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Attorneys for Defendants, Sheriff Sandra Hutchens, Orange County Sheriff-Coroner
Department and County of Orange

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION – SANTA ANA

DOROTHY McKAY, DIANA KILGORE,
PHILLIP WILLMS, FRED KOGEN,
DAVID WEISS, and THE CRPA
FOUNDATION,

Plaintiffs,

v.

SHERIFF SANDRA HUTCHENS,
individually and in her official capacity as
Sheriff of Orange County; ORANGE
COUNTY SHERIFF-CORONER
DEPARTMENT; COUNTY OF ORANGE;
and DOES 1-10,

Defendants.

Case No. 8:12-cv-01458 JVS (JPRx)

**DECLARATION OF FRANKLIN E.
ZIMRING IN SUPPORT OF
DEFENDANTS' OPPOSITION TO THE
MOTION FOR PRELIMINARY
INJUNCTION**

DATE: October 29, 2012
TIME: 1:30 p.m.
PLACE: Courtroom 10C

I, Franklin E. Zimring, declare:

1. Unless stated on information and belief, I have personal knowledge of the
statements contained in this declaration, and if called upon to testify, I could and would
competently testify to the facts stated below. Where statements are made on information
and belief, I believe those statements to be true.

2. My current academic appointment is William G. Simon Professor of Law,
Wolfen Distinguished Scholar and Chair of the Criminal Justice Research Program at the
University of California, Berkeley. I have been studying the relationship between firearms

1 and violence, strategies of firearms control, and patterns of gun commerce and civilian gun
2 usage since 1967. I have served as director of research of the task force on firearms of the
3 National Commission on the Causes and Prevention of Violence in 1968-1969 and as a
4 firearms and federal criminal law expert for the National Commission on Reform of Federal
5 Criminal Laws. I have published several empirical studies of firearms and violence and on
6 gun control, and I have co-authored three books with firearms issues at their center, in 1969,
7 1986 and 1997. I have served as an expert both on the relationship between firearms and
8 violence and on the design and evaluation of firearms control. I am providing expert
9 opinions on both of these topics in this declaration. I was elected a Fellow of the American
10 Academy of Criminology in 1993 and to the American Academy of Arts and Sciences in
11 1990. A full curriculum vitae is Appendix A of this declaration.

12 3. This declaration will summarize the empirical evidence and my expert
13 opinions concerning four issues arising out of this litigation.

14 (1) The relationship between firearms and violence and the governmental
15 interest in reducing the rate of gun use in crime.

16 (2) The particular governmental concerns with handguns and other
17 concealable weapons because of their disproportionate involvement in life-threatening
18 crimes of violence, particularly in streets and other public places.

19 (3) The special threat posed by concealed handguns as weapons used by
20 criminals in streets and other public spaces. Persons using the streets cannot avoid and
21 police patrolling the streets cannot detect persons who carry concealed handguns and later
22 will find victims who are at risk when concealed guns are displayed in robberies or assaults
23 and not infrequently discharged. The governmental interest in limiting the number of
24 persons licensed to carry weapons hidden on their persons in public places is substantially
25 related to reducing the volume and deadliness of street robberies and assaults.

26 (4) A robust right to own a handgun in the privacy of one's own home
27 imposes whatever risks the gun poses on the owner and his family and those who choose to
28 visit those premises as long as the gun stays home. But unlimited freedom given to a

1 person to carry a hidden handgun on the streets subjects everybody else on the street to
2 whatever risks that gun may pose, and the others on the public fare have neither notice of
3 the risk nor power to control it. This “externality” of unrestricted street carrying of
4 concealed weapons is probably the root cause of the longstanding and broadly based history
5 of restricting use of concealed weapons in public places.

6 Firearms and the Death Rate from Violence.

7 4. The overlap between firearms and crime in the United States is a partial but
8 important one. Of all so-called “index” crimes reported to the police nationwide (willful
9 homicide, forcible rape, robbery, burglary, aggravated assault, larceny over \$50, motor
10 vehicle theft, and arson), guns are known to be involved in only about 4%. But gun use is
11 concentrated in violent crime, where about 20% of all offenses involve guns. And when
12 only criminal acts that kill are counted, guns account for almost 70% of all cases. Why are
13 gun cases seven out of every ten lethal crimes, if firearms are used in only one out of five
14 violent criminal acts? Commonsense suggests that the greater dangerousness of guns when
15 compared to other frequently used instruments of attack such as knives and blunt
16 instruments, plays a major role in increasing the death rate from crimes, but there is an
17 alternative hypothesis, that robbers and assaulters who truly want to kill will choose guns
18 more often, and therefore that the greater death rate simply reflects the more lethal
19 intentions of those who use guns. Which theory is better supported by studying patterns of
20 violent assault?

