Criminal Law: Select Problems in Policing
University of Alabama School of Law
Fall 2016

Professor:          Office Hours:
Stephen Rushin             Tue., 9:35 - 10:35 AM
srushin@law.ua.edu                 Wed, 10:45-11:45 AM

Class Meetings:               Textbook:
Wed, 3:30-5:20 PM, Rm. 281                 Materials distributed online

Course Summary:
This course examines how the law regulates policing in the United States. We will spend part of the class exploring important court decisions that have attempted to limit police wrongdoing. This course will also expose students to how other legal arrangements, like civil litigation and federal oversight, strive to limit law enforcement misconduct. This course will encourage students to think critically about how effectively our current array of legal regulations operate to combat police misconduct in the United States, and whether these regulations impair the ability of law enforcement to fight crime.

Course Format and Expectations:
We will use a combination of class discussion, lecture, and occasional Socratic method. I expect every student to come to class prepared for discussion. Participation is expected every week. I will post a list of discussion questions on TWEN each week. Please come prepared to answer these questions in class.

At the end of class you will be expected to turn in a final paper. Your paper should be around 5,000-7,000 words (including footnotes) and should analyze a legal issue relevant to our class discussions. Your paper should be no longer than 20 pages in length, double-spaced. Your final paper will be due on Wednesday, December 5, 2016 at 12:00 PM CST. This final paper will count for 90% of your final grade. The other 10% of your grade will be based on your class attendance, participation, and an in-class presentation. This final paper should critically analyze an issue related to policing law. We will talk more about my expectations for this paper (and I will distribute a rubric) a few weeks into the course.

Course Objectives:
At the end of this course, students will have a greater understanding of the legal mechanisms used to combat police misconduct in the United States. Students will gain a familiarity with the law of policing and will be expected to complete a paper that critically analyzes one issue in policing law.

Weekly Readings:
I will be assigning around 30-50 pages of reading per week. We will read a mixture of excerpts from books, law review articles, social science studies, and cases. All reading material will be posted on our class TWEN site.
Policy on Missed Classes/Coursework:
Please email me as soon as possible if you are unable to make class. Please also email me as soon as possible if you will not be prepared to discuss the material for a given class. Except under extenuating circumstances, I expect you to attend all classes, participate regularly, and turn in your final paper (hard copy) by the stated due date.

Reading Schedule (subject to change; always check TWEN)

I. Introduction


II. Regulating Police

a. Civil Litigation Against Police


b. Police Use of Force and Prosecuting the Police


c. Judicial and Constitutional Regulation of Police: Exclusionary Rule, Miranda, and their progeny


d. Structural Reform Litigation


e. Citizen Oversight of Police Departments

Class #6  Jocelyn Simonson, Copwatching, 104 Calif. L. Rev. 391 (2016)
III. The Unintended Effects of Police Regulation

a. De-Policing


b. Police Union Contracts

Class #8 Reading TBD; Paper topic and outline due to me by the start of class

IV. Police Technology and Surveillance


V. The Incidental Effects of Police Regulation

Class #10 Seth Stoughton, The Incidental Regulation of Policing, 98 MINN. L. REV. 2179 (2014)

VI. Private Policing and Police Moonlighting


VII. Federal Funding of Local Police Departments


Class #13 Presentations

Class #14 Presentations

Attendance Policy

Attendance is expected every week. Failure to attend class regularly could result in a reduction in your final grade by one grade level.
Severe Weather Guidelines
The guiding principle at The University of Alabama is to promote the personal safety of our students, faculty and staff during severe weather events. It is impossible to develop policies which anticipate every weather-related emergency. These guidelines are intended to provide additional assistance for responding to severe weather on campus.

UA is a residential campus with many students living on or near campus. In general classes will remain in session until the National Weather Service issues safety warnings for the city of Tuscaloosa. Clearly, some students and faculty commute from adjacent counties. These counties may experience weather related problems not encountered in Tuscaloosa. Individuals should follow the advice of the National Weather Service for that area taking the necessary precautions to ensure personal safety. Whenever the National Weather Service and the Emergency Management Agency issue a warning, people in the path of the storm (tornado or severe thunderstorm) should take immediate life saving actions.

When West Alabama is under a severe weather advisory, conditions can change rapidly. It is imperative to get to where you can receive information from the National Weather Service and to follow the instructions provided. Personal safety should dictate the actions that faculty, staff and students take.

The Office of University Relations will disseminate the latest information regarding conditions on campus in the following ways:

- Weather advisory posted on the UA homepage
- Weather advisory sent out through UA Alerts to faculty, staff and students
- Weather advisory broadcast over WVUA at 90.7 FM
- Weather advisory broadcast over Alabama Public Radio (WUAL) at 91.5 FM
- Weather advisory broadcast over WVUA-TV/WUOA-TV, and on the website at http://wvuatv.com/content/weather. WVUA-TV Home Team Weather provides a free service you can subscribe to which allows you to receive weather warnings for Tuscaloosa via e-mail or cell phone. Check http://wvuatv.com/content/free-email-weather-alerts for more details and to sign up for weather alerts.

In the case of a tornado warning (tornado has been sighted or detected by radar; sirens activated), all university activities are automatically suspended, including all classes and laboratories. If you are in a building, please move immediately to the lowest level and toward the center of the building away from windows (interior classrooms, offices, or corridors) and remain there until the tornado warning has expired. Classes in session when the tornado warning is issued can resume immediately after the warning has expired at the discretion of the instructor. Classes that have not yet begun will resume 30 minutes after the tornado warning has expired provided at least half of the class period remains.
Policy on Academic Misconduct
All students in attendance at The University of Alabama are expected to be honorable and to observe standards of conduct appropriate to a community of scholars. The University of Alabama expects from its students a higher standard of conduct than the minimum required to avoid discipline. At the beginning of each semester and on examinations and projects, the professor, department, or division may require that each student sign the following Academic Honor Pledge: “I promise or affirm that I will not at any time be involved with cheating, plagiarism, fabrication, or misrepresentation while enrolled as a student at The University of Alabama. I have read the Academic Honor Code, which explains disciplinary procedure resulting from the aforementioned. I understand that violation of this code will result in penalties as severe as indefinite suspension from the University.”

See the Code of Student Conduct for more information.

Disability Statement:

The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person’s specific requirements. The Law School and the University’s Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Claude Arrington, Associate Dean for Academic Affairs at 348-5750 or carrington@law.ua.edu so that the individual’s needs for support services can be evaluated and accommodated in a timely manner.