Drug Possession</td>
<td>0.058 (0.059)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for Drug Possession</td>
<td>-0.045 (0.056)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for Marijuana Sale</td>
<td>0.090 (0.064)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for Marijuana Sale</td>
<td>-0.291* (0.156)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Arrests for Marijuana Possession</td>
<td>0.036 (0.049)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log of Convictions for Marijuana Possession</td>
<td>-0.028 (0.078)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-10.763*** (0.344)</td>
<td>-10.886*** (0.405)</td>
<td>-6.236*** (1.325)</td>
<td>-6.682*** (1.355)</td>
<td>-4.723*** (1.630)</td>
</tr>
<tr>
<td>Observations</td>
<td>2,047,752</td>
<td>2,047,752</td>
<td>1,742,793</td>
<td>1,742,793</td>
<td>1,742,793</td>
</tr>
<tr>
<td>Pseudo R-squared</td>
<td>0.0274</td>
<td>0.0276</td>
<td>0.0332</td>
<td>0.0373</td>
<td>0.0509</td>
</tr>
<tr>
<td>Year FE</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>SE Clustered at SID Level</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>

**Significance:** *** – p < .01; ** – p < .05; * – p < .1

**Notes:**
[1] Robust standard errors are in parentheses.
[2] For cells populated with a "-", observations with this characteristic have been dropped as a result of the estimation methodology.
Program, after controlling for several criminal history variables. In Models 1-5, Black status is significant at the p < .01 level.50

Model 6 adds several predictors that were identified through statements made in court, in other memoranda and documents, and other public utterances. Again, Black status is a significant predictor of selection into the Stash House Program, although significance here is slightly lower: p < .05. Hispanic status is not. In Models 5 and 6, the number of prior prison sentences also is significant. It is important to remember in this test that the population of Hispanic defendants was based on the results of the Hispanic Surname analysis, using a 60% probability threshold. As discussed before, Hispanic ethnicity was verified for the defendants. Table 5.2 shows the results of those analyses, showing only the regression coefficients and standard errors for the race and ethnicity predictors for potential eligibles for both Hispanic (60%) and Verified Hispanic.

<table>
<thead>
<tr>
<th>Table 5.2. Summary and Comparison of Logistic Regression Results with Estimated Hispanic (60%) and Verified Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Null</td>
</tr>
<tr>
<td>1**</td>
</tr>
</tbody>
</table>

Table 5.1 (Defendant N = 94)

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Hispanic (60%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.093*** (0.252)</td>
<td>0.298 (0.449)</td>
</tr>
<tr>
<td></td>
<td>1.217*** (0.323)</td>
<td>0.157 (0.450)</td>
</tr>
<tr>
<td></td>
<td>1.020*** (0.327)</td>
<td>0.080 (0.452)</td>
</tr>
<tr>
<td></td>
<td>0.903*** (0.338)</td>
<td>0.179 (0.462)</td>
</tr>
<tr>
<td></td>
<td>0.956*** (0.349)</td>
<td>0.668 (0.463)</td>
</tr>
<tr>
<td></td>
<td>0.852** (0.357)</td>
<td>0.700 (0.478)</td>
</tr>
</tbody>
</table>

Table 5.1 with Verified Hispanic (Defendant N = 94)

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Hispanic (60%) Plus Verified Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.093*** (0.252)</td>
<td>0.904*** (0.156)</td>
</tr>
<tr>
<td></td>
<td>1.515*** (0.372)</td>
<td>0.765* (0.453)</td>
</tr>
<tr>
<td></td>
<td>1.389*** (0.380)</td>
<td>0.690 (0.458)</td>
</tr>
<tr>
<td></td>
<td>1.296*** (0.391)</td>
<td>0.802* (0.462)</td>
</tr>
<tr>
<td></td>
<td>1.300*** (0.400)</td>
<td>0.700 (0.463)</td>
</tr>
<tr>
<td></td>
<td>1.204*** (0.408)</td>
<td>0.700 (0.478)</td>
</tr>
</tbody>
</table>

Significance: *** p < .01; ** p < .05; * p < .1

Notes:
[1] Robust standard errors are in parentheses.
[2] All models are run with the same covariates, year FE, and SE clustering as Table 5.1

The results in Table 5.2 show some changes when the verified Hispanic population is included. Overall, there now is a substantial shift in the size and statistical significance

50 The significance level means that this is not a chance occurrence, and that it would recur if a similar test were conducted in more than 99% of the tests under the same sampling and measurement conditions. In technical terms, it means that the probability of rejecting the null hypothesis – in this case, that there is no race or ethnicity effect in selecting defendants for fictitious Stash House stings – is 99%. For the seminal discussion on statistical significance and its meaning, see Ronald A. Fisher, Ronald A. Statistical Methods for Research Workers 43 (1925).
of the Hispanic coefficients. First, the substitution of the Hispanic-Verified group results in statistically significant effects (p < .1) in all but two of the models. In two of the four models, the predictor for Hispanic defendants is significant. The effects of Hispanic ethnicity are significant when the formal ATF and Expanded ATF criteria are included. However, Hispanic ethnicity is not significant when predictors beyond the ATF Manual – a set of post-hoc considerations of eligibility – are included.

B. Test 2

The second test shows results of a series of regressions that examine whether race explains selection of suspects for the Stash House Program using a doubly robust estimation method. Here, race is regarded as a “treatment”, and the models estimate the effects of the treatment on selection into the Stash House Program. The model applied Augmented Inverse Probability Weighting (AIPW) to estimate first a predictor of race (the treatment) adjusted for the covariates, and then the effects of the adjusted treatment variable on the outcome (selection into the Stash House Program). As before, regressions were estimated for the total defendant population. Here, instead of six models, four models are estimated. The first model combines Model 1-3 from the previous analyses, and Models 2-4 here correspond to models 4-6 in the previous section. For each model, the coefficient for treatment as Black v. White is estimated, and then for non-White (Black and Hispanic 60% combined) v. White is estimated. Because of the size of the pool of potential eligibles, these models were estimated based on a 25% sample of that group and the full population of defendants. The estimates are shown as “average treatment effects,” or ATE. Table 6 shows the results.


52 Hispanics are eliminated from both the defendant and potential eligible populations for this analysis.

Table 6. Augmented Inverse Probability Weighting (AIPW) Analysis (Defendant N = 85 (Black v. White), 94 (Non-White v. White))

<table>
<thead>
<tr>
<th></th>
<th>Black v. White ATE of Black</th>
<th>Non-White v. White ATE of Non-White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demographic Variables Only</td>
<td>0.000146*** (0.000035)</td>
<td>0.000113*** (0.000031)</td>
</tr>
<tr>
<td>Add ATP Manual Variables</td>
<td>0.000127*** (0.000039)</td>
<td>0.000095*** (0.000035)</td>
</tr>
<tr>
<td>Add Other Criminal History Variables</td>
<td>0.000118** (0.000053)</td>
<td>0.000101** (0.000044)</td>
</tr>
<tr>
<td>Add Post-Hoc Variables</td>
<td>0.000131*** (0.000045)</td>
<td>0.000112*** (0.000039)</td>
</tr>
</tbody>
</table>

Significance: *** = p < .01; ** = p < .05; * = p < .1

Notes:
1. Robust standard errors are in parentheses.
2. Models are run using a 25% sample of non-defendants.