21 5. A series of studies that were conducted under my supervision addressed this
22 issue from 1967 to 1988. The first study compared knife and gun attacks in Chicago over
23 four police periods in 1967. I found that when one only compared gun and knife assaults to
24 the same part of the body and controlled for the number of wounds inflicted, the gun attacks
25 were five times as likely to kill.¹ Yet knives were the second most deadly instruments used
26

27 ¹ Zimring, Franklin E. “Is Gun Control Likely to Reduce Violent Killings?” *University of Chicago*
28 *Law Review* 35:721 (1968).

1 in violent assault. A second study found that guns that fired smaller bullets were much less
2 likely to kill than guns firing larger bullets, again controlling for both the number of and the
3 location of the most life-threatening wound. The central finding was that instrumentality
4 effects – the influences of weapon dangerousness independent of measurable variations in
5 the attacker’s intent was an important influence in the death rate from assault.²

6 6. A second set of studies generated the same general results for the weapons
7 used in robberies. Since the robber usually doesn’t mean to inflict harm if his demands are
8 met, the death rate from all forms of robbery is much lower than from aggravated assault,
9 but robberies with firearms are much more likely to produce a victim’s death than robberies
10 using knives or personal force.³ The availability of guns may or may not influence the rate
11 of robberies, but the proportion of robberies that involve guns will have a major impact on
12 the number of victims who die in robberies, and lethal robberies are a major element in the
13 life-threatening violence that sets U.S. cities apart from the major metropolitan areas of
14 other developed nations.

15 7. The governmental interest in restricting the use of guns in violent crime is in
16 reducing the number of deaths and life-threatening injuries that are produced when guns
17 rather than less deadly weapons became instruments of robbery and assault. This interest is
18 clear, appropriate and important for both the State of California and the County and City of
19 Los Angeles.

20 The Special Risks of Handguns.

21 8. All forms of firearms are very dangerous to life if they are used in assaults and
22 robberies, but the handgun is the major hazard, particularly in big cities, because handguns
23 are much more likely to be used in criminal violence than shotguns and rifles. Handguns
24 are slightly more than one-third of all firearms owned by civilians in the United States, but
25

26
27 ² Zimring, Franklin E. “The Medium is the Message: Firearms Caliber as a Determinant of the
28 Death Rate from Assault,” *Journal of Legal Studies* 1:97 (1972). See Philip J. Cook, “The Technology of
Personal Violence,” *Crime and Justice* 14:1 (1991).

³ Zimring, Franklin E. and James Zuehl. “Victim Injury and Death in Urban Robbery: A Chicago
Study,” *Journal of Legal Studies* 15:1 (1986).

1 they are used in more than 75% of all gun killings and in even larger portions of robberies.
2 The handgun is small, easy to carry and conceal, and deadly at short range. Handguns are
3 the priority concern of law enforcement everywhere.⁴

4 9. The special dangers of handgun use in violence have produced a wide variety
5 of different legal strategies to minimize the rate of handgun misuse. Many nations attempt
6 to restrict both the number of such firearms owned by citizens and reasons why citizens
7 might be permitted to own them. But California, like most U.S. states, allows competent
8 adults to own handguns if they have no major record of criminal conviction.

9 10. Because California does not restrict eligibility of most citizens to own
10 handguns or the volume of guns owned, the state's first line of defense against the use of
11 such weapons in street crime is a series of restrictions on the time, place and manner of
12 handgun use. California law prohibits the carrying of concealed deadly weapons in public
13 without a special permit. The state law delegates the authority to establish standards and
14 make individual decisions in Orange County to the county sheriff. The goal here is to
15 distinguish uses of handguns that do not pose a special threat to the public (such as storage
16 and use in the owner's home) from uses that pose greater threats to public safety (such as
17 the carrying of concealed weapons in streets and public places). The special danger of a
18 hidden handgun is that it can be used against persons in public robbery and assault. The
19 concealment of a handgun means that other citizens and police don't know it is in their
20 shared space until it is brandished. Concealed handguns are a special problem for police
21 because an armed police officer has no warning that persons carrying concealed handguns
22 are doing so. A police officer will be vulnerable to an element of surprise that will not be
23 present if a person is openly carrying a firearm.

