SYLLABUS

CRIMINAL PROCEDURE – POLICE PRACTICES

(LAW 6111)

Spring Semester 2021

Professor Kenneth Nunn

**Professor’s contact information**

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**Office Hours:** Thu. 2:00-3:30 pm and by appointment. All office hours will be conducted using Zoom.

**Required and recommended textbooks and other course materials**

**Required:** All required course material will be posted on ChartaCourse and will be available at www.chartacourse.com. You will need to sign up for a ChartaCourse account at www.chartacourse.com.

**Credit hours and class preparation**

This is a three-credit course. Class will be held Wednesdays and Fridays at 8:15 to 9:40 am. Students should expect to spend, on average, approximately two hours preparing for every hour of class. Up to date reading assignments will be posted on the ChartaCourse site.

**Course objectives & student learning outcomes**

This course will explore the constitutional and statutory limitations on the exercise of police powers of investigation, interrogation, arrest, search and seizure. The course is designed to acquaint you with the basic rules governing the investigation of criminal cases and to prepare you to demonstrate your knowledge of these rules on the bar exam.

After completing this course, students should be able to:

1. Describe the constitutional and statutory limitations on police searches and seizures.

2. Describe the constitutional and statutory limitations on police interrogations of suspects.

3. Describe police identification procedures and describe the constitutional and statutory limitations on them.

4. Demonstrate an understanding of the exclusionary rule.

5. Demonstrate an understanding of policy issues relevant to individual rights and liberties raised by the criminal justice system.

6. Demonstrate an understanding of policy issues relevant to public order and safety raised by the criminal justice system.

**Workload**

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

**Evaluation**

Your grade for the course will be based predominately on the grade you receive on your final examination. Each student will be expected to comment on at least one case or problem during the course of the semester. Class participation and preparation are factors which may count for up to 0.75 grade points on your final grade.

**Final examination**

The final examination may contain multiple-choice, short answer or traditional law school essay questions. All material and concepts covered in the course may be tested on the exam, including matters discussed in class for which there are no specific readings and assigned readings not specifically discussed in class. Exams will be graded anonymously by exam number. The final exam is currently scheduled to be administered on April 27, 2020 at 8:30 a.m.

**Information on UF Law grading policies**

Grade Points Grade Point Grade Point

A (Excellent) 4.0 C+ 2.33 D- 0.67

A- 3.67 C (Satisfactory) 2.00 E (Failure) 0.0

B+ 3.33 C- 1.67

B (Good) 3.00 D+ 1.33

B- 2.67 D (Poor) 1.00

The law school grading policy is available at: : <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

**Academic honesty /misconduct**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <https://sccr.dso.ufl.edu/process/student-conduct-code/>.

**Policy related to Make-up exams or other work**

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

**Statement related to accommodations for students with disabilities**

Students requesting classroom accommodation must first register with the Office of Disability Resources.  The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Course Evaluations**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via [ufl.bluera.com/ufl/](file:///C%3A%5CUsers%5Cnance%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C70WP0DTB%5Cufl.bluera.com%5Cufl%5C). Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-results/).

**Class attendance policy**

Please note that the American Bar Association requires "regular and punctual class attendance... to satisfy residence and class hours requirements." A sign in sheet will be used to record attendance for each class. Falsifying the sign in sheet will considered a violation of the Honor Code. Students are allowed **two** unexcused absences. If you are absent more than two times, your absence will need to be excused. Students with more than three unexcused absences will be referred to student affairs and may be dropped from the class. Class will start promptly at the announced time. Students who are repeatedly tardy may not be permitted to enter once class has begun.

**COVID-19 and Heath Safety Policies**

Many students will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course.

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Be mindful of how to properly enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus.  (See <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.)
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. (See <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>).”

**Make up classes**

Make up classes may be scheduled for this class. Make up classes will not count toward your excused or unexcused absence total, however students will receive extra credit for their attendance. Make up classes will be announced in class and posted via email and the Canvas page.

**Taping or recording of class sessions**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**Canvas**

You need to regularly check the Canvas site for this class. Documents, schedule changes and notices will be posted on Canvas.

**Subjects to be covered and assigned readings (Tentative)**

This is a summary syllabus of the topics to covered in the class. You may access a full syllabus with links to each reading on the ChartaCourse site. Reading assignments will be subject to changes announced periodically in class or posted on ChartaCourse and/or Canvas.

Day 1 - January 20

Introduction to the Course &

Introduction to the Fourth Amendment

Day 2 - January 22

*Katz* and the Reasonable Expectation of Privacy Test &

Applying *Katz*: Beepers and Bugs

Day 3 - January 27

Applying *Katz*: Beepers and Bugs (cont.) &

Applying *Katz*: Property Intrusions

Day 4 - January 29

Applying *Katz*: Sense Enhancements and New Technology

Day 5 - February 3

What is a Seizure? &

Probable Cause

Day 6 – February 5

Reasonable Suspicion: *Terry* Stop and Frisk &

Reasonable Suspicion: Criminal Activity

Day 7 - February 10

Reasonable Suspicion: Criminal Activity (cont.) &

Reasonable Suspicion: Armed and Dangerous

Day 8 - February 12

Administrative Searches: Special Balancing &

Administrative Searches and Pretext Stops

Day 9 - February 17

The Warrant Requirement &

Exceptions to the Warrant Requirement: Exigent Circumstances

Day 10 - February 19

Exigent Circumstances (Cont.) &

Searches Incident to Arrest

Day 11 - February 24

Mobility Exceptions (aka Automobile Exception)

Day 12 - February 26

Public Arrest and the Plain Feel/Plain View Doctrine &

Protective Sweeps and Administrative/Inventory Searches

Day 13 - March 3

Consensual Encounters

Day 14 – March 5

The Exclusionary Rule &

Standing and the Right to Object

Day 15 – March 10

The Fruit of the Poisonous Tree Doctrine

Day 16 – March 12

Good Faith and Other Exceptions to the Exclusionary Rule

Day 17 – March 17

Due Process: Torture and Confessions &

Voluntariness: Overcoming the Suspect’s Will

Day 18 – March 19

Custodial Interrogation and the Right Against Self-Incrimination

Day 19 – March 24

*Miranda* and Custody

Day 20 – March 26

*Miranda* and Interrogation

The *Miranda* Warnings

Day 21 - March 31

Invocation of Rights

Day 22 - April 2

Waiver of Rights

Day 23 - April 7

Custodial Interrogation Exceptions to the Exclusionary Rule

Day 24 - April 9

Impeachment Use of Custodial Statements

Day 25 - April 14

Statements & the 6th Amendment Right to the Post-Charge Assistance of Counsel

Day 26 – April 16

Eyewitness Identification and the Right to Counsel/

Suggestive Identification Procedures