Table 6 shows consistent evidence across 8 models of racial and ethnic discrimination in the selection of Stash House defendants from a large pool of potential eligibles. Each model increasingly augments the set of covariates for estimating and adjusting the “treatment”, and then models the adjusted treatment variable to determine the treatment effect. All models were significant at either the p < .01 or p < .05 levels.

C. Test 3

The analyses in Test 3 employ a matching procedure. As in the procedure for Test 2, a propensity score is developed (propensity for “treatment”). In this case, the procedure estimates a propensity score for either Black status or non-White status (Black and Hispanic 60% combined). Subjects from the Stash House population are matched on their propensity scores with samples from the potential eligibles. One match per Stash House defendant was computed. The matches were matched on the propensity scores at one of two thresholds: either .100 or .025. This is known as the caliper for estimating the match between populations.

As discussed earlier, this procedure allows for the approximation of an experiment. Experiments are common in criminal procedure, criminology and public policy.54 In a

true experiment, subjects are randomly assigned to treatment and control groups.\textsuperscript{55} Under those conditions, researchers can observe the effects of a treatment with confidence that the differences are due to the treatment effect and not to any differences in the characteristics between the subjects in each group. Obviously, random assignment to race is not possible. There may be differences in the characteristics of the persons in each group that are correlated both with their selection to the group and with their outcomes.

Accordingly, methods are required to adjust for any differences between the “treatment” and “control” groups. In this design, adjustments are made based on the covariates that might be correlated with the “treatment assignment.” The “propensity score” is a measure that takes into account all background characteristics (i.e., covariates) other than race that might be correlated with race. In this test, subjects in each group – Stash House defendants and potential eligibles – are matched on their propensity score. This procedure approximates an experiment, and is widely used in research on law and policy.\textsuperscript{56}

Each successive model expands on the previous model, as before. For example, the model adding ATF variables (manual and expanded) also includes the predictors from the model above it (demographics). The models are cumulative, in other words with respect to the predictors. A total of 8 models were estimated for the defendants at each of the two calipers. Then, these eight models were estimated twice, once for a Black-White defendant comparison, and again for a White – non-White comparison. Because of the size of the pool of potential eligibles, these models were estimated based on a 25\% sample of that group and the full population of defendants. The tables show, as in the previous tests, the average treatment effect across the very large sample. Table 7 shows the results.


\textsuperscript{56} Abadie, et. al, “Implementing matching estimators for average treatment effects in Stata,” supra note 53. See also Abadie and Imbens, “Large sample properties of matching estimators for average treatment effects,” supra note 53.
Each of the models in Table 7 comparing Black and White persons is significant, suggesting race differences in the selection of Stash House defendants. Blacks are more likely than similarly situated Whites to be selected as a Stash House defendant using the pool of potential eligibles as a benchmark, after controlling for increasingly rich sets of covariates. Six of the eight models comparing White with non-White defendants also are significant, again suggesting race differences in the selection of defendants for Stash House cases compared to a large pool of potential eligibles. Notably, the White – non-White models in Table 7 become significant, and the coefficient grows larger, as more covariates are added to the model. The increasing role of race as additional legally relevant and programmatically relevant confounding variables are added reveals a pattern of discrimination in the selection of defendants.

### Table 7. Propensity Score Matching Analysis (Defendant N = 85 (Black v. White), 94 (Non-White v. White))

<table>
<thead>
<tr>
<th></th>
<th>Caliper</th>
<th>Black v. White ATE of Black</th>
<th>Non-White v. White ATE of Non-White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demographic Variables Only</td>
<td>0.100</td>
<td>0.000145***</td>
<td>0.000067</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000045)</td>
<td>(0.000052)</td>
</tr>
<tr>
<td>Demographic Variables Only</td>
<td>0.025</td>
<td>0.000145***</td>
<td>0.000067</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000045)</td>
<td>(0.000052)</td>
</tr>
<tr>
<td>Add ATF Manual Variables</td>
<td>0.100</td>
<td>0.000121**</td>
<td>0.000073*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000050)</td>
<td>(0.000042)</td>
</tr>
<tr>
<td>Add ATF Manual Variables</td>
<td>0.025</td>
<td>0.000105**</td>
<td>0.000073*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000047)</td>
<td>(0.000042)</td>
</tr>
<tr>
<td>Add Other Criminal History Variables</td>
<td>0.100</td>
<td>0.000146***</td>
<td>0.000123***</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000036)</td>
<td>(0.000044)</td>
</tr>
<tr>
<td>Add Other Criminal History Variables</td>
<td>0.025</td>
<td>0.000146***</td>
<td>0.000110**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000036)</td>
<td>(0.000044)</td>
</tr>
<tr>
<td>Add Post-Hoc Variables</td>
<td>0.100</td>
<td>0.000115**</td>
<td>0.000089*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000047)</td>
<td>(0.000046)</td>
</tr>
<tr>
<td>Add Post-Hoc Variables</td>
<td>0.025</td>
<td>0.000115**</td>
<td>0.000089*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.000047)</td>
<td>(0.000046)</td>
</tr>
</tbody>
</table>

**Significance:**

*+++ = p < .01; ** = p < .05; * = p < .1

**Notes:**

[1] Robust standard errors are in parentheses.
VI. CONCLUSION

The results of several empirical analyses converge to show a pattern of discrimination by defendant race and ethnicity in the targeting of Black and Hispanic persons for fictitious Stash House stings. The tests use a variety of analytic methods to examine the patterns of racial and ethnic differences, and each shows evidence of discrimination.

From 2006-2013, the probability of selection of a cohort of Stash House Program defendants with their observed racial and ethnic composition from among a large pool of similarly situated potential eligibles is less than .1% for the 94 defendants in these cases. This is a simple test that asks whether the composition of this pool is uncommonly low. The evidence is stronger looking at the period from 2011-2013. During that time, only one White defendant was targeted for a fictitious Stash House sting, out of 57 defendants. The probability of selecting a cohort of 56 non-White defendants out of 57 from among potential eligibles is also less than .1%. These extremely low probabilities provide evidence of race-based selection of Stash House defendants.

Large numbers of Stash House defendants were recruited into the Stash House Program without having met the explicit criteria of violent crime set forth in ATF policy and guidelines. Many defendants also appear to fail to meet expanded offense criteria articulated by the ATF and prosecutors during the course of these investigations.

Using three distinct statistical tests for disparate racial treatment, there is strong, consistent and statistically significant evidence that non-White suspects were more likely than White suspects to be targeted for recruitment into the Stash House Program, compared to a large population of similarly situated and matched potentially eligible persons with one or more prior convictions for any of the ATF target offenses. Non-White persons were more likely to be recruited into the Stash House Program after controlling for criminal histories relevant to the Stash House Program policies.

