

# MICHAEL R. SMITH

## Curriculum Vitae

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### EDUCATION

**Ph.D.**, School of Justice Studies, Arizona State University, May 1996.

**J.D.**, University of South Carolina School of Law, May 1993.

**Admitted to Practice, Virginia State Bar, 1998.**

**United States Court of Appeals for the Fourth Circuit, 1998.**

**B.S.**, Administration of Justice, Virginia Commonwealth University, August 1987.

### PUBLICATIONS

#### **Forthcoming:**

Petrocelli, M., Oberweiss, P., and Smith, M.R. (*In Press*). Assessing police attitudes toward drugs and drug enforcement. *American Journal of Criminal Justice*.

#### **Social Science Journal Articles:**

Kaminski, R.J., Engel, R.S., Rojek, J., Smith, M.R., and Alpert, G.P. (2013) A quantum of force: The consequences of counting routine conducted energy device punctures as injuries. *Justice Quarterly*, <http://dx.doi.org/10.1080/07418825.2013.788729>

Engel, R.S., Smith, M.R., and Cullen, F. (2012). Race, place, and drug enforcement: Reconsidering the impact of citizen complaints and crime rates on drug arrests. *Criminology and Public Policy*, 11, 603-635.

Smith, M.R. & Hester, R. (2011). *Arizona v. Gant* and searches of automobiles incident to arrest: Analysis and recommendations for policy and practice. *Policing: An International Journal of Police Strategies & Management*, 34, 265-284. .

MacDonald, J.M., Kaminski, R.J., & Smith, M.R. (2009). The effect of less-lethal weapons on injuries in police use of force events. *American Journal of Public Health*, 99, 2268-2274.

Smith, M.R. (2008). Toward a national use of force data collection system: One small (and focused) step is better than a giant leap. *Criminology & Public Policy*, 7, 619-627.

- Engel, R.S. & Smith, M.R. (2009). Perceptual distortion and reasonableness during police shootings: Law, legitimacy and future research. *Criminology & Public Policy*, 8, 141-151.
- Rojek, J. & Smith, M.R. (2007). Law enforcement lessons learned from Hurricane Katrina. *Review of Policy Research*, 24, 589-608.
- Smith, M.R. & Alpert, G.P. (2007). Explaining police bias: A theory of social conditioning and illusory correlation. *Criminal Justice and Behavior*, 34, 1262-1283.
- Smith, M.R., Kaminski, R.J., Rojek, J., Alpert, G.P., & Mathis, J. (2007). The impact of conducted energy devices and other types of force and resistance on officer and suspect injuries. *Policing: An International Journal of Police Strategies & Management*, 30, 423-446.
- Smith, M.R., Petrocelli, M., & Scheer, C. (2007). Excessive force, civil liability, and the taser in the nation's courts: Implications for law enforcement policy and practice. *Policing: An International Journal of Police Strategies & Management*, 30, 398-422.
- Alpert, G.P., Dunham, R., & Smith, M.R. (2007). Investigating racial profiling by the Miami-Dade Police Department: A multimethod approach. *Criminology & Public Policy*, 6(1), 25-56.
- Smith, M.R., Makarios, M. & Alpert, G.P. (2006). Differential suspicion: Theory specification and gender effects in the traffic stop context. *Justice Quarterly*, 23, 271-295.
- Alpert, G.P., Smith, M.R., & Dunham, R. (2004). Toward a better benchmark: Assessing the utility of not-at-fault traffic crash data in racial profiling research. *Justice Research and Policy*, 6, 44-69.
- Parker, K.F., MacDonald, J., Alpert, G.P., Smith, M.R., & Piquero, A. (2004). A contextual study of racial profiling: Assessing the theoretical rationale for the study of racial profiling at the local level. *American Behavioral Scientist*, 47(7), 1-20.
- Terrill, W., Alpert, G., Dunham, R., & Smith, M.R. (2003). A management tool for evaluating police use of force: An application of the force factor. *Police Quarterly*, 6, 150-171.
- Petrocelli, M., Smith, M.R., & Piquero, A. (2003). Conflict theory and racial profiling: An empirical analysis of police traffic stop data. *Journal of Criminal Justice*, 31, 1-11.
- Smith, M.R. & Petrocelli, M. (2002). The effectiveness of force used by police in making arrests. *Police Practice and Research: An International Journal*, 3, 201-215.
- Smith, M.R. & Alpert, G. (2002). Searching for direction: Courts, social science, and the adjudication of racial profiling claims. *Justice Quarterly*, 19, 673-704.
- Smith, M.R. & Petrocelli, M. (2001). Racial Profiling?: A multivariate analysis of police traffic stop data. *Police Quarterly*, 4, 4-27.
- Smith, M.R. (2001). Police-led crackdowns and cleanups: An evaluation of a crime control initiative in richmond, virginia. *Crime & Delinquency*, 47, 60-83.

