
SYLLABUS

Comparative Police Practices, Law, and Policy

Lecturer: Professor Melanie Reid

Institution: Lincoln Memorial University Duncan School of Law

Duration of the course: 10 hours

Start and end of the lectures: TBD

Place: ULisboa Faculty of Law

Assessment: **40%** of the course grade will be based upon in-class participation, and **60%** of the course grade will be based upon your memo which will lay out your recommendations as part of the Civilian Review Committee to provide feedback about the officers' actions that were at issue in the case *United States v. Johnson*.

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PURPOSE OF THE COURSE UNIT:
This course studies how the police and other government agencies “police” society and investigate crimes in various countries. It deals with fundamental issues concerning the relationship between the state and the individual, and raises critical concerns about surveillance, force, racial justice, and basic civil liberties. Topics include police stops, frisks, uses of force, predictive policing, and police informants and undercover operations. What privacy protections are provided to U.S. and EU citizens, what is law enforcement entitled to do, and how do U.S. protections differ from those in the European Union and in countries in other regions? How does policing in the common law tradition differ from civil (Roman law) countries? This course is starting ground for anyone interested in learning more about the criminal justice space, be it direct services or law reform, but will be of interest to anyone concerned about some of the paramount issues of the day: community policing, the policing culture, police strategy and tactics, and excessive force cases.
MAIN TOPICS TO BE DISCUSSED:
Class One <ul style="list-style-type: none">• The Concept of Policing• The Evolution of Modern Policing and Community Policing Class Two <ul style="list-style-type: none">• Policing Culture: Defining Culture, Cultural Values• Policing & Crime: Police Strategy and Tactics – Tackling Issues of Mental Health Class Three <ul style="list-style-type: none">• Informants and Undercover Operations• Predictive Policing and The Impact of Big Data Class Four <ul style="list-style-type: none">• Racial Profiling and Identifying Disproportionality & Racialized Over-Policing:

- **Stop and frisk seizures:** Police must have a reasonable suspicion supported by articulable facts of criminal activity or involvement in a completed crime. *Terry v. Ohio*, 392 U.S. 1 (1968). If the police also have reasonable suspicion to believe that the detainee is armed and dangerous, they may also conduct a frisk to ensure that the detainee has no weapons. *Hiibel v. Sixth Judicial District Court of Nevada*, 542 U.S. 177 (2004).
- **Reasonable suspicion for stop and frisk seizures:** Reasonable suspicion requires something more than a vague suspicion but full probable cause is not required. *United States v. Arvizu*, 534 U.S. 266 (2002); *United States v. Sokolow*, 490 U.S. 1 (1989); *Alabama v. White*, 496 U.S. 325 (1990); *Florida v. J.L.*, 529 U.S. 266 (2000); *Illinois v. Wardlow*, 528 U.S. 119 (2000).

Class Five

- **Police Use of Force:** *Tennessee v. Garner*, 471 U.S. 1 (1985); *Graham v. Connor*, 490 U.S. 386 (1989); *GAZIOĞLU AND OTHERS v. TURKEY* (2011), ECHR.

LITERATURE:

CLASS ONE: Hamilton, *Federalist No. 17* (pgs. 1-2); Marx, *Police & Democracy* (pgs. 3-10), Goldstein, *Policing a Free Society* (pgs. 11-23); Bittner, *Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police* (pgs. 24-36)
 CLASS TWO: Read Paoline, *Taking Stock: Toward a Richer Understanding of Police Culture* (pgs. 110-125); Meares, *Rightful Policing* (pgs. 126-136); Stoughton, *Principled Policing* (pgs. 137-179)
 CLASS THREE: Natapoff, *To Catch a Thief* (pgs. 273-295)
 CLASS FOUR: Harris, *Why "Driving While Black" Matters*; Cassidy, *The Statistical Debate Behind the Stop-and-Frisk Verdict*; MacDonald, *The Myth of Racial Profiling*
 CLASS FIVE: *Tennessee v. Garner*, 471 U.S. 1 (1985); *Graham v. Connor*, 490 U.S. 386 (1989).

ESSAY/EXAM REQUIREMENTS:

Review the *en banc* opinion and dissent in *United States v. Johnson*, 874 F.3d 571 (7th Cir. 2017).

Acting on his own initiative, the police chief has convened a Civilian Review Committee to provide feedback about the officers' actions that were at issue in *Johnson*. You have been appointed as a member of that committee. Please draft a memorandum that does both of the following:

1. Analyzes the incident by applying the principles that we have studied;
2. Provides at least one recommendation for the agency to adopt. Each recommendation must be related to your analysis. For each recommendation, please include:
 3. A description of what you want the agency to do in the future;
 4. An explanation of why you believe that implementing the recommendation would be beneficial; and
 5. A brief discussion of any relevant concerns about the implementation of the recommendation.

EVALUATION CRITERIA:

In this course, we will study the interesting and important topic of police law and policy. Upon successful completion of this course, students should:

- (1) Be aware of the theoretical and practical implications of policing in contemporary society;
- (2) Be familiar with different legal and administrative regulations that shape police agency policy and officer behavior; and
- (3) Be conversant with the aspects of policing that have been identified as problematic, the causes of those problems, and the different solutions that have been proposed to resolve them.