24 11. Of course not all of those carrying concealed handguns intend to use them as
25 instruments of public harm. But the existence of a loaded weapon is a hidden danger.

26 _____
27 ⁴ Zimring, Franklin E. and Gordon Hawkins. Crime Is Not the Problem: Lethal Violence in
28 America, New York: Oxford University Press (1997), Chapters 1, 3 and 7. See also Zimring, Franklin E.
and Gordon Hawkins, The Citizen's Guide to Gun Control, New York: McMillan (1986), at Chapter 5, p.
38.

1 California's emphasis on controlling this risky use of guns rather than restricting ownership
2 itself is exactly opposite to the policy formerly pursued by Washington, D.C. and
3 disapproved in the *Heller* decision in 2008. The distinction between restricting ownership
4 and restricting dangerous uses is fundamental in the design of firearms control. And no
5 public law regulation of firearms is as old or as pervasive as restrictions on public space use
6 of firearms.

7 "The earliest and most numerous state and local laws relate to the carrying or use of
8 firearms. In the 1600s, Massachusetts prohibited the carrying of defensive firearms in
9 public places. Kentucky in 1813, Indiana in 1819, Arkansas and Georgia in 1837 passed
10 laws prohibiting the carrying of concealed weapons. Many states and most cities today
11 have laws attempting to regulate what has been called the place and manner in which
12 firearms may be carried or used."⁵

13 Almost all places make special rules for concealed handguns in public places.
14 "Most often, state law prohibits the carrying of concealable firearms without a special
15 permit and the discharge of guns within city limits...Forty-nine states now impose some sort
16 of restrictions on carrying a concealed gun."⁶

17 The Public Danger of Concealed Firearms.

18 12. The previous section of this declaration documented the statistical dominance
19 of handguns in life-threatening violence but did not explain it. Why are handguns, a
20 minority of all firearms, responsible for three-quarters of all firearms deaths? Why are
21 handguns the overwhelmingly predominant firearm used in armed robbery?

22 13. This is a matter of simple criminal logistics. Most firearms assaults and almost
23 all firearms robberies take place outside the offender's home, so that using a firearm in
24 crime requires transporting it to a non-home location. But carrying a loaded shotgun to a
25 _____

26 ⁵ Newton, George and Franklin E. Zimring, *Firearms and Violence in American Life*, staff report
27 submitted to the National Commission on Causes and Prevention of Violence, Washington D.C.:
Government Printing Office (1969) at p. 87 (citations in original omitted).

28 ⁶ Zimring, Franklin E. and Gordon Hawkins, *The Citizen's Guide to Gun Control* (1986) at p. 123.
A more recent compendium lists 47 states with special permits, see www.lcav.org.

1 commercial location for a robbery or to somebody else's home or on the street while
2 looking for a target is a warning to potential victims and a red flag to passersby and to any
3 law enforcement personnel that the armed pedestrian is not on an ordinary errand. Other
4 pedestrians and motorists can avoid the visibly armed person and police can ask questions
5 and subject the visibly armed person to identity checks and surveillance.

6 14. But the person with a concealed handgun in his pocket generates no special
7 notice until the weapon appears at his criminal destination. The robber or assaulter looks no
8 different from any other user of common public spaces. And this ability to escape special
9 scrutiny is the advantage that makes the concealed handgun the dominant weapon of choice
10 for gun criminals and a special danger to government efforts to keep public spaces safe and
11 secure.

12 15. The necessity of carrying guns to crime sites without detection is one reason
13 why the National Violence Commission research reported that 86% of all the firearms used
14 in all assaults were handguns and an astonishing 96% of all firearms robberies were
15 committed with handguns in the ten large cities the task force surveyed.⁷ What that robbery
16 percentage means is that the problem of gun robbery in American cities is almost
17 exclusively a problem of concealable handguns.