The results of these three tests, as well as the unadjusted tests of simple selection probabilities, show a pattern of selective enforcement in the recruitment of Stash House defendants. The results show that after controlling for several indicia of criminal propensity, race remains a statistically significant predictor of selection as a Stash House defendant. These analyses show that the ATF is discriminating on the basis of race in selecting Stash House defendants. In other words, race is a significant predictor of selection as a Stash House defendant after controlling for both formal and informal but articulated ATF criteria.

57 See ATF Manual at A-35 – A-37 (reprinting ATF O 3250.1B.g).
DECLARATION

I have been compensated for this work at the rate of $350 per hour. My compensation is not dependent on my opinions or the outcome in this matter.

Jeffrey Fagan, Ph.D.
May 11, 2016
APPENDICES

A. Data Sources

B. Criminal History Records Ordered


D. Categories of Arrest Charges

E. Coding of Specific Statutes into Crime Categories

F. Hispanic Surname Analysis

G. Credentials and Curriculum Vitae
Appendix A. Data Sources

A: Illinois State Police Records
   1. Arrest Data ("arr_1026.csv")
   2. Court Data ("crt_1026.csv")
   3. Sentences Data ("sent_1026.csv")

B: Rap Sheets
   1. Rap Sheets (94)

C: Federal Government Documentation
   1. Takedown Memoranda (20)
   2. Reports of Investigation (4)

D: Case Documentation
   1. Case Complaints (24)

E: Attorney Documentation
   1. Defendant List with Verified Race and Ethnicity

F: United States Census Bureau

Note: All tables, figures, and analyses rely on the above list of sources.
Appendix B. Criminal History Records and Data - Specifications

Criminal history records were ordered produced from the Illinois State Police (ISP) for each person convicted of (A) any of the offenses listed below, (B) committed in one of the counties below, and in each year from 2000 to 2015 (inclusive). In addition, the ISP was ordered to produce (C) each individual’s race/ethnicity and certain identifying information, (D) geographic information on location of arrest and last known residential address, and (E) transactional criminal history record information.

A. Offenses by Statute:

- All index crimes
- All drug offenses reported to UCR
- All violations of 720 ILCS 570-401 through 414 (the Controlled Substances Act)
- All violations of 720 ILCS 550 (the Cannabis Control Act)
- All violations of 720 ILCS 646, 647, 648, 649 (the Methamphetamine Offenses Act)
- All violations of 720 ILCS 635 (the Hypodermic Syringes and Needles Act)
- All violations of 720 ILCS 600 (the Drug Paraphernalia Act)
- All violations of 720 ILCS 5/24 (Deadly Weapons)
- All violations of 720 ILCS 5/31A-1.1 & 5/31A-1.2 (Possession of or bringing firearm, firearm ammunition or explosive into penal institution)
- All crimes of violence, including but not limited to violations of the following statutes:
  - Forcible felony, 720 ILCS 5/2-8
  - Solicitation of murder, 720 ILCS 5/8-1
  - Solicitation of murder for hire, 720 ILCS 5/8-1.2
  - Conspiracy, 720 ILCS 5/8-2
  - All offenses under 720 ILCS 5/9 (Homicide)
  - Kidnapping, 720 ILCS 5/10-1
  - Aggravated kidnapping, 720 ILCS 5/10-2
  - Unlawful restraint, 720 ILCS 5/10-3
  - Aggravated unlawful restraint, 720 ILCS 5/10-3.1
  - Forcible detention, 720 ILCS 5/10-4
  - Child abduction, 720 ILCS 5/10-5
  - Aiding or abetting child abduction, 720 ILCS 5/10-7
  - Trafficking in persons, involuntary servitude, and related offenses, 720 ILCS 5/10-9
  - All offenses under 720 ILCS 5/11 (Sex Offenses)
  - All offenses under 720 ILCS 5/12 (Bodily Harm)
  - All offenses under 720 ILCS 5/18 (Robbery)
  - All offenses under 720 ILCS 5/19 (Burglary)
  - All offenses under 720 ILCS 5/20 (Arson)
  - All offenses under 720 ILCS 5/25 (Mob Action)
  - All offenses under 720 ILCS 5/33A, 33B, 33C, 33D, 33F, 33G
B. The counties in which a Stash House case took place from 2006-2013:

- Cook
- Lake
- Will
- DuPage
- Kane
- Kendall
- LaSalle
- Winnebago

C. Defendant identifying information:

- IR number
- State ID Number (“SID”)
- Last name
- Year of birth

D. Geographic information:

- Home address
- Location of arrest
- ORI of arresting agency

E. Transactional Criminal History Records Information including four kinds of criminal history data:

- Arrest information
- Charge information
- Disposition and sentencing information (i.e., conviction information)
- Custody information (including custodial time served)
b. **Target Identification.** Investigations should only be pursued that target persons who show a propensity of doing harm to the public through violent behavior/armed robberies and whose activities have been documented either through criminal history, criminal reputation, or self-incrimination. Violent crime is defined as offenses that involve force or threat of force and includes murder, forcible rape, robbery, aggravated assault, and arson. The below minimum criteria must be followed in making these considerations:

1. At least two targeted offenders must be identified as violent offenders.
2. At least one target must have a past violent crime arrest or conviction.
3. Targets must be currently involved in criminal activity.
4. The undercover agent must meet with at least two members of the robbery crew.
5. Targets must conspire to commit the armed robbery.
Appendix D. Categories of Arrest Charges

Thousands of distinct statutes appear in the ISP and rap sheet data. A two-step process was used to construct charge categories that translate rap sheet and ISP charges into the ATF charge categories. (1) Each of the specific statutory charges in the ISP dataset and on the rap sheets were assigned to one of 26 categories. I manually assigned a category to 99.5% of the statutes in the ISP dataset of potential eligibles. The remaining 0.5% are categorized as “Other.” I manually assigned an offense category to 100% of the statutes in the rap sheet dataset. (2) I classify the relevant charges to the “ATF Manual Violent (UCR Part I)” category, or to the set of violent offenses that expand on the ATF violent offense charges (“ATF Violent Expanded”). Additional charge categories include weapons offenses and drug offenses. The table below shows the categories and indices, as well as the prevalence of the categories in the ISP arrest dataset.

