LRC Research Training

For Professor Brooks’ Jurisprudence Seminar
Fall 2020

Liz Parker, Publication Services Librarian
eparker-10@sandiego.edu

LRC Reference Desk
lrcrefer@sandiego.edu
LRC Remote Services

Welcome Class of 2023

LRC Remote Services and Resources
LRC Remote Services and Resources

Faculty Publication Services
The LRC offers cite-checking, proofreading, and other support for faculty scholarship.

LRC Building Hours

<table>
<thead>
<tr>
<th>Service</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Desk - Virtual</td>
<td>9:00am – 6:00pm</td>
</tr>
<tr>
<td>Curbside Services</td>
<td>10:00am – 6:00pm</td>
</tr>
</tbody>
</table>

View all Hours

http://www.sandiego.edu/law/library
What we will cover

- Conducting a thorough literature review
  - Evaluating sources
  - Books & articles
  - Law and other disciplines
  - USD and other libraries

- Fact finding
  - News
  - Proposed legislation & bill tracking
  - Public policy research & analysis

- Note-taking tools and techniques
- Citation style for your seminar paper
LITERATURE REVIEW
Literature Review

• A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
• Helps you formulate your thesis and locate your arguments within the larger field of study
Reliable Sources

• Evaluate sources for:
  • **Authority** – author is identified, reputable, credentialed
  • **Objectivity** (fairness, lack of bias)
  • **Accuracy** – provides references to sources, verifiable
  • **Scope** (relevance to your topic)
  • **Currency**
BOOKS
Searching the catalogs

USD’s online catalog finds items located in the LRC and also in the Copley Library collection.

• Remember that the catalog can be used to find not just materials in our print collection, but it also provides direct access to certain ebooks, as well as materials in our subscription databases.

• You can search USD’s online catalog from LRC’s homepage.
Faculty Resources for Remote Teaching | Zoom Quick Start Guide | Circuit currently unavailable

The LRC reference team will provide remote reference services Monday-Thursday (9am-6pm), Friday (9am-5pm), & Sunday (noon-4pm) via chat (chat widget on library homepage) and email (lrcrefer@sandiego.edu).

Search LRC

Search Catalog  Databases

police

Library Account | Classic Catalog | Find Legal Journals | Course Reserves | Past Exams

Quick links

- Online Study Aids
- CALI code
- Faculty Resources
- Printing
- Course reserves

Welcome Class of 2023  LRC Remote Services and Resources  Faculty Publication Services

LRC Remote Services and Resources

Faculty Publication Services

The LiC offers cite-checking, proofreading, and other support for faculty scholarship.
Curbside Pickup

Curbside Pickup Hours

<table>
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<th>Day</th>
<th>Hours</th>
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<tr>
<td>Mon.–Thurs.</td>
<td>10am–6pm</td>
</tr>
<tr>
<td>Fri.</td>
<td>10am–5pm</td>
</tr>
<tr>
<td>Sat.</td>
<td>Noon–4pm</td>
</tr>
</tbody>
</table>

How it works

1. Request item(s) through LRC’s online library catalog
2. Wait for email confirming your item is ready for pickup (1-2 business days)
3. Arrive at curbside service location in front of LRC & call 619.260.4542
Searching the catalogs

SD Circuit and Interlibrary Loan (ILL):

• If you can’t find an item at USD, we may be able to get it from another library
• Check [http://www.worldcat.org](http://www.worldcat.org) or come ask a reference librarian for assistance. Library closures across the country this year have affected our procedures, but you can still borrow from other libraries