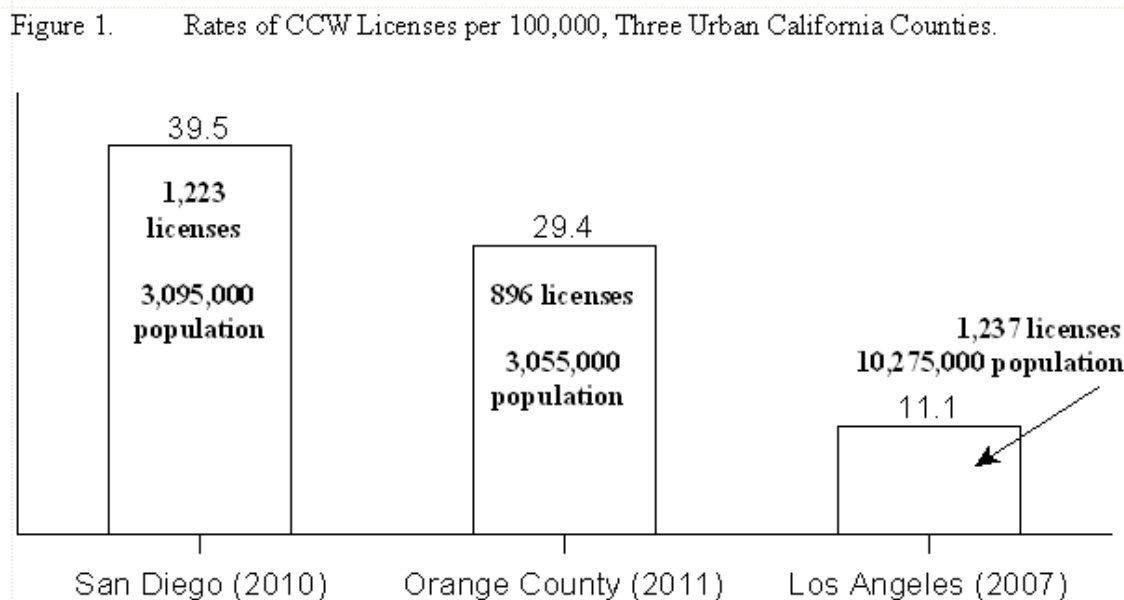
18 16. The stringent requirements that California and Orange County impose on
19 persons wishing to have permits to carry loaded and concealed guns (hereafter CCW
20 permits) have two strategic objectives. The first is screen out high-risk groups. The second
21 and most important is to restrict drastically the number of persons secretly armed on the
22 streets of Orange County. Orange County's Sheriff has published a "policy manual" that
23 clearly states both the substantive standards and the procedures it uses in considering
24 applications to obtain these permits. I received this manual from the Orange County
25 counsel and carefully reviewed it. The office requires a "good cause" that is an indication
26 of a special need that places the applicant apart from most citizens—a special threat or high
27

28 ⁷ Newton, George and Franklin E. Zimring (1969), *Firearms and Violence in American Life*, at Figure 8-1, p. 49.

1 risk. Unlike systems where most citizens qualify for carrying licenses—what are
2 commonly called “shall issue” regimes—California law allows and the Orange County
3 system implements a highly restrictive approach to the license to carry.

4 17. The sharp distinction between the California “may issue” policy and the
5 broadly “shall issue” entitlement can best be seen in examining the proportion of the
6 population that is permitted to carry weapons if they wish to pursue the license. The “shall
7 issue” assumption is that most citizens qualify for carrying concealed handguns if they wish
8 to and the only real function of the license is to screen out persons with serious criminal
9 records. A high rate of carrying concealed weapons is tolerated in this system if not
10 encouraged.

11 The “may issue” approach regards a high level of carrying loaded handguns as a
12 problematic outcome and tries to keep the number of CCWs to a minimum. Figure 1 shows
13 the rate of CCW licenses per hundred thousand population in three Southern California
14 counties.



16 Sources: (Licenses) Zimring declaration in Birdt v. Beck, et al., 2:10 CV 08377; Zimring
17 declaration in Peruta v. County of San Diego; Orange County Sheriff’s Office,
18 provided by Orange County counsel. (Population) U.S. Census Bureau.

1 Because licenses to carry are so infrequent in all three counties, the rates in Figure 1
2 are per 100,000 citizens. Only a tiny fraction of civilians have CCW licenses in all three
3 counties. Fewer than one for every 2,000 population in San Diego (with the highest rate)
4 and fewer than one for every 8,000 citizens in Los Angeles, with the lowest rate. Orange
5 County is in the middle on this measure, with fewer than one license per 3,000 population.
6 But far more important than the small differences in county level rates reported in Figure 1
7 is the similarity in license rate and the large gap between this less than one in 1,000 rate and
8 the “shall issue” pattern which would make more than 90% of all adults eligible for
9 licenses.