Smith, M.R. & Alpert, G. (2000). Pepper Spray: A safe and reasonable response to suspect verbal resistance. *Policing: An International Journal of Police Strategies & Management*, 23, 233-245.

Smith, M.R. (1999). Police Pursuits: The legal and policy implications of *County of Sacramento v. Lewis*. *Police Quarterly*, 2, 261-282.

Alpert, G. & Smith, M.R. (1999). Police use of force data: Where we are and where we should be going. *Police Quarterly*, 2, 57-78.

Smith, M.R. (1995). Integrating community policing and the use of force: Public education, involvement, and accountability. *American Journal of Police*, 13(4), 1-21.

#### **Law Journal Articles:**

Smith, M.R. (2005). Depoliticizing racial profiling: Suggestions for the limited use and management of race in police-decision-making. *George Mason Civil Rights Law Journal*, 15, 219-260.

Smith, M.R. (1998). Police use of deadly force: How courts and policy-makers have misapplied *Tennessee v. Garner*. *The Kansas Journal of Law and Public Policy*, 7, 100-121.

Smith, M.R. (1995). Law enforcement liability under section 1983. *Criminal Law Bulletin*, 31, 128-150.

Smith, M.R. & Alpert, G. (1993). Police and the Americans with Disabilities Act: Who is being discriminated against? *Criminal Law Bulletin*, 29, 516-541.

Smith, M.R. (1993). Recent developments in the South Carolina unfair trade practices act. *South Carolina Law Review*, 44, 543-569.

Smith, M.R. (1992). Supreme court relaxes the favorable termination element of malicious prosecution claims. *South Carolina Law Review*, 44, 170-74.

Smith, M.R. (1992). Supreme court narrows statutory exemption under the South Carolina unfair trade practices act. *South Carolina Law Review*, 44, 174-78.

#### **Monographs:**

Smith, M.R. (Rptr.). (1999). *Guidelines on Mediation and the Unauthorized Practice of Law*. Alexandria, VA: State Justice Institute. (Principal researcher and author on a committee-produced monograph published by the Supreme Court of Virginia and the State Justice Institute).

#### **Book Chapters and other Non-Refereed Publications:**

Smith, M.R. (2005). Equal protection and criminal justice. In M. Miller & R. Wright (Eds.), *Encyclopedia of Criminology* (pp. 509-513). New York: Routledge.

- Smith, M. (2003). Dispute resolution in the criminal justice system. In L. Moriarty (Ed.), *Controversies in Victimology*. Cincinnati: Anderson Publishing.
- Petrocelli, M. & Smith, M.R. (2000). The implementation of a use of force study: Lessons learned for practitioners and researchers. *Police Forum*, 10(3), 1-3.
- del Carmen, R. & Smith, M.R. (1997). The Judiciary: The arbitration of conflict. In D. Chang & M. Palmiotto (Eds.). *Introduction to Criminal Justice: Theory and Practice*. Wichita, KS: MidContinental Academic Press.
- del Carmen, R. & Smith, M.R. (1997). Police, civil liability, and the law. In G. Alpert & R. Dunham (Eds.), *Critical Issues in Policing* (3rd ed.). Prospect Heights, IL: Waveland Press.

