POLICE, LAW AND SOCIETY: ISSUES IN DEMOCRATIC POLICING
Professor Skolnick
Fall 2005
Wed 4:05-5:55
2 credits
Vanderbilt Hall Room 201

Office Hours: 2-2.30 and 6-6.45 Tuesday, Wednesday (or by appt.)

What are the origins of democratic policing in law and politics? How are police organized and how do they practice? Why do law enforcement officials act the way they do, in patrolling, searching, seizing, interrogating? What are the occasions, explanations and remedies for police brutality, corruption and perjury? What kind of rules, organizations and institutions are appropriate and effective for maintaining police accountability in a democratic society?

Although we will be discussing some constitutional cases, this is not a systematic seminar in the doctrine of police practices. Rather, the focus will be on the history, sociology and politics of the police. Police accountability through politics and law will be a major concern.

Students ordinarily will write a “B” paper; or an “A” paper with permission of the instructor. “A” Papers would normally be either the equivalent of a law review note or comment; an article in a scholarly journal, e.g. The Law and Society Review; or an article for a serious policy journal, such as The American Scholar (normally 30-40 pages.) The Law School requires that “A” paper students “submit an outline, a draft, and at least one additional draft.”

Since we may have access to the NYPD for a limited number of students, the ambitious few may undertake a combination of legal and empirical research for their “A” paper. Students who are really interested in writing a publishable paper of 60 to 80 pages, can request to collaborate, provided that the paper outline is exceptionally promising and each author contributes half the work.

“B” papers could be modeled on articles for such policy journals as The Public Interest or The American Prospect (around 20 pages). Credit papers: A book review of approximately 10 pages.

Papers must include your name, my name, course name, date of submission, level of paper (A, B, credit) and whether it is intended to satisfy the writing requirement. “A” papers are due no later than the first day of the Spring semester. Other papers are due the last day of the exam period. Late papers are subject to downgrading.

Since this is a seminar, your attendance and participation are required (and expected as a courtesy to me and to your colleagues.)

In the past, we’ve been successful in inviting several superb visitors, from police, criminal defense and civil liberties worlds. Sometimes that requires juggling the order of the seminar assignments to accommodate their scheduling needs.

Course Materials: 1. Reader. 2. Above the Law, by Skolnick and Fyfe. (2 copies are on reserve)
I. Introduction: The Theory and Origins of Democratic Policing

1. August 31 W: Overview


II. The Police as an Institution

NO CLASS SEPTEMBER 7 (LEGISLATIVE MONDAY)

2. September 9 F (MAKE-UP CLASS): 1-3PM VH 201

*Theory, Culture, and Socialization*


3. September 14 W: Private Policing

Shearing and Stenning, “Say “Cheese”: The Disney Order That is Not So Mickey Mouse” in *Private Policing* 317-323


Recommended:


III. Policing Philosophies

4. September 21 W: Crime, Disorder and Quality of Life Policing


Recommended:
*Papichristou v. City of Jacksonville*, 405 U.S. 156 (1972). *(Found on WESTLAW)*
Wesley G. Skogan, *Disorder and Decline*, pp.1-50; 159-186.

IV. Police Practices

5. September 28 W: Stopping, Frisking, Profiling


Recommended:

6. October 5 W: Deception and Undercover Policing

NO CLASS OCTOBER 12 (Yom Kippur)

7. October 14 F (MAKE-UP CLASS 1-3PM in VH201): *The Limits of Interrogation*

Wilson v. Chicago 120 F. 3rd 681
Missouri v Seibert “Beachhead Interrogation” (U.S. Supreme Court 2004).
Yarborough v. Alvarado “Custody” (U.S. Supreme Court 2004)
U.S. v Patane “Fruits” (U.S.Supreme Court 2004)

Recommended:

8. October 19 W: *Interrogation of Juveniles*

Central Park Jogger materials (*to be distributed*).

V: Police Misconduct


Recommended:
Chemerinsky Report (*www.usc.edu/dept/law/faculty/chemerinsky/rampart_finalrep.html*).


“Toward New Priorities” in *The City in Crisis*, A Report by the Special Advisor to the Board of Police Commissioners on the Civil Disorder in Los Angeles, October 21, 1992, pp. 165-170. (Provided in coursepak.)


10. **November 2 W: Federal and Civilian Oversight**

Jerome H. Skolnick, *Above the Law*, Ch 10 (pp. 220-31). (On reserve)

**Recommended:**
VERA.Org/Parc (The Vera Institute of Justice has a generally useful website on police and other criminal justice topics.)

11. **November 9 W: Civil Liability**

Skolnick and Fyfe, (ABL) Chapter 9 “Police Accountability: The Courts.” *(On reserve)*

74 F. Supp. 2d 321 (PBA v. City of N.Y. 1999)

**Recommended:**
*Board of the County Commissioners of Bryan County, OK v. Brown*, 520 U.S. 397.

**Paper topics and 1 page outlines are due.**

**Sign up for scheduling student paper presentations**

12. **November 16 W:**

NO CLASSES UNTIL AFTER THANKSGIVING

13. **November 30 W:** *Students present papers.*

14. **December 7 W:** *Students present papers.*

Papers are due December 23. Unexcused late papers will be downgraded. In exceptional circumstances, extensions will be given until January 8.