10 18. So the pattern and rate of CCW licenses in force in Orange County is similar to
11 that of its two neighboring urban counties, Los Angeles and San Diego. There is also a
12 good fit between the description of standards provided by the Sheriff’s policy memo and the
13 rate of licenses in force. The low level of licenses in force can only be sustained if ordinary
14 self-defense circumstances are not sufficient for a license.

15 19. Both the Los Angeles and San Diego CCW systems have been upheld against
16 federal court challenges based on Second Amendment claims to entitlement for concealed
17 weapon carrying. In my opinion, the statement of standards and system to process
18 applications in Orange County is at least as good as those in Los Angeles and San Diego
19 and the system is better in one respect—the clear statements of principle in the policy
20 manual for Policy 218. So the attack on the Orange County system is based on a theory that
21 the Bill of Rights prohibits significant restrictions on the carrying of concealed weapons in
22 public places rather than any specific objection to the criteria in force or the persons granted
23 permits.

24 20. Making the carrying of hidden deadly weapons into a very rare privilege
25 enables citizens not to worry that they must choose between carrying a gun themselves or
26 being unarmed in public spaces where many strangers are secretly armed. Restricting the
27 publicly entitled carriers of concealed handguns to a tiny number also reinforces the
28 practical monopoly of armed force by the police. And the police are one of the primary

1 groups protected by small rates of carrying concealed guns since more than 90% of killings
2 of police are with guns.⁸

3 21. The special vulnerability of police to weapons concealed on a person is the
4 element of surprise in the event of an attack. An openly carried firearm is a special danger
5 to an officer, but it is a known danger. The police officer can be prepared to draw or use his
6 weapon when a weapon is on display. But the person carrying a concealed handgun is a
7 hidden danger to an officer. High rates of carrying concealed weapons put the police on the
8 horns of a dangerous dilemma—either they (1) make no assumptions about persons being
9 armed (in which case they are surprised and at a disadvantage when a concealed weapon is
10 drawn) or (2) assume everybody is carrying a loaded gun in which case they will be much
11 quicker to draw and fire their own guns even if no weapons are in fact held by the person
12 being approached. So once a high rate of CCW takes place, the relationship between armed
13 police and citizens without any visible evidence of carrying guns will get more dangerous
14 for the police, for the citizen, or for both.

15 22. The second strategic aim of a permit-to-carry requirement is to screen those
16 persons who do have special needs for concealed guns to make sure they will not misuse the
17 guns they carry. This kind of risk screening explains the good character, minimum age and
18 lack of criminal record requirements. But the central reason to require a good reason for
19 needing a gun is to reduce the number of secretly armed citizens on the streets and
20 sidewalks of a major urban county.

21 23. There is one factual dispute of central importance in the distinction between
22 small and large volumes of CCW permits—the degree to which criminal conduct is
23 concentrated among formally identified felons. It is sometimes claimed that simply
24 excluding former felons would prevent persons with high risks of future crime from being
25 eligible to carry hidden handguns. This claim is false. A majority of criminal homicides
26 and other serious crimes are committed by individuals who have not been convicted of a
27 _____

28 ⁸ U.S. Department of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted* (2008), Table 27.

1 felony. The first published study on this question found that in Chicago, 57% of those
2 adults arrested for homicide did not have a felony record.⁹

3 24. It has more recently been reported that for all of New York State only 33% of
4 all persons arrested for felonies have a felony conviction at the time of arrest. Thus, about
5 two-thirds of current felons would not be prohibited from eligibility under “shall issue”
6 criteria (meaning criteria wherein if a person has no prior felony conviction, domestic
7 violence conviction, or recent psychiatric commitment, said person would automatically be
8 entitled to a CCW permit).¹⁰

9 25. Data is available from Southern California to document that many citizens
10 without prior records commit serious crimes. Julie Basco of the California Department of
11 Justice supervised an analysis of all 122,948 adult felony arrests in Los Angeles County for
12 2010 and divided these persons by whether they had a pre-2010 felony conviction. A total
13 of 43,440 subjects had a prior felony that would keep them from being eligible in a “shall
14 issue” mandate or constitutional rule. These statistics indicate that almost two-thirds of the
15 known current felons would not be screened out by a prior felony from CCW permits
16 without further barriers. This shows Los Angeles County has the same pattern as New
17 York State.