LAW ARTICLES
Law articles

- Lexis
- Westlaw
- Google Scholar

Unpublished or forthcoming
- SSRN
- Bepress
<table>
<thead>
<tr>
<th>#</th>
<th>Title</th>
<th>Authors</th>
<th>Pages</th>
<th>Posted</th>
<th>Last Revised</th>
<th>Downloads</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Explaining the Recent Homicide Spikes in U.S. Cities: The 'Minneapolis Effect' and the Decline in Proactive Policing</td>
<td>Paul G. Cassell, University of Utah - S.J. Quinney College of Law</td>
<td>70</td>
<td>10 Sep 2020</td>
<td>24 Sep 2020</td>
<td>733</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Keyword: Homicide, Minneapolis Effect, Ferguson Effect, proactive policing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>An Abolitionist Horizon for (Police) Reform</td>
<td>Amna A. Akbar, Ohio State University (OSU) - Michael E. Moritz College of Law</td>
<td>62</td>
<td>11 Aug 2020</td>
<td>11 Sep 2020</td>
<td>673</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Keyword: abolition, police reform, social movements, Black Lives Matter, criminal law, law reform, police ...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Subfederal Immigration Regulation and the Trump Effect</td>
<td>Huyen Pham and Van H. Pham, Texas A&amp;M University School of Law</td>
<td>46</td>
<td>15 May 2018</td>
<td>20 Aug 2018</td>
<td>779</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department of Economics</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Keyword: Immigration, Immigration Enforcement, Subfederal, State Government, Local Government, City, County, ...</td>
<td></td>
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</tbody>
</table>
Browse Research and Scholarship

The bepress Legal Repository offers working papers and pre-prints from scholars and professionals at top law schools around the world.

- **Browse Institutions**
- **Browse by Subject**
- **SelectedWorks Gallery**

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**At a Glance**

Top 10 Downloads
All time

Recent Additions
20 most recent additions
Activity by year

---

**Paper of the Day**

Defining Dicta
Michael Abramowicz and Maxwell Stearns

---

Reader from: Boston, Massachusetts, United States Of America

The Constitutional History of the Seventh Amendment
Charles W. Wolfram
University of Minnesota Law School
Defunding the Police
Author: Patrick Oliver
Publication: History and Government Faculty Contributions to the Popular Press
[Link to Full Text]

What Does it Mean to Dismantle and Defund Police Departments?
Author: Patrick Oliver
Publication: History and Government Faculty Contributions to the Popular Press
[Link to Full Text]

Defund Police?
Author: Patrick Oliver
Publication: History and Government Faculty Contributions to the Popular Press
[Link to Full Text]

Will Defunding Police be a Campaign Message?
Author: Mark Caleb Smith
Publication: History and Government Faculty Contributions to the Popular Press
[Link to Full Text]
Search strategies

- Use multiple search techniques
  - Keyword (natural language & Boolean)
  - Subject
  - Browse
- Build from the sources you’ve already found
  - Look at sources cited by those sources
  - Use a citator (Shepard’s or KeyCite) to find sources that have cited to sources you’ve already found
- Ask a librarian!
FACT FINDING
Researching New Statutes/Ordinances

- 50 state surveys of statutes by topic
  - Westlaw, Lexis
  - National Conference of State Legislatures
  - Advocacy organizations’ websites (state and local laws)
- Proposed legislation & bill tracking
  - Westlaw/Lexis
  - Legislature websites
- LRC research guide on Local Government and Municipal Law

- Include full text of any ordinance or statute you are discussing as an appendix to your paper
Law Enforcement Overview

7/3/2020

Deaths and other confrontations involving law enforcement continue to drive national conversations about policy and promote review of current state and local laws. State lawmakers can have a significant impact on law enforcement by promoting transparency, providing a framework for best practices, oversight, training and officer wellness; and encouraging appropriate use of emerging technology.

Community Policing

“Community policing” is an approach to law enforcement that uses community partnerships and problem-solving techniques to proactively address public safety concerns, according to the U.S. Department of Justice. Community policing proponents assert that by building strong relationships, communities and police are better able to respond to and communicate during crisis situations.

Rather than a specific set of policies, community policing is a philosophy that may look different in every locality based on the needs of the police and the people in each jurisdiction. Recent evaluations of community policing practices have occurred at both the state and federal levels.

The Task Force on 21st Century Policing was created in 2014 in response to events in Ferguson, Mo., to identify and recommend best practices for “fostering strong, collaborative relationships between local law enforcement agencies and the communities they serve.”
For more recent 2020 enactments see here.