<table>
<thead>
<tr>
<th>Indices</th>
<th>Category</th>
<th>ISP Arrest %</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATF Violent (UCR Part I)</td>
<td>Aggravated Assault/Battery</td>
<td>2.8%</td>
</tr>
<tr>
<td></td>
<td>Armed Robbery/Home Invasion</td>
<td>0.9%</td>
</tr>
<tr>
<td></td>
<td>Robbery</td>
<td>0.9%</td>
</tr>
<tr>
<td></td>
<td>Murder</td>
<td>0.3%</td>
</tr>
<tr>
<td></td>
<td>Forcible Sexual Assault/Rape</td>
<td>0.1%</td>
</tr>
<tr>
<td></td>
<td>Arson</td>
<td>0.1%</td>
</tr>
<tr>
<td>ATF Violent (Expanded)</td>
<td>Assault</td>
<td>10.3%</td>
</tr>
<tr>
<td></td>
<td>Mob Action/Riot</td>
<td>0.5%</td>
</tr>
<tr>
<td>Drug Possession</td>
<td>Drug Possession</td>
<td>10.6%</td>
</tr>
<tr>
<td>Drug Sale</td>
<td>Drug Sale</td>
<td>2.6%</td>
</tr>
<tr>
<td>Marijuana Possession</td>
<td>Marijuana Possession</td>
<td>6.4%</td>
</tr>
<tr>
<td>Marijuana Sale</td>
<td>Marijuana Sale</td>
<td>0.8%</td>
</tr>
<tr>
<td>Weapons and Related</td>
<td>Weapons and Related</td>
<td>3.4%</td>
</tr>
<tr>
<td>Property</td>
<td></td>
<td>14.3%</td>
</tr>
<tr>
<td>Vehicle and Traffic Laws</td>
<td></td>
<td>12.4%</td>
</tr>
<tr>
<td>Local Ordinance</td>
<td></td>
<td>7.1%</td>
</tr>
<tr>
<td>Trespass</td>
<td></td>
<td>6.1%</td>
</tr>
<tr>
<td>Warrantable Offenses</td>
<td></td>
<td>5.5%</td>
</tr>
<tr>
<td>QOL/Disorder</td>
<td></td>
<td>5.0%</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>3.3%</td>
</tr>
<tr>
<td>DUI</td>
<td></td>
<td>2.4%</td>
</tr>
<tr>
<td>DV and Crimes against Children</td>
<td></td>
<td>1.2%</td>
</tr>
<tr>
<td>Prostitution and Related</td>
<td></td>
<td>1.1%</td>
</tr>
<tr>
<td>Fraud and Related</td>
<td></td>
<td>0.9%</td>
</tr>
<tr>
<td>Sex Crimes and Related</td>
<td></td>
<td>0.8%</td>
</tr>
<tr>
<td>Bribery and Official Misconduct</td>
<td></td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Appendix E. Coding of Specific Statutes into Crime Categories

The subpoenaed records and defendant rap sheets listed over 3,000 specific statutes. The table below lists approximately 50 commonly occurring statutes and their classification into the categories shown in Appendix B.

<table>
<thead>
<tr>
<th>Statute</th>
<th>Arrest Charge Description</th>
<th>Count</th>
<th>Manual Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>720 ILCS 570.0/402-C</td>
<td>POSSESSION CONTROLLED SUBSTANCE</td>
<td>328052</td>
<td>Drug Possession</td>
</tr>
<tr>
<td>725 ILCS 5.0/110-3</td>
<td>ISSUANCE OF WARRANT</td>
<td>244115</td>
<td>Warrable Offenses</td>
</tr>
<tr>
<td>720 ILCS 5.0/16A-3-A</td>
<td>RETAIL THEFT</td>
<td>171248</td>
<td>Property</td>
</tr>
<tr>
<td>625 ILCS 5.0/6-303-A</td>
<td>DRIVING ON SUSP/REVOKD LICENSE</td>
<td>170910</td>
<td>Vehicle and Traffic Laws</td>
</tr>
<tr>
<td>720 ILCS 550.0/4-B</td>
<td>POSSESS CANNABIS</td>
<td>130559</td>
<td>MI Possession</td>
</tr>
<tr>
<td>720 ILCS 570.0/402</td>
<td>POSSESSION CONTROLLED SUB</td>
<td>126433</td>
<td>Drug Possession</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3-2-A-1</td>
<td>DOMESTIC BATTERY</td>
<td>121139</td>
<td>Violent</td>
</tr>
<tr>
<td>625 ILCS 5.0/3-707</td>
<td>INSURANCE--OPERATE UNINSURED</td>
<td>116118</td>
<td>Vehicle and Traffic Laws</td>
</tr>
<tr>
<td>720 ILCS 550.0/4-A</td>
<td>POSSESS CANNABIS</td>
<td>114242</td>
<td>MI Possession</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3-A-1</td>
<td>BATTERY/BODILY HARM</td>
<td>90920</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 5.0/26-1-A-1</td>
<td>DISORDERLY CONDUCT</td>
<td>86123</td>
<td>GOV/Disorder</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-2</td>
<td>CRIMINAL TRESPASS VEHICLE</td>
<td>85094</td>
<td>Trespass</td>
</tr>
<tr>
<td>720 ILCS 5.0/16-1-A-1</td>
<td>THEFT</td>
<td>84535</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-3-A-2</td>
<td>CRIMINAL TRESPASS TO LAND</td>
<td>84178</td>
<td>Trespass</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-1-1-A</td>
<td>KNOWINGLY DAMAGE PROPERTY</td>
<td>75573</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3-2</td>
<td>DOMESTIC BATTERY</td>
<td>71193</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3-A</td>
<td>BATTERY</td>
<td>70914</td>
<td>Violent</td>
</tr>
<tr>
<td>625 ILCS 5.0/11-501-A-2</td>
<td>DUI/ALCOHOL</td>
<td>67295</td>
<td>DUI</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3</td>
<td>BATTERY</td>
<td>63132</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 600.0/3.5-A</td>
<td>POSSESS DRUG PARAPHERNALIA</td>
<td>62435</td>
<td>Drug Possession</td>
</tr>
<tr>
<td>720 ILCS 5.0/19-1-A</td>
<td>BURGLARY</td>
<td>59903</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-5</td>
<td>CRIMINAL TRESPASS TO STATE LAND</td>
<td>59493</td>
<td>Trespass</td>
</tr>
<tr>
<td>720 ILCS 5.0/31-1</td>
<td>RESIST PEACE OFFICER</td>
<td>58973</td>
<td>GOV/Disorder</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-1-A</td>
<td>ASSAULT</td>
<td>55728</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 5.0/31-1 A</td>
<td>RESIST PEACE OFFICER</td>
<td>55728</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 550.0/4-C</td>
<td>POSSESS CANNABIS</td>
<td>52357</td>
<td>MI Possession</td>
</tr>
<tr>
<td>720 ILCS 5.0/19-1</td>
<td>BURGLARY</td>
<td>48920</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3-2-A-2</td>
<td>DOMESTIC BATTERY</td>
<td>47624</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-3 A-2</td>
<td>BATTERY</td>
<td>47189</td>
<td>Violent</td>
</tr>
<tr>
<td>720 ILCS 5.0/16-1</td>
<td>THEFT</td>
<td>44814</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-2-A-1</td>
<td>AGGREGATED ASSAULT</td>
<td>43542</td>
<td>Aggravated Assault/Battery</td>
</tr>
<tr>
<td>720 ILCS 550.0/4</td>
<td>POSSESSION OF CANNABIS</td>
<td>40811</td>
<td>MI Possession</td>
</tr>
<tr>
<td>720 ILCS 570.0/401-D</td>
<td>MFG/DIL CONTROLLED SUBSTANCES</td>
<td>33718</td>
<td>Drug Sale</td>
</tr>
<tr>
<td>625 ILCS 5.0/6-101</td>
<td>NO DRIVERS LICENSE/PERMIT</td>
<td>32207</td>
<td>Vehicle and Traffic Laws</td>
</tr>
<tr>
<td>720 ILCS 5.0/11-14</td>
<td>PROSTITUTION</td>
<td>32207</td>
<td>Prostitution and Related</td>
</tr>
<tr>
<td>625 ILCS 5.0/11-501-A</td>
<td>DUI/ALCOHOL</td>
<td>32054</td>
<td>DUI</td>
</tr>
<tr>
<td>625 ILCS 5.0/6-303</td>
<td>DRIV LIC REVOKED OR SUSPENDED</td>
<td>31204</td>
<td>Vehicle and Traffic Laws</td>
</tr>
<tr>
<td>625 ILCS 5.0/4-103-A-3</td>
<td>IVF FELONIES</td>
<td>30229</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-3-A-1</td>
<td>CRIMINAL TRESPASS BUILDING</td>
<td>28666</td>
<td>Trespass</td>
</tr>
<tr>
<td>720 ILCS 5.0/24-1-1-A</td>
<td>UNLAW POSSESS WEAPON BY FELON</td>
<td>28390</td>
<td>Weapons and Related</td>
</tr>
<tr>
<td>625 ILCS 5.0/12 603.1</td>
<td>NOT WEARING SEAT BELT</td>
<td>27939</td>
<td>Vehicle and Traffic Laws</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-1</td>
<td>CRIMINAL DAMAGE TO PROPERTY</td>
<td>26816</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/16-1-A</td>
<td>THEFT</td>
<td>26499</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/16-3-A</td>
<td>THEFT LABOR/SERVICES</td>
<td>26487</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/21-3-A</td>
<td>CRIMINAL TRESPASS TO LAND</td>
<td>26709</td>
<td>Trespass</td>
</tr>
<tr>
<td>720 ILCS 550.0/4-D</td>
<td>POSSESS CANNABIS</td>
<td>24938</td>
<td>MI Possession</td>
</tr>
<tr>
<td>720 ILCS 570.0/401-C-2</td>
<td>MAN/DIL CONTROL SUBSTANCES</td>
<td>23988</td>
<td>Drug Sale</td>
</tr>
<tr>
<td>720 ILCS 5.0/19-3-A</td>
<td>RESIDENTIAL BURGLARY</td>
<td>23184</td>
<td>Property</td>
</tr>
<tr>
<td>720 ILCS 5.0/12-5-A</td>
<td>RECKLESS CONDUCT</td>
<td>22928</td>
<td>Other</td>
</tr>
</tbody>
</table>
Appendix F. Hispanic Surname Analysis