18 26. What about Orange County? The pattern is nearly identical. The County
19 counsel’s office asked Vicki Sands of the California Department of Justice to produce an
20 analysis of all felony arrests for 2011 to determine how many Orange County suspects
21 arrested for felonies lack a prior conviction to remove them from CCW eligibility under a
22 “shall issue” system.

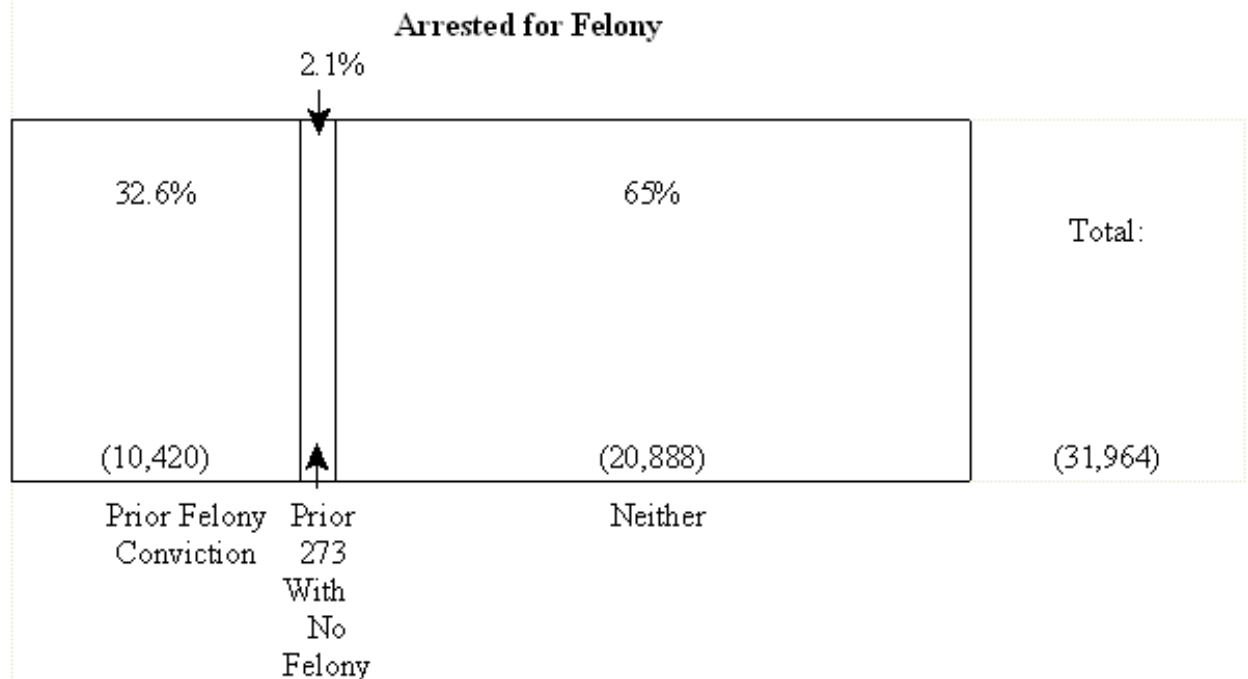
23 Figure 2 shows the pattern for the almost 32,000 persons arrested for felonies in
24 Orange County that year, the best sample of the county’s felony crime problem. The figure
25 shows both the person with prior felony convictions (32.6%) and the additional felony
26

27 ⁹ P.J. Cook, J. Ludwig and A. Braqa, “Criminal Records of Homicide Offenders,” *Journal of the*
28 *American Medical Association* 294(5), August 3, 2005.

¹⁰ Reported in expert’s declaration of Philip J. Cook in *Kachalsky v. Cacase*, Civil Action 10-cv-
5413, Southern District of New York (2011).

suspects with a 273.5 conviction which current California law provides as a prohibition for

Figure 2. Felony Suspects by Criminal Record, Orange County, 2011.



Source: California Department of Justice; see declaration of Vicki Sands.

firearms ownership (2.1%).

The data from Figure 2 show that two-thirds of Orange County's felony suspects would have been eligible for CCW permits under a "shall issue" entitlement. So the overlap between crime and "shall issue" eligibility is more than extensive.