### **Research & Technical Reports**

- Alpert, G.P., Smith, M.R., Kaminski, R.J., Fridell, L.A., MacDonald, J., & Kubo, B. (2011). *NIJ Research in Brief: Police use of force, tasers and other less-lethal weapons*. Washington, D.C.: National Institute of Justice.
- Smith, M.R. & Engel, R.S. (January 2008). *Race, drugs, and policing in Seattle: A reexamination of the evidence*. Columbia, SC: Authors.
- Rojek, J., Kaminski, R.J., Smith, M.R., & Scheer, C. (September 2007). *South Carolina law enforcement training survey: A national and state analysis*. Columbia, SC: University of South Carolina Department of Criminology and Criminal Justice.
- Smith, M.R. & Rojek, J. (October 2006). *Law enforcement lessons learned from Hurricane Katrina*. Columbia, SC: University of South Carolina Office of Research.
- Smith, M.R. (August 2006). *Use of force in the Richland County Sheriff's Department*. Columbia, SC: Author.
- Rojek, J., Smith, M.R., Kaminski, R.J., & Scheer, C. (July 2006). *South Carolina gang survey, 2005*. Columbia, SC: University of South Carolina Department of Criminology and Criminal Justice.
- Analysis Group, Inc. (Alpert, G.P., Becker, E., Gustafson, M.A., Meister, A.P., Smith, M.R., & Strombom, B.A.). (July 2006). *Pedestrian and motor vehicle post-stop data analysis report*. Los Angeles, CA: Author.
- Alpert Group (Alpert, G.P., Smith, M.R., Dunham, R., & Piquero, A., & Parker, K.). (November 2004). *Miami-Dade Police Department racial profiling study*. Columbia, SC: Author.
- Smith, M.R. (June 2000). *The traffic stop practices of the Richmond, Virginia police department*. Richmond, VA: Author.
- Smith, M.R. (March 2000). *Evaluation of the city of richmond's blitz to bloom initiative in highland park*. Richmond, VA: Author.

## RESEARCH GRANTS & CONTRACTS

May 2007 – May 2008. Principal investigator (with Robin Engel) on a research project funded by the City of Seattle to evaluate possible patterns of racial bias in Seattle Police drug arrests (\$76,000).

May 2007 – October 2007. Principal investigator (with Jeff Rojek) on “Assessing Violent Crime Patterns and Trends in Charleston and North Charleston,” a research grant from the cities of Charleston and North Charleston, South Carolina to analyze violent crime patterns and trends in those cities over three years (\$46,000).

May 2007 – February 2008. Co-principal investigator (with Jeff Rojek) on “Assessing Gang and Youth Violence in the Columbia Area,” a research grant from the City of Columbia to assess the nature and extent of the youth gang problem in Columbia and Richland County (\$120,000).

January 2006 – July 2008. Co-principal investigator (with Geoff Alpert) on “A Multi-Method Evaluation of Police Use of Force Outcomes,” a research grant from the National Institute of Justice to study use of force in law enforcement agencies throughout the United States (\$650,000).

January 2006 – May 2006. Principal investigator (with Jeff Rojek) on a research grant from the Richland County, South Carolina Sheriff’s Department to study victim satisfaction with sheriff’s department services (\$18,000).

September 2005 – August 2006. Principal investigator (with Jeff Rojek) on a research grant from the University of South Carolina to study the impact of Hurricane Katrina on local law enforcement (\$12,000).

April 2004 – July 2006. Co-principal investigator (with Analysis Group) on a research project funded by the City of Los Angeles to study biased policing in the LAPD (\$770,000).

October 2002 – May 2004. Principal investigator on a Spokane, Washington Police Department project to develop a racial profiling data collection instrument and methodology (\$30,000).

November 2000 – November 2004. Co-principal investigator (with the Alpert Group) on a research project funded by Miami-Dade County, Florida to study racial profiling by the Miami-Dade Police Department (\$300,000).