Both sources of criminal history information provided for this litigation have limited data on the Hispanic ethnicity either of the defendants or the potentially eligible population. For the defendants, criminal history records (“rap sheets”) have no information on Hispanic ethnicity. For the potentially eligible population, the ISP data identified less than .1% of the 292,442 potentially eligibles as Hispanic (“H” in the ISP database).

Classification Method

To address the missing Hispanic ethnicity data, I applied a commonly-utilized methodology that assigns Hispanic ethnicity based on an inventory of surname data matched to self-reported ethnicity from the 2000 United States Census. This methodology has been accepted and cited by a federal district court in recent litigation on traffic stop data alleging discrimination against Hispanics.¹

The method uses a list of all surnames occurring 100 or more times created by the U.S. Census Bureau from the 2000 Census data.² For each surname, the Census Bureau has calculated the proportion of people with each surname self-reporting as Hispanic.³ For example, the surname “Garcia” has a Hispanic probability of 91%, while the surname “Smith” has a Hispanic probability of only 2%.

Classification of Potential Eligibles

Using this list, I determined the Hispanic probability associated with the surname for each of the defendants and each person in the ISP dataset of potential eligibles for Stash House stings.⁴ If a person’s surname Hispanic probability is over 60%, I classify that person as “Hispanic (60%).” If the probability is over 70%, 80%, or 90%, I do the same at these higher cutoffs.

⁴ Because the ISP data often lists multiple last names for the same SID, I use the median Hispanic surname probability across arrests for my analysis. This is not an issue when using the rap sheets, which contain only one last name.
As with any estimation method, this method has an error rate. In this case, the Census list methodology slightly underestimates the number of Hispanic persons. Empirically, an undercount of approximately 10% has been shown in U.S. Census research comparing the performance of the Passel-Word (PW) 1990s Spanish surname list – against self-reports of ethnicity in the 1990 Census Spanish Origin Research file.

Classification of Defendants

In order to ensure that the ethnicity of defendants and non-defendants are estimated using a consistent method, I performed the surname analysis for both populations. I use the 60% Hispanic cutoff for both defendants and potential eligibles throughout the analysis, with a robustness check using the 90% Hispanic cutoff. I use this conservative measure—which identifies only 9 of 12 Hispanic defendants as such—in order to provide a consistent basis for statistical tests to determine disparate treatment.

Table 4 supra shows that the summary statistics for Hispanic ethnicity at the 60%, 70%, and 80% thresholds are nearly identical for the potential eligibles across the thresholds: .17, .17, and .16, respectively. Comparing the results of this method for defendants and potential eligibles, the summary statistics in Table 4 are identical for the defendants at the 60%, 70%, and 80% thresholds: .10. This reduces the chance of error or bias that might be a function of the surname classification method and any differences between the thresholds. I perform a robustness check in the analyses at 90% for Table 5.1, as these values do substantially differ. The coefficients on Black and Hispanic do not substantially differ.

Reconciling Verified and Classified Estimates for Defendants

However, defense counsel for the defendants has independently determined the race and Hispanic ethnicity of the 94 defendants (“verified race”). Twelve of the 94 defendants self-identify as Hispanic. However, the surname methodology correctly identifies only 9 of the 12 Hispanic defendants at probabilities of 60%, 70%, and 80%, and identifies only 4 of them at the

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5 Colby Perkins, *Evaluating the Passel-Word Spanish surname list: 1990 decennial census post enumeration survey results*, US Department of Commerce, Economics and Statistics Administration, Bureau of the Census (1993). Using the 2000 Census Bureau data, I calculate that at the 60% cutoff for the US population as a whole, the total number of Hispanics is underestimated by about 4.4%.