27. The State of California and the Orange County believe that it would threaten the public health and safety to have hundreds of thousands of people in the county carrying loaded handguns that the people who share the streets and stores and parks of Orange County cannot see.

28. Is this public choice consistent with *D.C. v. Heller's* conferral of a right to handgun ownership under the Second Amendment? Orange County has never tried to restrict home possession, so it obviously believes that public places call for different presumptive policies, and history is on Orange County's side. Special restrictions on

1 carrying concealed weapons are venerable and almost universal. Even the plaintiff in this
2 suit does not question the legitimacy of a special license for carrying weapons. The central
3 question is whether publicly concealed weapons can be restricted even if possession in the
4 home is protected by *Heller*.

5 The External Dangers of Concealed Weapons in Public Spaces.

6 29. The right of home possession announced in the *Heller* case does not require
7 citizens to purchase and own handguns in their houses but rather confers on individuals the
8 right to decide for themselves if the benefits of gun possession in the home outweigh the
9 risks. So the Second Amendment liberty announced in *Heller* puts the homeowner in a
10 position of power to determine what risks to take. As long as the guns owned in the home
11 stay there, Mr. Smith's gun is no risk to his neighbors. But the presence of loaded and
12 concealed guns in public spaces is an act where Mr. Smith's decision will generate risks to
13 others who use the streets, and go to public accommodations. And if the guns are
14 concealed, the people who are exposed to these risks won't have notice or any ability to
15 avoid the armed presence they confront.

16 30. This "externality" means that the implications of concealed carrying are spread
17 over the community of users of public space and the only method of deciding policy is a
18 collective determination of whether concealed weapon carrying should be allowed and
19 under what circumstances.

20 31. So government must be involved in public space regulation in a way that is not
21 necessary in the privacy of individual homes. This is why concealed weapons laws are the
22 oldest form of legal regulation of gun use and the most common. There is a public choice
23 that must be made to reduce the number of persons carrying concealed weapons by limiting
24 licenses. But without a general rule on the standard for licenses, there is no way that
25 individual preferences for or against high rates of permits can be translated into a regulatory
26 framework.

27 I declare under penalty of perjury under the laws of the State of California, that the
28 foregoing is true and correct.

EXECUTED this 9th day of October 2012 at Berkeley, California.



Franklin E. Zimring

FRANKLIN E. ZIMRING

8 October 2012

PERSONAL	Born 1942, Los Angeles, California; married; two adult children.
EDUCATION	Los Angeles Public Schools; B.A. with Distinction, Wayne State University (1963); J.D. <i>cum laude</i> , University of Chicago (1967).
PRESENT POSITION	WILLIAM G. SIMON PROFESSOR OF LAW; WOLFEN DISTINGUISHED SCHOLAR and CHAIR , Criminal Justice Research Program, Institute for Legal Research (formerly the Earl Warren Legal Institute), Boalt Hall School of Law, University of California, Berkeley.
OTHER WORK	Principal Investigator , Center on Culture, Immigration and Youth Violence Prevention (2005-2011). DIRECTOR , Earl Warren Legal Institute (1983-2002). FACULTY OF LAW , University of Chicago (1967-85): KARL N. LLEWELLYN PROFESSOR OF JURISPRUDENCE (1982-85) and DIRECTOR , Center for Studies in Criminal Justice (1975-85). MEMBER , MacArthur Foundation Research Program on Adolescent Development and Juvenile Justice (1997-2007). FELLOW , Center for Advanced Studies in the Behavioral Sciences, Stanford, California (1979-80). RAPPORTEUR , Task Force on Sentencing Policy for Young Offenders, Twentieth Century Fund (1978). VISITING PROFESSOR OF LAW , University of California, Irvine (2004), University of South Africa (1993), University of California, Berkeley (1983-85), Yale University (1973), and University of Pennsylvania (1972). DIRECTOR OF RESEARCH , Task Force on Firearms, National Commission on the Causes and Prevention of Violence (1968-69). CONSULTANT : American Bar Foundation, Police Foundation, National Commission on Reform of Federal Criminal Laws, Institute for Defense Analysis, Department of Justice, Rand Corporation, Abt Associates, Federal Parole Commission, Federal Bureau of Prisons, Federal Bureau of Investigation, General Accounting Office, Canadian Institute for Advanced Studies, States of Alaska, California, Nebraska, Illinois, Virginia, and Washington, Cities of Chicago, New York and San Francisco.
ADVISORY POSTS	CURRENT : Campaign for Youth Justice (2007-); California Attorney General's Office (2001-); National Policy Committee, American Society of Criminology (1989-91 and 1993-); Board of Directors, Illinois Youth Services Association (Honorary) (1977-); Advisory Committee, National Pre-Trial Services Association (1975-). PAST : Asian Pacific Violence Prevention Center, National Council on Crime and Delinquency (2001-2005); Advisory Committee, Sentencing Project, American Law Institute (2001-2003); Criminal Justice Policy Group, Advisory Board, National Campaign Against Youth Violence (2000-2002); Expert Panel Member, U.S. Department of Transportation, National Highway Traffic Safety Administration Panel on Crash Risk of Alcohol-Involved Driving (1994-2002); Expert Panel Member, U.S. Department of Education Panel on Safe, Disciplined, and Drug-Free Schools (1998-2001); National Research Council Panel on Juvenile Crime: Prevention, Intervention, and Control (1998-2001); Advisory Board, Center on Crime, Communities, and Culture, Open Society Institute (1998-2000); Affiliated Expert, Center for Gun Policy and Research, Johns Hopkins University (1995-98); Gun Violence Advisory Group, American College of Physicians (1995-98); Advisory Committee, Violent and Serious