January 2000 – June 2000. Principal investigator on a Richmond Police Department-sponsored-project to study racial profiling (\$10,500).

September 1998 – July 1999. Principal researcher/author on a State Justice Institute grant to study the issue of mediation and the unauthorized practice of law (\$25,000).

January 1997 – December 2000. Co-principal investigator (with Kenneth Adams) on “Perceptions of Police Accountability in the Citizen Complaint Process,” a research project

sponsored by the National Institute of Justice that examines various dimensions and perceptions of the citizen complaint process within five police agencies (\$300,000).

June 1997 – August 1997. Principal investigator on a project sponsored by Sam Houston State University to conduct a national survey of police non-lethal force policies (\$5,000).

June 1995 – August 1995. Principal investigator on a project sponsored by Arizona State University to study the justice decision-making norms of police officers in Phoenix, Arizona (\$5,000).

## **PAPER PRESENTATIONS**

MacDonald, J.M., Kaminski, R.J., & Smith, M.R. (2008). "Injury Outcomes from Police Use of Force: A Multilevel Analysis of Less-Lethal Weapons." Presented at the 2008 meeting of the American Society of Criminology. St. Louis, Missouri.

Scheer, C., Rojek, J., & Smith, M. (2006). "Results from the 2005 South Carolina Gang Survey." Presented at the 2006 meeting of the Southern Criminal Justice Association, Charleston, South Carolina.

Smith, M., Petrocelli, M., & Eyres, J. (2006). "A Theoretical Framework for Understanding Racial Profiling." Presented at the 2006 meeting of the Western Social Science Association, Phoenix, Arizona.

Smith, M., Makarios, M., & Alpert, G. (2004). "Differential Suspicion: Theory Specification and Gender Effects in the Traffic Stop Context." Presented at the 2004 meeting of the American Society of Criminology, Nashville, Tennessee.

Smith, M. & Petrocelli, M. (2002). "Measures of Learning and Crime: Theoretical and Empirical Links." Presented at the 2002 meeting of the American Society of Criminology, Chicago, Illinois.

Smith, M. & Alpert, G. (2002). "Searching for Direction: Courts, Social Science and the Adjudication of Racial Profiling Claims." Presented at the 2002 meeting of the Academy of Criminal Justice Sciences, Anaheim, California.

Petrocelli, M., Smith, M., & Piquero, A. (2001). "Conflict Theory and Racial Profiling: An Empirical Analysis of Police Traffic Stop Data." Presented at the 2001 meeting of the Academy of Criminal Justice Sciences, Washington, D.C.

Smith, M. (2000). "Racial Profiling and the Police: A Multivariate Analysis of Traffic Stop Data from Richmond, Virginia." Presented at the 2000 meeting of the Southern Criminal Justice Association, Charleston, South Carolina.

Smith, M. (2000). "Beyond Official Measures: Police Crackdowns and Community Perceptions." Presented at the 2000 meeting of the Academy of Criminal Justice Sciences, New Orleans, Louisiana.

Smith, M. & Petrocelli, M. (1999). "Police Use of Force: Correlates of Effectiveness." Presented at the 1999 meeting of the American Society of Criminology, Toronto, Canada.

Smith, M. (1999). "Police Pursuits: The Legal and Policy Implications of County of Sacramento v. Lewis." Presented at the 1999 meeting of the Academy of Criminal Justice Sciences, Orlando, Florida.

Smith, M. (1997). "Police Use of Deadly Force: How Courts and Policy-makers Have Misapplied *Tennessee v. Garner*." Presented at the 1997 meeting of the American Society of Criminology, San Diego, California.

Smith, M. (1996). "Police Decisionmaking: A Justice-Theoretical Model." Presented at the 1996 meeting of the American Society of Criminology, Chicago, Illinois.

Smith, M. & Musheno, M. (1996). "Rationales for Police Decisionmaking: In Search of Discretionary Motives." Presented at the 1996 meeting of the Academy of Criminal Justice Sciences, Las Vegas, Nevada.