6 Id.

7 Three of the defendants in *United States v. Elias*, Adrian and Salvador Elias and Angel Olsen, have been classified as white using the Spanish surname methodology at the 60% cutoff. In reality all three are Hispanic. This conclusion is based on discovery and communications with defense counsel in consultation with the defendants. Specifically, Adrian and Salvador Elias self-identify as Hispanic and the ATF takedown memo in this case identifies them as Hispanic. Olson self-identifies as Hispanic (see 13 CR 0476, Doc. #162, ¶1 and #171), and, based on communications with defense counsel, Olson has one Hispanic parent and one black parent. In addition, the U.S. Attorney’s Office previously categorized him as black in an earlier filing in which Hispanic categorizations were omitted. *Williams*, 12 CR 887, Dkt. 74-1 at 2 (Aug. 21, 2013).
90%. I also show analytic results using the *Hispanic-Verified* classification that applies these corrections.

We can estimate error rates using this method for the defendants, as true ethnicity is known. At the 60% cutoff, the Hispanic surname analysis correctly identifies 9 of the 12 Hispanic defendants. It does not identify anyone else as Hispanic. Therefore, the analysis using estimated Hispanic ethnicity (60%) for defendants has a false negative rate of 3/12 (25%) and a false positive rate of 0/9 (0%). To contextualize these error rates, I calculated the error rates for the US population as a whole, using surname and Hispanic ethnicity data from the 2000 United States Census. Using these data, I calculate the rate of false negatives to be about 14.5% at the 60% cutoff (percent of Hispanic people who are not classified as such), and the rate of false positives to be about 10.5% (percent of people classified as Hispanic who are not Hispanic). The false negative rate is higher for defendants (25% v. 14.5%) and the false positive rate is lower (0% v. 10.5%). Again, false negative implies that there are people who are classified as non-Hispanic who actually are Hispanic. False positive implies that there are people who are classified as Hispanic who are not Hispanic.

Accordingly, the estimates of racial and ethnic discrimination computed in this report are in fact conservative estimates. The false negative rate, or under-reporting rate, is greater than the false positive (or over-reporting rate) for the defendant Hispanic ethnicity data. To assess the implications of the underestimates for this report, I also perform a robustness check using the verified race and ethnicity of the defendants, as compared to the 60% cutoff for the potential eligibles, in Table 6.

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Appendix G. Credentials and Curriculum Vitae of Jeffrey Fagan

Summary

I am the Isidor and Seville Sulzbacher Professor of Law at Columbia Law School, and Professor of Epidemiology at the Mailman School of Public Health at Columbia University. I was the Director of the Center for Community and Law at Columbia Law School from 2003 – 2009, and again from September 2011 - 2015. I was a Visiting Professor of Law at Yale Law School from July 2009 – June 2010 and again from January – June 2013. From 1996-2006, I was the Founding Director of the Center for Violence Research and Prevention at the Mailman School of Public Health. From 1996-2006, I was a founding member of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.

Prior to my appointment at Columbia University, I was Professor of Criminal Justice at Rutgers - The State University of New Jersey (1989-96), and Associate Professor, John Jay College of Criminal Justice in the City University of New York. I have co-authored three books and published numerous articles on law and social policy in professional peer-reviewed journals, law reviews, and other scholarly publications. I have received honors and awards from academic and professional associations. I served on the Committee of Law and Justice of the National Reserch Council from 2000-2006, and was appointed to two scientific committees of the National Academy of Science (Intimate Partner Violence, Fairness and Effectiveness of Policing). I have served on committees of the American Society of Criminology, and the National Science Foundation, and also to committees of several prestigious government agencies and private foundations. I am a Fellow of the American Society of Criminology. I have a Ph.D. in Engineering from the University at Buffalo of the State University of New York.

I have previously served as expert witness in litigation alleging Fourth and Fourteenth Amendment civil rights violations resulting from racially selective police enforcement in the conduct of investigative stops by police in New York City. In 2008-9, I consulted with the Governor’s Commission on Law Enforcement Standards and Practices for the State of New Jersey in its response to civil rights litigation alleging Fourth and Fourteenth Amendment violations by the New Jersey State Police. From 2012-5, I advised the Boston Police Department in its review of its practice of investigative stops.

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Curriculum Vitae

Jeffrey A. Fagan

212-854-2624 (v)
Email: Jeffrey.Fagan@law.columbia.edu
http://www.law.columbia.edu/fac/Jeffrey_Fagan

PROFESSIONAL EXPERIENCE:

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

EDUCATION:

MS, 1971, Human Factors Engineering, Department of Industrial Engineering, State University of New York at Buffalo.
AWARDS AND HONORS:

Power of One Racial Justice Award, Center for Race, Crime and Justice, John Jay College, May 2016
Lillie and Nathan Ackerman Lecture in Equality and Justice, Baruch College, November 2013
Fellow, American Society of Criminology, elected April 2002
Fellow, Davenport College, Yale University
Lecturer, Hoffinger Colloquium, *Profiling and Consent: The Trouble with Police Consent Decrees*, New York University School of Law, April 2011
National Associate, National Research Council and Institute of Medicine, 2011 – present
Member, Committee on Law & Justice, National Research Council, 2002-2008
Senior Justice Fellow, Open Society Institute, 2005-6
Health Policy Scholar, Robert Wood Johnson Foundation, 2002-2004
Public Interest Achievement Award, Public Interest Law Foundation of Columbia University, Spring 2001
Bruce Smith Senior Award, Academy for Criminal Justice Sciences, March 2000.
Lecturer, Fortunoff Colloquium, *Social Contagion of Violence*. New York University School of Law, April 1999
Fellow, Earl Warren Legal Institute, School of Law, University of California-Berkeley, 1999-present
University Faculty Merit Award, Rutgers University, 1990-94
Lecturer in Colloquium on Race, Ethnicity and Poverty Workshop, Center for the Study of Urban Inequality, University of Chicago, June 1992
University Research Council Grantee, Rutgers University, 1989-90
Lecturer, Fortunoff Colloquium, *Preventive Detention and the Validity of Judicial Predictions of Dangerousness*. New York University School of Law, October, 1988
Delegate, Criminal Justice and Criminology Delegation to the People's Republic of China, Eisenhower Foundation, 1985
NDEA Title IV Fellowship, Department of Industrial Engineering, State University of New York at Buffalo, June 1968-June 1971

PUBLICATIONS:

Books:

Journal Articles and Chapters (by Topic):

1. Policing

2. Capital Punishment


3. Juvenile Justice


Fagan, J., and F. Zimring, “Editors' Introduction.” Chapter 1 in The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court, edited by Jeffrey Fagan and Franklin...


4. Deterrence and Development


5. Social Area Studies


**6. Legitimacy Studies**


7. Intimate Partner Violence


8. Substance Use


9. Psychiatric Epidemiology


**Works in Progress:**

Fagan, J., “Indignities of Order Maintenance”.
Fagan, J., Geller, A.B., and Zimring, F.E. “Race, Political Economy, and the Supply of Capital Cases.” To be submitted to the *Journal of Criminal Law and Criminology*.

**Book Reviews:**


**PAPERS PRESENTED (SELECTED):**

“Terry’s Original Sin,” Presented at the Faculty of Law, University of New South Wales, March 7, 2016.