Juvenile Offender Project, National Council on Crime and Delinquency (1994-1997); Panel on NIH Research on Anti-Social, Aggressive, and Violence-Related Behaviors and their Consequences (1997-); Task Force on Future Directions for the National Archive of Criminal Justice Data, Bureau of Justice Statistics, Department of Justice (1995); Panel on Antisocial, Aggressive, and Violence-Related Behaviors and Their Consequences, National Institute of Health (1993-94); Panel on Understanding and Control of Violent Behavior, National Research Council, National Academy of Sciences (1989-91); Research Advisory Committee, California Attorney General (1983-1990); Law Enforcement Committee, California Governor's Policy Council on Drug and Alcohol Abuse (1989-91); National Research Council, Working Group Crime and Violence (1985-88); Internal Revenue Service, Advisory Group Taxpayer Compliance Research (1983-87); Board of Directors, Eisenhower Foundation for the Prevention of Violence (1981-84); U.S. Secret Service Advisory Committee on Protection of the President (1981-82); Assembly of Behavioral and Social Sciences, National Academy of Sciences (1977-80); Executive Committee, Illinois Academy of Criminology (1968-71, 1977-78); Advisory Committee, Assessment Center for Alternatives to Juvenile Courts (1977-78) (chairman); Advisory Committee, Law and Social Science Program, National Science Foundation (1976-77); Advisory Committee, Vera Institute of Justice, Court Employment Project Evaluation (1976-77) (chairman); Panel on Deterrence and Incapacitation, National Academy of Sciences (1975-77); Legal Committee, American Civil Liberties Union, Illinois Branch (1967-70).

**EDITORIAL
BOARDS**

CURRENT: Punishment and Society (1998-); Crime and Justice: An Annual Review of Research (1979-90, 1998-); Western Criminology Review (1997-); Buffalo Criminal Law Review (1996-); Homicide Studies (1996-); The Prison Journal (1992-); Journal of Research in Crime and Delinquency (1976-84, 1990-); Federal Sentencing Reporter (1988-); Studies in Crime and Justice (1980-); Journal of Criminal Justice (1978-).

PAST: Law and Society Review (1988-1998); British Journal of Criminology (1988-1996); Journal of Quantitative Criminology (1984-1989); Ethics, (1985-87); Encyclopedia of Crime and Justice (1979-83); Evaluation Quarterly (1976-84); Law and Behavior (1976-85).

HONORS

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CERTIFICATE OF SERVICE

I do hereby declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 333 W. Santa Ana Blvd., Suite 407, Santa Ana, California 92702-1379, and my email address is marz.lair@coco.ocgov.com. I am not a party to the within action.

I hereby certify that I caused the foregoing **DECLARATION OF FRANKLIN E. ZIMRING IN SUPPORT OF DEFENDANTS' OPPOSITION TO THE MOTION FOR PRELIMINARY INJUNCTION** to be served on October 9, 2012, upon all counsel of record listed below by electronic filing utilizing the U.S.D.C.'s CM/ECF:

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I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed in Santa Ana, California this 9th day of October, 2012.



Marzette L. Lair