Smith, M. (1995). "Section 1983 Liability and the Police: Understanding the Risks." Presented at the 1995 meeting of the Academy of Criminal Justice Sciences, Boston, Massachusetts.

Palumbo, D., Hughes, J., & Smith, M. (1995). "Conditions Needed for Successful Community Crime Prevention." Presented at the 1995 meeting of the Academy of Criminal Justice Sciences, Boston, Massachusetts.

## **UNIVERSITY EMPLOYMENT**

Professor and Vice Provost; Director, National Center for Border Security and Immigration, University of Texas at El Paso. 2013 – Present.

Professor and Dean, College of Liberal Arts and Social Sciences to Vice Provost, Georgia Southern University. 2009 – 2013.

Associate Professor to Professor and Chair, Department of Criminology and Criminal Justice, University of South Carolina. 2004 – 2009.

Associate Professor and Program Coordinator, Criminal Justice Program, Washington State University, Spokane, Washington. 2002 – 2004.

Assistant to Associate Professor, Department of Criminal Justice, Virginia Commonwealth University, Richmond, Virginia. 1997 – 2002.

Assistant Professor, College of Criminal Justice, Sam Houston State University, Huntsville, Texas. 1996 – 1997.

Visiting Assistant Professor, Graduate School of Public Affairs, University of Colorado at Denver, Denver, Colorado. 1995 – 1996.

## **PROFESSIONAL & UNIVERSITY SERVICE**

### **Ph.D. and M.A. Committees Chaired**

Cory Thigpen, "South Carolina Police Perspectives on Illicit Drugs and Drug Enforcement: Results from a Statewide Agency Survey." (M.A. Thesis – University of South Carolina). May 2007.

Matt Senn, "The Impact of Conducted Energy Devices on Use of Force Policy and Outcomes: Results from a National Survey." (M.A. Thesis – University of South Carolina). April 2007.

Charles Scheer, "This is How I Learned to Behave: Field Training in South Carolina, 2006." (M.A. Thesis – University of South Carolina). May 2007.

Jason Mathis, "Use of Force Injuries to Officers and Suspects." (M.A. Thesis – University of South Carolina). December 2006.

Jennifer Forster, "Judicial Decision-Making of the South Carolina Supreme Court: An Analysis of Post-Furman Death Sentences." (M.A. Thesis – University of South Carolina). July 2006.

Richard L. Foy, "The Admissibility of the Horizontal Gaze Nystagmus Test in the Adjudication of Driving Under the Influence: A Study of Virginia Judicial Attitudes. (Ph.D. Dissertation – Virginia Commonwealth University). April 2002.

### **Service to the Profession:**

Assistant Deputy Chair, Constitution and Bylaws Committee, Academy of Criminal Justice Sciences. 2012-13

Invited Speaker, South Carolina Testing & Measurement Conference. Columbia, South Carolina. November 2006. Led workshop on police early identification systems.

Invited Speaker, Hurricane/Disaster Planning Workshop (NLETC-Southeast). Charleston, South Carolina. August 2006.

Invited Speaker, South Carolina Criminal Justice Academy. Columbia, South Carolina. February 2006. Presented findings from two South Carolina law enforcement research projects to new South Carolina chiefs and sheriffs.

Invited Speaker, National Symposium on Racial Profiling (Northwestern University). Chicago, Illinois. April 2005. Invited speaker on racial profiling research methodology and internal benchmarking.

Invited Speaker, Traffic Stop Data Collection Symposium (Lake County, IL Chiefs of Police Assoc.). Mundelein, Illinois. January 2005. Discussed the use of internal benchmarking as a mechanism for monitoring the traffic stop practices of individual officers within a law enforcement agency.



Invited Speaker, By the Numbers: Racial Profiling Methodology Conference (Co-sponsored by COPS and PERF). Las Vegas, Nevada. July 2004. Served as a conference speaker and presenter on benchmarking methodology.