“No Runs, Few Hits and Many Errors: Street Stops, Bias and Proactive Policing” (with G. Conyers and I. Ayres), Presented at the Ninth Conference on Empirical Legal Studies, University of California at Berkeley, November 2014


“Social Context and Proportionality in Capital Punishment in Georgia” (with R. Paternoster), Presented at the Annual Meeting of the American Society of Criminology, San Francisco, November 2010

“Profiling and Consent: Stops and Searches in New Jersey after Sotul” (with A. Geller), Presented at the Sixth Annual Conference on Empirical Legal Studies, New Haven CT, November 2010

“Doubting Down on Pot: Marijuana, Race and the New Disorder in New York City Street Policing” (with A. Geller), Presented at the Fifth Conference on Empirical Legal Studies, Los Angeles CA, November 2009

“Crime, Conflict and the Racialization of Criminal Law,” Presented at the Annual Meeting of the European Society of Criminology, Ljubljana, Slovenia, September 2009


“Legitimacy And Cooperation: Why Do People Help The Police Fight Crime In Their Communities?” Presented at the Annual Meeting of the American Society of Criminology, Toronto, November 2005 (with T. Tyler),

“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)


“Specific Deterrent Effects of Jurisdictional Transfer of Adolescent Felony Offenders,” American Society of Criminology, Atlanta, November 2001 (with A. Kupchik).


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


“Cocaine and Federal Sentencing Policy.” Testimony before the Subcommittee on Crime,
“Gangs, Youth, Drugs, and Violence.” Presented to the Drugs-Violence Task Force of the U.S.
“Community Risk Factors in Workplace Violence.” Presented at the Symposium on Violence in
the Workplace, New York Academy of Medicine, New York, March 1995.
“Situational Contexts of Gun Use among Young Males.” Presented at the Annual Meeting of
the American Association for the Advancement of Science, Atlanta, February 1995, and at
the Annual Meeting of the American Society of Criminology, Miami, November 1994.
“The Social Control of Violence among Intimates: Neighborhood Influences on the Deterrent
Effects of Arrest for Spouse Assault” (with J. Garner & C. Maxwell). Presented at the
Annual Meeting of the American Society of Criminology, Miami, November 1994.
“Crime, Drugs and Neighborhood Change: the Effects of Deindustrialization on Social Control
in Inner Cities.” Presented at the Annual Meeting of the American Association for the
“The Social Context of Deterrence.” Plenary paper presented at the Annual Meeting of the
American Society of Criminology, Phoenix, October 1993.
“Doubling Up: Careers in Legal and Illegal Work.” Presented at the Annual Meeting of the
American Society of Criminology, Phoenix, October 1993.
“Promises and Lies: The False Criminology of “Islands in the Street.” Presented at the Annual
Meeting of the American Sociological Association, Miami, August 1993.
“Deindustrialization and the Emergence of Youth Gangs in American Cities.” Colloquium at
the Institute of Politics, University of Pittsburgh, April 1993.
“Women and Drugs Revisited: Female Participation in the Crack Economy.” Colloquium at the
“Neighborhood Effects on Gangs and Ganging: Ethnicity, Political Economy and Urban
Change.” Presented at the Annual Meeting of the American Society of Criminology, New
“Enterprise and Ethnicity: Cultural and Economic Influence on Social Networks of Chinese
Youth Gangs” (with K. Chin). Presented at the Annual Meeting of the American Society of
“The Specific Deterrent Effects of Criminal Sanctions for Drug and Non-Drug Offenders.”
“The Changing Contexts of Drug-Violence Relationships for Adolescents and Adults.”
Presented at the Annual Meeting of the American Academy for the Advancement of
“Youth Gangs as Social Networks.” Presented at the Annual Meeting of the American Society
of Criminology, Baltimore MD, November 1990.
“Context and Contingency in Drug-Related Violence.” Presented at the Annual Meeting of the
American Psychological Association, Boston MA, August 1990.
“The Dragon Breathes Fire: Chinese Organized Crime in New York City” (R. Kelly, K. Chin,
and J. Fagan). Presented to the Political Sociology Faculty of the University of Florence,
Firenze, Italy, May 1990.
Hamid). Presented at the Annual Meeting of the American Society of Criminology, Reno
NV, November 1989.
“The Comparative Impacts of Juvenile and Criminal Court Sanctions for Adolescent Felony
Offenders” (J. Fagan and M. Schiff). Presented at the Annual Meeting of the American
Society of Criminology, Reno NV, November 1989.
“Symbolic and Substantive Effects of Waiver Legislation in New Jersey” (M. Schiff and J.
Fagan). Presented at the Annual Meeting of the Law and Society Association, Vail CO,
“The Predictive Validity of Judicial Determinations of Dangerousness: Preventive Detention of
Juvenile Offenders in the Schall v. Martin Case” (J. Fagan and M. Guggenheim). Presented
at the Annual Meeting of the American Society of Criminology, Montreal, Quebec,
November, 1987; and, at the Fortunoff Colloquium Series, New York University School of Law, November, 1988.


EXPERT TESTIMONY:


In re Ferguson Police Department, Special Litigation Section, Civil Rights Division, U.S. Department of Justice, DJ 207-42-6


State v. Raheem Moore, Circuit Court # 08CF05160, State of Wisconsin, Criminal Division, Milwaukee County

Connecticut v Arnold Bell, Docket # CR02-0005899, District Court of Connecticut, New Haven


United States v. Khalid Barnes, U.S. District Court, Southern District of New York, 04 Cr. 186 (SCR)


Truman-Smith v. Bryco Firearms et al. (02-30239 (JBW)), and Johnson v. Bryco Firearms et al. (03-2582 (JBW)), Eastern District of New York

U.S. v. Alan Quinones, S3 00 Cr. 761 (JSR), Southern District of New York

National Association for the Advancement of Colored People (NAACP) and National Spinal Cord Injury Association (NSCIA) v. American Arms Corporation, Accu-sport Corporation, et. al., Eastern District of New York, 99 CV 3999 (JBW), 99 CV7037 (JBW)

U.S. v. Durrell Caldwell, J-2045-00; J-2250-00, Family Division, Juvenile Branch, Superior Court of the District of Columbia
State of Wisconsin v. Rolando Zavala, 97-CF-547, Circuit Branch 3 (Hon. Bruce E. Shroeder)

OTHER PRESENTATIONS:

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

“The Future of the Criminal Law on Domestic Violence.” Presented to the Governor's Criminal

“Women, Law and Violence: Legal and Social Control of Domestic Violence.” Presented at the
29th Semi-Annual Research Conference of the Institute for Law and Psychiatry, School of
Law, University of Virginia, Charlottesville VA, November 1995.

“Punishment versus Treatment of Juvenile Offenders: Therapeutic Integrity and the Politics of

Keynote Speaker, “The Criminalization of Domestic Violence: Promises and Limitations,”
National Conference on Criminal Justice Evaluation, National Institute of Justice,

“Limits and Promises of New Jersey's Prevention of Domestic Abuse Act,” Institute of
Continuing Legal Education, Bar Association of the State of New Jersey, New Brunswick,
July 1993.