<table>
<thead>
<tr>
<th>State</th>
<th>Bill Number &amp; Enactment Date</th>
<th>Topic</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>AL HB 50 (2017)</td>
<td>Data collection and reporting</td>
<td>Relates to law enforcement; relates to the Alabama Criminal Justice Information System (ACJS) to collect data regarding allegations of excessive force by state, county and municipal law enforcement officers; requires the ACJS to compile certain data related to incidents involving excessive force; and requires the ACJS to submit an annual report relating to incidents involving excessive force to certain legislative committees.</td>
</tr>
<tr>
<td>Arizona</td>
<td>AZ SB 1253 (2017)</td>
<td>Investigation of law enforcement use of force</td>
<td>Provides that in an administrative investigation of a law enforcement officer's use of force incident that resulted in a death or serious physical injury to another person, if the law enforcement officer recorded a video, the investigation is not complete until after the officer has an opportunity to view the video and provide a statement, and the officer must be read a specified notice before giving a statement.</td>
</tr>
<tr>
<td>California</td>
<td>CA AB 71 (2015)</td>
<td>Data and reporting</td>
<td>Requires each law enforcement agency to annually furnish the Department of Justice a report of specified incidents when a police officer is involved in the use of force. Requires that for each of these incidents, the report include specified information about that incident. Requires the department to include a summary of the annual reports in its annual crime report.</td>
</tr>
<tr>
<td></td>
<td>CA S 227 (2015)</td>
<td>Grand jury inquiry into law enforcement use of force</td>
<td>Prohibits a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer that led to the death of a person being detained or arrested by the peace officer, unless the offense was declared to the grand jury by a member thereof.</td>
</tr>
<tr>
<td>California</td>
<td>CA AB 1024 (2017)</td>
<td>Grand jury indictment of law enforcement due to use of force</td>
<td>Requires a court to disclose all or a part of a grand jury indictment proceeding transcript, excluding the grand jury's private deliberations and voting, if the grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer that led to the death of a person being detained or arrested by the peace officer.</td>
</tr>
<tr>
<td>California</td>
<td>CA AB 392 (2019)</td>
<td>Law enforcement use of deadly force</td>
<td>Redefines the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury.</td>
</tr>
</tbody>
</table>
Featured topics
Civil Rights Legal Materials & News
COVID-19 Legal Materials & News

Litigation Analytics
View insights on judges, attorneys, law firms, courts, and case types to build a winning case strategy.

Quick Check
Securely upload your brief or motion to quickly find new authority and related law.
1. 2020 NJ A.B. 4741 (NS)
2020 New Jersey Assembly Bill No. 4741, New Jersey Two Hundred Nineteenth Legislature - First Annual Session - September 24, 2020 - TITLE: Establishes minimum educational requirements for county and municipal law enforcement officers. - VERSION: Introduced - Primary Sponsor(s): Downey, Joann, Co-Sponsor(s):

```
SUMMARY: Establishes minimum educational requirements for county and municipal law enforcement officers. ASSEMBLY, No. 4741 STATE OF NEW JERSEY 219th LEGISLATURE INTRODUCED SEPTEMBER 24, 2020 Sponsored by: Assemblywoman JOANN DOWNEY District 11 (Monmouth) SYNOPSIS Establishes minimum educational requirements for county and municipal law enforcement officers. CURRENT VERSION OF TEXT As introduced. An Act concerning the qualifications for initial appointment as a local law enforcement officer, amending N.J.S.40A:14-122 and supplemening chapter 14 of Title 40A of the New Jersey Statutes. Be It...
```

...Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence, for a continuous period of 5 five days, shall cease to be a member of such police department and force...

...40A:14-122. General qualifications of members of police department and force; temporary appointments; absences from duty....

