

ELIZABETH E. JOH
Professor of Law

U.C. Davis School of Law
400 Mrak Hall Drive
Davis, CA 95616

EMPLOYMENT

University of California, Davis, School of Law. Davis, CA.
Professor of Law, July 2007--present.
Acting Professor, July 2003-June 2007.
Rutter Distinguished Teaching Award, 2017.

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

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

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

PUBLICATIONS

[Automated Seizures: Police Stops of Self-Driving Cars](#), __ N.Y.U. L. Rev. Online __ (2019).

[Artificial Intelligence and Policing: Hints in the *Carpenter* Decision](#), __ Ohio St. J. Crim. L. __ (2019).

[Policing Smart Cities](#), __ International Journal of Law in Context __ (2019)

[Policing and Artificial Intelligence: Opening questions](#), 41 Seattle U. L. Rev. 1139 (2018).

[Automated Policing](#), 15 Ohio State L. J. 559 (2018).

[Private Security Robots, Artificial Intelligence, and Deadly Force](#), 51 U.C. DAVIS L. REV. 569 (2017).

[Feeding the Machine: Policing, Crime Data, & Algorithms](#), 26 William & Mary Bill of Rights J. 287 (2017).

[The Undue Influence of Surveillance Technology Vendors on Policing](#), 92 N.Y.U. L. REV. ONLINE 101 (2017).

- 2017 Winner, [Privacy Papers for Policymakers](#), Future of Privacy Forum.

[Policing Police Robots](#), 64 U.C.L.A. L. REV. DISCOURSE 516 (2016).

[Beyond Surveillance: Data Control and Police Body Cameras](#), 14 SURVEILLANCE & SOCIETY 133 (2016).

[The New Surveillance Discretion: Automated Suspicion, Big Data and Policing](#), 10 HARVARD L. & POL'Y REV. 15 (2016).

[The Myth of Arrestee DNA Expungement](#), 164 U. PA. L. REV. ONLINE 51 (2015).

[The Corporation as Snitch: The New DOJ Guidelines on Prosecuting White Collar Crime](#) (with Thomas Joo), 101 VA. L. REV. ONLINE 51 (2015).

[Sting Victims: Third Party Harms in Undercover Police Operations](#) (with Thomas Joo), 88 S. CAL. L. REV. 1309 (2015).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Cited in briefs for Maryland v. King, 133 S.Ct. 1958 (2013): Brief for the Respondent in Opposition (No. 12-207); Brief of Amici Curiae Electronic Privacy Information Center and Twenty-six Technical Experts and Legal Scholars in Support of Respondent (No. 12-207); Brief for the Respondent (No. 12-207); Brief of Susana Martinez, Governor of the State of New Mexico, as Amicus Curiae in Support of Petitioner (No. 12-207).

- Cited in SEARCH & SEIZURE: A TREATISE ON THE 4TH AMENDMENT S. 2.6(b)(2012).
- Cited in DANIEL SOLVE & PAUL SCHWARTZ (eds.), INFORMATION PRIVACY LAW (3d. ed. 2009).
- Cited in U.S. v. Kriesel, -- F.3d -- (2013 WL 3242293, *21 (9th Cir. 2013) (dissent); U.S. v. Davis, 657 F.Supp.2d 630, 648 (D. Md. 2009); People v. Gallego, 117 Cal.Rptr3d 908, 912 (Cal. App. 3 Dist. 2010); Piro v. State, 190 P.3d 905, 909 (Idaho App. 2008); Williamson v. State, 993 A.2d 626, 639 (Md. 2010); Raynor v. State, 29 A.3d 617, 625 (2009).

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

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

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

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

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

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

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

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

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

SHORTER WORKS

[Police Surveillance Machines: A Short History](#), Law and Political Economy (June 13, 2018).

[Arrests, Guilt, and the Difference Between the Two](#), Jotwell (June 18, 2018).

[Year One: Stress Testing the Constitution](#), New York Review of Books, Nov. 15, 2017.

[Free Police Body Cameras Come With a Price](#), Slate, Apr. 7, 2017.

