**CRIMINAL PROCEDURE—POLICE AND POLICE PRACTICES**

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**

**SPRING 2024 SYLLABUS—LAW 6111—3 CREDITS**

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Office Hours: Mondays 3:15-5:15p.m. in my office

**MEETING TIME:** M and W, 9:00 a.m - 10:25 a.m.

**LOCATION:** HH 285C

**COURSE DESCRIPTION AND OBJECTIVES:**

The course covers United States Supreme Court rulings on the Fourth Amendment, including arrests, searches, seizures, and investigative stops and frisks; the Fifth Amendment's Self-Incrimination Clause, including cases on Miranda v. Arizona and its progeny and the Sixth Amendment's Right to Counsel.

**STUDENT LEARNING OUTCOMES:**

At the end of this course, students should be able to:

* Understand the most essential Supreme Court pronouncements in regards to the Fourth, Fifth and Sixth Amendments to the U.S. Constitution.
* Understand how these rules apply in criminal and non-criminal contexts
* Understand how these rules impact the police investigative function as well as individual liberties.

**REQUIRED READING MATERIALS:**

American Criminal Procedure: Investigative (12th ed.) (West), Saltzburg, Capra and Gray. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

**COURSE EXPECTATIONS AND GRADING EVALUATION:**

There will be a final examination that will be worth 100% of your final grade. The exam will be closed book. Grades can be lowered in the event of excessive absenteeism.

**CLASS ATTENDANCE POLICY:**
Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed four (4) absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found here.

**UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:**

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: https://ufl.instructure.com/courses/427635/files/74674656?wrap=1.

**ABA OUT-OF-CLASS HOURS REQUIREMENTS:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.

**FIRST DAY ASSIGNMENT**

There are no assigned readings for Day 1.

**COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS**

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

1. Basic Principles

A. Incorporation Doctrine and Retroactive 5-13; 15-28

 Application of Constitutional Decisions

2. Searches and Seizures of Persons and Things

 A. Introduction to the Fourth Amendment 33-39

B. Threshold Requirements for Fourth

Amendment Protections 42-43; 53-58 (top); 59-68 (top); 69-103; 105-112; 118-119; 120-124; 126-130; 132-136; 140-141

C. Tension Between the Reasonableness

 and Warrant Clauses 143-148

D. Obtaining a Search Warrant 149-154 (top); 156-164; 175 (bottom); 179-182; 184-185; 186-188; 192-205; 208-211; 214-218 (top); 221-226

E. To Apply or Not Apply the Warrant Clause 227-235; 236-241; 242-243; 245-254; 257-260; 261-262; 267-277; 283-290; 298-299; 300-304; 308-309; 312-318; 328-332; 333-336; 341-342; 343-357; 359-370; 371-384; 386-390; 396-400; 402-420; 423-431; 433-444; 446-459 (top); 466-479; 487; 489-499; 500-515; 521-546; 548-551

F. Remedies for Fourth Amendment Violations 561-569; 578-587; 597-604; 609-628; 630-646; 648-660

3. Self-Incrimination and Confessions

A. Privilege Against Compelled

Self-Incrimination 661-672; 673-676; 681-682; 685-687; 688-691; 695-698; 702-704; 710-717; 720

B. Confessions and Due Process 722-723

C. Fifth Amendment Limitations on Confessions 743-756; 764; 767-773; 775-799; 801-814; 819-824; 826-846; 847-853; 854-859

D. Confessions and the Sixth Amendment 861-885; 886-894

 Right to Counsel

4. Right to Counsel 945-967; 973-976

5. Identifying Suspects 895-918