Invited Speaker, Gonzaga University School of Law. Spokane, Washington. May 2004. Invited speaker at minority law student association-sponsored seminar on racial profiling.

Invited Speaker, Western Regional Racially-Biased Policing Summit (COPS Office funded). Sacramento California. February 2004. Presented findings from the Miami-Dade County racial profiling study as part of a presentation entitled "Benchmarking Innovations in Racial Profiling Research."

Invited Speaker, Human Rights Conference (North Idaho College). Coeur d'Alene, Idaho. September 2003. Invited speaker on topic of police use of force.

Invited Speaker, Promoting Cooperative Strategies to Prevent Racial Profiling Technical Assistance Workshop (COPS Office funded). Sacramento, California. June 2003. Featured speaker on the topic of racial profiling benchmarking.

Racial Profiling Consultant, United States Department of Justice, March 2003 – October 2006. Provided racial profiling research and data analysis expertise to the Special Litigation section of USDOJ.

Moderator and Speaker, Foley Institute Seminar on Racial Profiling (Washington State University). Spokane, Washington. February 2003. Served as moderator and presenter at a university-sponsored seminar on racial profiling.

Invited Speaker, Confronting Racial Profiling in the 21<sup>st</sup> Century: New Challenges and Implications for Racial Justice. Boston, Massachusetts. February 2003. Presenter and roundtable participant at a racial profiling conference sponsored by the Institute on Race and Justice at Northeastern University.

Invited speaker, Cardinal Criminal Justice Academy Law Enforcement Executive Training Seminar. Salem, Virginia. June 2000. Provided a half-day seminar on "Successful Policing Approaches" to law enforcement chief executives from southwestern Virginia.

Community Service Associate, May 1999 – December 1999. Recipient of a VCU Community Service Associate Award to evaluate the City of Richmond's Blitz to Bloom crime prevention program.

Invited Speaker, Federal Bureau of Investigation, Michigan Civil Rights Conference, October 1999. Featured speaker on police use of force and civil rights law at the FBI Detroit Civil Rights Conference held throughout the State of Michigan.

Consultant to NIJ Grant # 95-IJ-CX-0104. 1997. Provided data analysis and policy expertise to Geoffrey Alpert and Roger Dunham's research project entitled "An Analysis of Police Use of Force."

**Scholarly Review:**

Associate Editor, *Police Quarterly*, November 2008–present.

Associate Editor, *Justice Quarterly*, January 2006–2008.

Ad hoc reviewer for:

*Social Problems, Public Administration Review, Criminology, Criminology and Public Policy, Justice Quarterly, Journal of Research in Crime and Delinquency, Journal of Criminal Justice, Police Quarterly, Police Practice and Research: An International Journal, Policing: An International Journal of Police Strategies & Management*

**University Service:**

Vice Chair, Georgia Southern University Council of Deans, 2011–2012.

Member, Georgia Southern University Task Force on Faculty Pathways to Success, 2012.

Member, Georgia Board of Regents Committee on General Education, 2009–2011.

Member, Georgia Southern University Calendar Committee, 2010–2011.

Member, Chancellor's Council, Washington State University Spokane, 2003–2004.

Chair, University Grievance Panel, Virginia Commonwealth University, 2001–2002.

Faculty Mediator, Virginia Commonwealth University, 1998–2001.

Member, Undergraduate Academic Committee, Virginia Commonwealth University, 1997–2001.

**HONORS & AWARDS**

Recipient, South Carolina Notable State Document Award (*South Carolina Gang Survey, 2006*), February 2007.

Outstanding Graduate Student Award, School of Justice Studies, Arizona State University, May 1996.

Member, editorial staff of the *South Carolina Law Review*, 1991–1993.

Member, Order of the Coif (top 10 percent of law school graduating class), University of South Carolina School of Law, May 1993.

**PROFESSIONAL AFFILIATIONS**

Member, Academy of Criminal Justice Sciences.

Member, Virginia State Bar.