[Wrongful Arrest by Software](#), Slate Dec. 13, 2016.

[Five Lessons from the Rise of Bodycams](#), Slate, Nov. 28, 2016.

[Should the President be able to block you on Twitter?](#), Room for Debate, New York Times, Nov. 21, 2016.

[Assault With a Deadly Tweet?](#) SLATE, Oct. 12, 2016.

[Police robots need to be regulated to avoid potential risks](#), Room for Debate, N.Y. Times, July 14, 2016.

[Data Mistakes and Data Justice](#), JOTWELL (June 28, 2016) (reviewing Wayne A. Logan & Andrew Guthrie Ferguson, Policing Criminal Justice Data 101 Minn. L. Rev. 542 (2016), June 28, 2016).

[Outcome of FBI fight with Apple will affect your privacy](#), Sacramento Bee, March 4, 2016.

[The Government Shouldn't Distribute Child Pornography. Period.](#) N.Y. TIMES Room for Debate, Jan. 27, 2016.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The ethics of DNA databasing, *Economist.com*, Mar. 20, 2009

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

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

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

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

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

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

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

SELECTED PRESENTATIONS & TALKS

Georgetown Technology Law and Policy Colloquium, Georgetown Law School (March 25, 2019).

Surveillance and Artificial Intelligence, [New York Times New Work Summit](#), Half Moon Bay, Ca (Feb. 27, 2019).

Automated Seizures, Developing Artificially Intelligent Law Enforcement PULSE Workshop, UCLA School of Law (Feb. 14, 2019).

James Otis Lecture (Constitution Day), Sheldon High School, Sacramento, CA (Sept. 17, 2018).

Police Surveillance Machines: A Short History, Political Economy of Technology Conference, Yale Law School (Apr. 7, 2018).

[Trump and Privacy](#), Northeastern University School of Law (Mar. 14, 2018).

Automated Policing, Law and Technology Scholarship Seminar, U.C. Berkeley Law School, (Feb. 9, 2018).

The Undue Influence of Surveillance Technology Vendors on Policing, [8th Annual Privacy Papers for Policymakers](#), Capitol Hill (Feb. 27, 2018)

[The Singularity: AI and the Law](#), Seattle University School of Law (Feb. 17, 2018).

Roundtable on Technology and Policing, Stanford Law School (Oct. 20, 2017).

Automated Policing, Symposium on Big Data and Criminal Law, Ohio State University Moritz College of Law (Sept. 30, 2017).

The Undue Influence of Surveillance Technology Vendors on Policing, Technology/Law Colloquium Public Lecture, Cornell Law School (Sept. 12, 2017).

The Undue Influence of Surveillance Technology Vendors on Policing (Paper selected for session commentary): Privacy Law Scholars Conference, Berkeley (June 1, 2017).

The Undue Influence of Surveillance Technology Vendors on Policing, Innovation Law Colloquium, N.Y.U. School of Law (April 13 2017).

Feeding the Machine, Big Data, National Security and the Fourth Amendment Conference, William and Mary Law School, (March 24, 2017).

Spring Guns and Security Robots, PULSE Workshop, UCLA School of Law (Mar. 3 2017).

Spring Guns and Security Robots, Future-Proofing the Law, U.C. Davis, School of Law (Jan. 27, 2017).

[The Intersection of Technology, Oversight, and Legitimacy in 21st Century Policing](#), CATO Institute, Washington, D.C., (December 7, 2016).

Panelist, ABA Showcase Panel on The New Frontier Surveillance, Technology and the Law, San Francisco (Aug. 5, 2016).

Speaker, Surveillance and Policing, Ars Technica Live, (Oakland, CA May 18, 2016).

Speaker, Debate: Big Data Makes Policing Fairer, Stanford Law School (April 22, 2016).

Policing Police Robots, Imagining the Legal Landscape: Technology and the Law in 2030, PULSE Workshop, UCLA School of Law, (April 15, 2016).

Invited speaker, Tyranny of the Algorithm, Predictive Analytics & Human Rights, NYU School of Law (March 21, 2016).