“Technical Review on Alcohol and Violence,” National Institute on Alcoholism and Alcohol

Plenary Speaker, “Race and Class Conflicts in Juvenile Justice,” Annual Meeting of the Juvenile

Plenary Speaker, “Punishing Spouse Assault: Implications, Limitations and Ironies of Recent
Experiments on Arrest Policies,” Annual Meeting of the Society for the Study of Social

“Drug Use, Drug Selling and Violence in the Inner City,” Joint Center for Political Studies,

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


“National Symposium on Families in Courts.” National Judicial College, National Center for

Plenary Panelist, “Delinquency Research in the 1990’s.” Annual Meeting of the Western Society

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

Ohio Governor's Task Force on Juvenile Violence, Statewide Conference on Gangs, May, 1988
OJJDP State Advisory Groups, Regional Workshops, 1982, 1987
Michigan Commission on Juvenile Justice, Symposium on Contemporary Programs in
Rehabilitation of Serious Juvenile Offenders, 1986
Interagency Panel on Research and Development on Children and Adolescents, National
Institute of Education, 1985, 1987
Symposium on Addressing the Mental Health Needs of the Juvenile Justice Population, National
Institute of Mental Health, 1985
OJJDP/ADAMHA Joint Task Force on Serious Juvenile Offenders with Drug and Alcohol
Abuse and Mental Health Problems, National Institute on Drug Abuse, 1984
National Conference on Family Violence as a Crime Problem, National Institute of Justice, 1984
Governor's Task Force on Juvenile Sex Offenders, California Youth Authority, Sacramento, CA, 1984
Los Angeles County Medical Association, Los Angeles, California: Family Violence and Public Policy, 1983
Minority Research Workshop, National Institute of Law Enforcement and Criminal Justice, LEAA, Department of Justice, 1979

TECHNICAL REPORTS (SELECTED):


*Situational Contexts of Gun Use by Young Males in Inner Cities* (J. Fagan and D.L. Wilkinson). Final Technical Report, Grant SBR 9515927, National Science Foundation; Grant 96-IJ-CX-0021, National Institute of Justice; Grant R49/CCR211614, Centers for Disease Control and Prevention (NIH), 1999.


*The Comparative Impacts of Juvenile and Criminal Court Sanctions for Adolescent Felony Offenders: Certainty, Severity and Effectiveness of Legal Intervention* (J. Fagan). Final Report, Grant 87-IJ-


**EDITORIAL:**

Senior Editor, *Criminology and Public Policy*, 2001 - 2008

Advisory Board, *Family and Child Law Abstracts*, Legal Scholarship Network, 1999-present

Editorial Advisory Board, *Journal of Criminal Law and Criminology*, 1996-2010


**ADVISORY BOARDS AND COMMITTEES:**

Research Advisory Board, The Innocence Project (2009 – present)

Committee on Law and Justice, National Academy of Sciences (2000-2006) (Vice Chair, 2004-6)


Working Group on Law, Legitimacy and the Production of Justice, Russell Sage Foundation (2000-present)


Academic Advisory Council, National Campaign Against Youth Violence (The White House)
Fellow, Aspen Roundtable on Race and Community Revitalization (1999-2001)
Fellow, Earl 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) (1995-1996).
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 (1980-83)

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

RESEARCH GRANTS:


Co-Investigator, *Street Stops and Police Legitimacy*, Grant 2010-IJ-CX-0025 from the National Institute of Justice, U.S. Department of Justice, subcontract from New York University, 2011 – 2012


Co-Principal Investigator, “Post-Traumatic Stress Among Police,” October 1997 - April 2000, National Institute of Mental Health, 1 R01 MH56350-01, National Institute of Health (subcontract from University of California at San Francisco).


Co-Principal Investigator, “Female Participation in Drug Selling,” September 1992 - August 1994, National Science Foundation, SES-92-07761. Also supported by the Rockefeller Foundation.


Principal Investigator, “Pipeline Study for a Field Experiment on Drug Testing in Community Corrections,” June-December, 1990, National Institute of Justice, 90-IJ-R-026


PEER 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
- 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
- St. Martins Press
- Greenwood Publications
- Sage Publications

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

COURSES TAUGHT:
- Seminar on Incarceration
- Seminar on Policing
- Criminal Law
- Capital Punishment
- Empirical Analysis of Law
- Juvenile Justice
- Seminar on Crime and Justice in New York
Pro-Seminar on Race, Crime and Law
Pro-Seminar on Community Justice and Problem-Solving Courts
Seminar on Regulation in the Criminal Law
Law and Social Science
Seminar on Criminology
Foundations of Scholarship
Seminar on Violent Behavior
Seminar on Drugs, Law and Policy
Seminar on Communities and Crime
Research Methods in Criminal Justice and Criminology
Advanced Research Methods
Qualitative Research Methods
Criminal Justice Policy Analysis
Administration of Juvenile Corrections
Research Methods
Seminar on Deterrence and Crime Control Theory

CONSULTATIONS:

Robina Institute, University of Minnesota School of Law, 2012
Boston Police Department, 2012-present
New Jersey Commission on Law Enforcement Standards and Practices, 2006-7
London School of Economics, Urban Age Colloquium, 2005
Inter-American Development Bank, Urban Security and Community Development, 2002-3
Trans.Cité (Paris, France), Security in Public Transportation, 2002
Institute for Scientific Analysis, Domestic Violence and Pregnancy Project, 1995-96
Department of Psychology, University of Wisconsin (Professor Terrie Moffitt), 1995-1999
National Funding Collaborative for Violence Prevention (Consortium of foundations), 1995
Victim Services Agency, City of New York, 1994-2000
National Conference of State Legislatures, 1994-2001
U.S. Department of Labor, 1994
City of Pittsburgh, Office of the Mayor, 1994
Center for the Study and Prevention of Violence, Colorado University, 1993 - 2000
Washington (State) Department of Health and Rehabilitative Services, 1993
National Council of Juvenile and Family Court Judges, 1993
Center for Research on Crime and Delinquency, Ohio State University, 1992, 1993
New York City Criminal Justice Agency, 1992, 1993
Violence Prevention Network, Carnegie Corporation, 1992-3
Research Triangle Institute, 1993
National Institute of Corrections, 1992, 1993
Colorado Division of Criminal Justice, 1991
Juvenile Delinquency Commission, State of New Jersey, 1991
University of South Florida, Dept. of Criminology, 1991-92
Florida Mental Health Institute, 1991
Rand Corporation, 1991-92
Juvenile Corrections Leadership Forum, 1990
Texas Youth Commission, 1990
California State Advisory Group on Juvenile Justice, 1989
New York State Division of Criminal Justice Services, Family Court Study, 1989
Juvenile Law Center, Philadelphia, 1988
American Correctional Association, 1988
Institute for Court Management, National Center for State Courts, 1987-present
Correctional Association of New York, 1987
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, 2003-2007
Director, JSD Program, Columbia Law School, 2001-2010

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

Public
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