2. 2018 NJ A.J.R. 161 (NS)
2018 New Jersey Assembly Joint Resolution No. 161, New Jersey Two Hundred Eighteenth Legislature - First Annual Session - October 15, 2018 - TITLE: Designates September 11th of each year as "Heroes Day." - VERSION: Introduced - Primary Sponsor(s): Murphy, Capitol, Peters, Ryan E., Co-Sponsor(s):

```
SUMMARY: Designates September 11th of each year as "Heroes Day." ASSEMBLY JOINT RESOLUTION No. 161 STATE OF NEW JERSEY 218TH LEGISLATURE INTRODUCED OCTOBER 15, 2018 Sponsored by: Assemblywoman CAROL A. MURPHY District 7 (Burlington) Assemblyman RYAN E. PETERS District 8 (Atlantic, Burlington and Camden) SYNOPSIS Designates September 11th of each year as "Heroes Day." CURRENT VERSION OF TEXT As introduced. A Joint Resolution designating September 11th of each year as "Heroes Day." Whereas, The attack on the United States on September 11, 2001 resulted in the deaths of thousands of innocent...
```

...Members of the Armed Forces, police officers, firefighters, and emergency services personnel throughout the State are called upon to serve and protect their fellow citizens....

...Whereas, Members of the Armed Forces, police officers, firefighters, and emergency services personnel are routinely subjected to dangerous situations, called upon to work overtime without proper rest, and spend time away from their families and loves ones; and...

3. 2018 NJ S.J.R. 99 (NS)
2018 New Jersey Senate Joint Resolution No. 99, New Jersey Two Hundred Eighteenth Legislature - First Annual Session - October 15, 2018 - TITLE: Designates September 11th of each year as "Heroes Day." - VERSION: Introduced - Primary Sponsor(s): Lagana, Joseph A., Co-Sponsor(s):

```
SUMMARY: Designates September 11th of each year as "Heroes Day." SENATE JOINT RESOLUTION No. 99 STATE OF NEW JERSEY WHEREAS, The attack on the United States on September 11, 2001 resulted in the deaths of thousands of innocent...
```

...Members of the Armed Forces, police officers, firefighters, and emergency services personnel throughout the State are called upon to serve and protect their fellow citizens....

...Whereas, Members of the Armed Forces, police officers, firefighters, and emergency services personnel are routinely subjected to dangerous situations, called upon to work overtime without proper rest, and spend time away from their families and loves ones; and...
Results for: police use of force

1. USCS Const. Amend. 4, Unreasonable searches and seizures.
   USCS - Constitution of the United States | USCS Const. Amend. 4

   Amendments > Amendment 4 Unreasonable searches and seizures.

   ... by government action 165. As affected by turning evidence over to police 166. Agent of police b. Particular Persons 167. Airline or airport personnel...
   ... 78. —Trash 79. —Utility records 80. —Vehicles not owned 81. —Police cars 82. —Wireless signal 83. —Workplace 84. —Other containers 85. —Other ...

2. § 1983. Civil action for deprivation of rights
   USCS - United States Code Service - Titles 1 through 54 | 42 USC § 1983

   TITLE 42. THE PUBLIC HEALTH AND WELFARE > CHAPTER 21. CIVIL RIGHTS > CHAPTER 21. GENERALLY


3. Police Reform Act of 2020

   A BILL To prohibit the receipt of funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and...
News, blogs & web searching

- **Web**
  - Google Advanced Search: [https://www.google.com/advanced_search](https://www.google.com/advanced_search)

- **Subscription paywall?**
  - Search the library catalog for title of publication – we may have a subscription

- **News**
  - Lexis & Factiva

- **Law blogs**
Public policy studies & analysis

• Evaluate the source
  • Authority – author is identified, reputable, credentialed
  • Objectivity (fairness, lack of bias)
  • Accuracy – provides references to sources, verifiable
  • Scope (relevancy)
  • Currency

• Look for nonpartisan research
  • https://guides.library.harvard.edu/publicpolicy
Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct

Little public support for cuts in spending on local policing
Broad public support for several policing reform proposals

There is majority support among the public – and in both parties – for five policy proposals about policing included in the survey. However, there are still sizable partisan differences in these views.