Big Data and Policing, U.C. Berkeley Law Center for the Study of Law and Society Speaker Series (Feb. 22, 2016).

Surveillance Discretion, Policing in America, [Harvard Law and Policy Review Symposium](#) (Feb. 8, 2016).

Invited presentation, *Surveillance Discretion*, [Criminal Justice Roundtable](#), Vanderbilt University Law School (Nov. 6-7, 2015).

Surveillance Discretion (paper selected for session commentary), Privacy Law Scholars Conference (June 6, 2015).

Sting Victims, Northwestern University School of Law Faculty Workshop (April 20, 2015).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNIVERSITY AND LAW SCHOOL SERVICE

- Professional School Personnel Committee, Campus (2017-2018; 2018-2019, Chair).
- Chair, Educational Policy Committee, Law School (2017-18).
- ABA Self Study Committee, Law School (2016-17).
- Faculty Personnel Committee for School of Law (2015-16).
- Faculty member, BIOS: Biosurveillance & Biometrics group (UC system-wide faculty research collaboration), awarded \$10,000 “Vital Dialogues” grant from UC Humanities Research Institute (2014).
- Faculty co-chair, University Recruitment Advisory Committee, Chief of Police (2014; 2017).
- Faculty Appointments Committee, Law School (2009-10; 2012-13; 2016-17; 2018-19)
- Prizes and Scholarships Committee, Law School (2012-13)
- Academic Appeals Committee, Law School (2006-07; 2010-11)
- L.L.M. Admissions Committee, Law School (2006-07)
- Chair, Admissions Committee, Law School (2013-2014), Member (2005-06; 2010-11)
- Law School Representative, University Senate Library Committee (2004-06)
- Library Advisory Committee, Law School (2003-05; 2007-08 (Chair))

PROFESSIONAL SERVICE

- Advisory Board, EPIC (2019-)
- Advisory Board, Harvard/Stanford Project on Technology and Policing (2018-)
- Affiliate Scholar, Center for Internet and Society, Stanford Law School (2015-)
- Advisory Panel, Life of the Law Podcast project (www.lifeofthelaw.org) (2012-)
- Contributing Editor, Jotwell (<http://jotwell.com/>) (2010)
- Law and Society Association, Student Prize Committee, 2006-07; 2007-08
- Referee:
 - *Law and Society Review*
 - *Studies in Law, Politics, & Society*

- *Stanford University Press*
- *National Science Foundation, Law and Social Science Program*

AWARDS

- Distinguished Teaching Award (2017).
- Martin Luther King, Jr. Hall Research Scholar (2009-15)
- Small Grant in Aid of Research, U.C. Davis Academic Senate Committee on Research (2007-8; 2009-10; 2012-13; 2013-2014; 2014-15)
- Nominee, Distinguished Teaching Award (2005, 2010, 2013)
- Research Travel Grant, U.C. Davis Academic Senate (2005-06)
- Summer Law Faculty Research Grant (2003-09)
- New Faculty Research Grant, University of California, Davis (2004)

REPRESENTATIVE MEDIA

- [The Intercept](#)
- [The Atlantic](#)
- [Hollywood Reporter](#)
- [Wired](#)
- [USA Today](#)
- [The Guardian](#)
- [arstechnica.com](#)
- [buzzfeed.com](#)
- [Mic.com](#)
- [GQ](#)
- [Bon Appetit](#)
- [Fusion](#)
- [New York Times](#)
- [Boston Globe.](#)

EDUCATION

New York University Graduate School of Arts and Sciences, New York, NY
 Ph.D., Institute for Law and Society, 2004.
 Thesis: “Within the Law, Without the State, and For a Profit: The Rise of Private Policing.”

New York University School of Law, New York, NY
 J.D., *magna cum laude*, 2000.
Soros Justice Fellowship (full tuition scholarship), *Order of the Coif*, *New York University Law Review*, *Judge Abraham Lieberman Award for outstanding scholarship in criminal law*.

Yale University, New Haven, CT
 B.A., *magna cum laude* in Literature (Distinction in Literature) 1994.

October 2018