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Education

Ph.D., Sociology, Cornell University. Ithaca, NY, 2009.

Committee: Victor Nee (chair), Douglas Heckathorn, Michael Macy

M.A., Sociology, Cornell University. Ithaca, NY, 2006.

J.D., University of Chicago Law School, Chicago, IL, 2003.

B.A., Mathematics and Religious Studies, Indiana University, Bloomington, IN, 1998.

Academic Research Interests

Economic Sociology, Sociology of Law, Law and Economics, New Institutionalism, Stratification and Inequality, Rational Choice, Constitutional Law, Administrative Law, Intellectual Property Law

Dissertation

The Problem With Plea Bargaining: Differential Subjective Decision Making as an Engine of Racial Disparity in the United States Prison System

Over the last three decades, the rate of incarceration in the United States has risen at an unprecedented rate. This is true while the rate of criminal activity has dropped steadily. Further, while the rate of much criminal activity is equal across races, the rate of incarceration for Blacks has risen far faster than for whites. The United States now incarcerates more than 1 in 100 American adults. This make the United States the current world leader in both prison population size, and percentage of citizens in prison. While the reasons for this are numerous and complicated, the hypothesis of this project is that plea bargaining is a cause in fact for both high prison populations and the high level of racial stratification in prisons.

Plea bargaining has become ubiquitous as the primary method of criminal case disposition in the United States with the vast majority of criminal convictions being obtained through a plea bargain. Plea bargaining lowers the transaction cost of criminal prosecutions which combines with political policies favoring large scale incarceration to drive up prison populations. Further, plea bargaining indirectly pits defendants against each other in a multiplayer Prisoner's Dilemma that induces defendants to take worse bargains than they otherwise might. Moreover, the decrease in transaction costs is generally larger for cases against poor defendants, which correlates to a decrease in transaction costs for prosecuting Black defendants. Since prosecutors are interested in maximizing successful prosecutions and minimizing costs, they are encouraged to prosecute a disproportionate number of Black defendants.

Additionally, a defendant negotiates a plea bargain based upon his subjective view of the criminal justice system and his expectation of conviction. He bases these views on objective reality as well as on social, cultural, and economic factors. This analysis leads Black defendants to bargain with a more pessimistic estimate of how they will fare as compared to white defendants, resulting in overall worse bargains. Finally, a norm of plea bargaining as the accepted method of

case disposition has emerged as an institution. This norm perpetuates the social factors that facilitated the disparate bargains in the first place.

Publications and Works in Progress

Savitsky, Douglas. “Is Plea Bargaining a Rational Choice? Differential Subjective Decision Making as an Engine of Racial Stratification in the United States Prison System,” Center for the Study of Economy and Society Working Paper Series, available from:
http://www.economyandsociety.com/publications/working_papers.shtml

Savitsky, Douglas. “On the Constitutionality of Plea Bargaining”

Savitsky, Douglas. “The Catch-22 of the Experimental Use Exception in Patent Law: Revisiting *Madey v. Duke University*”

Savitsky, Douglas. “The Future of the Illinois Brick Doctrine in Antitrust Enforcement”

Presentations

Savitsky, Douglas. Plea Bargaining as an Engine of Prison Stratification. American Sociological Association, Annual Meeting, San Francisco, CA, August 9, 2009

Savitsky, Douglas. Plea Bargaining as an Engine of Prison Stratification. Center for the Study of Economy and Society Seminar Series, Cornell, University, Ithaca, NY, October 22, 2009.

Teaching Experience

Teaching Assistant, Sociology 375: Classical Theory. Prof. Richard Swedberg, Cornell University, Fall 2004.

Teaching Assistant, Sociology 222: Controversies About Inequality. Prof. Stephen Morgan, Cornell University, Spring 2005.

Honors

Sage Fellowship, Cornell University, Ithaca, NY, 2003

Wisconsin Triennial Art Competition, finalist, Madison Civic Center, Madison, WI, 1999

Professional Affiliations

American Sociological Association

American Bar Association

Center for the Study of Economy and Society, Cornell University

Employment and Volunteer Work

Sole Proprietor ecp LLC, Chicago, IL 2004-2009

- Design, implementation, and maintenance of software used to create and score standardized tests used for hiring and promotion processes of public safety personnel.
- Design and construction of high-end audio equipment

United States Department of Health and Human Services, Region V, Chicago, IL, 2002

- Summer Clerkship: researched intra-agency and external issues, which included agency delegation, jurisdiction, faith-based and community initiatives, and employment disputes.

Legal Assistance Foundation of Metropolitan Chicago, Chicago, IL, 2002

- Poverty and Housing Law Clinic: worked with clients individually as well as provided legal research to defend clients against eviction from subsidized housing.

Internship for the Honorable David Hamilton, Southern District of Indiana, Indianapolis, IN, Summer 2001

- Researched and wrote draft opinions on various issues including employment discrimination and social security disability benefits.

Institute for Public Safety Personnel, Inc., Indianapolis, IN, 1999-2003

- I.T. manager, programmer, network administrator, and software designer.

Photographic trip with Holocaust Survivor, Documenting American Holocaust memorials, 1998

References

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