Eight-in-ten or more Democrats either strongly or somewhat favor each of the five proposals, while there is more variation among Republicans. Even on policies where there is overwhelming bipartisan support – such as requiring police to be trained in nonviolent alternatives to deadly force, favored by nine-in-ten or more in both parties – Democrats are more likely than Republicans to **strongly** support such a policy (84% vs. 55%).

An overwhelming majority of Democrats (89%) say they favor giving civilian oversight boards power to investigate and discipline officers accused of misconduct, with 62% saying they strongly favor this. A narrower majority (58%) of Republicans say they either strongly or somewhat favor oversight boards (19% strongly favor). There is a similar pattern of opinion about making it a crime for police to use chokeholds or strangleholds (88% of Democrats and 57% of Republicans favor this).

### Democrats more likely than Republicans to say they favor several police reform proposals

<table>
<thead>
<tr>
<th>Policy</th>
<th>% who say they strongly/somewhat favor each of the following...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Give civilian oversight boards power to investigate and discipline officers accused of inappropriate use of force or other misconduct</td>
<td>Total: 75 NET&lt;br&gt;Rep/Lean Rep: 58&lt;br&gt;Dem/Lean Dem: 89</td>
</tr>
<tr>
<td>Make it a crime for police to use chokeholds or strangleholds</td>
<td>Total: 74&lt;br&gt;Rep/Lean Rep: 57&lt;br&gt;Dem/Lean Dem: 88</td>
</tr>
<tr>
<td>Require officers to live in the places they police</td>
<td>Total: 74&lt;br&gt;Rep/Lean Rep: 68&lt;br&gt;Dem/Lean Dem: 80</td>
</tr>
<tr>
<td>Create a federal government database to track officers accused of misconduct</td>
<td>Total: 90&lt;br&gt;Rep/Lean Rep: 85&lt;br&gt;Dem/Lean Dem: 94</td>
</tr>
<tr>
<td>Require police to be trained in nonviolent alternatives to deadly force</td>
<td>Total: 92&lt;br&gt;Rep/Lean Rep: 91&lt;br&gt;Dem/Lean Dem: 94</td>
</tr>
</tbody>
</table>

Congressional Research Service

Search Within Results

[375] results for: police

Search CRS Reports

Refine These Results

Clear All Refinements

Topics
- Foreign Affairs (97)
- Justice & Law Enforcement (57)
- Appropriations (31)
- Federal Judiciary & Constitutional Law (28)
- Homeland Security & Immigration (21)

Show More ...

Authors
- James, Nathan (39)
- Brudnick, Ida A (18)
- Martin, Michael F (17)
- Finklea, Kristin (17)
- Seelke, Clare Ribando (15)

Show More ...

Reforming Patterns of Unconstitutional Policing: Enforcement of 34 U.S.C. § 12501
LSB10494  
April J. Anderson

Jun 15, 2020

Police Accountability Measures
IF11572  
Nathan James

Jun 11, 2020

Policing the Police: Qualified Immunity and Considerations for Congress
LSB10492  
Whitney K. Novak

Jun 25, 2020

Congress and Police Reform: Current Law and Recent Proposals
LSB10486  
Joanna R. Lampe

Jun 25, 2020

Police Use of Force: Overview and Considerations for Congress
LSB10516  
Michael A. Foster

Jul 10, 2020

Comparing Police Reform Bills, the Justice in Policing Act and the JUSTICE Act

Jul 06, 2020
Policing the Police: Qualified Immunity and Considerations for Congress

Updated June 25, 2020

In the wake of unrest arising from George Floyd’s death on May 25, 2020, after a Minneapolis police officer pressed a knee into his neck, broader questions have arisen with regard to how existing law regulates the conduct of local police officers. While these issues are explored more broadly in these separate Sidebars, one particular issue of recent judicial and legislative focus has been the doctrine of qualified immunity. Qualified immunity is a judicially created doctrine shielding public officials who are performing discretionary functions from civil liability. The doctrine plays a particularly prominent role in defense of civil rights lawsuits against federal law enforcement officials under the Bivens doctrine and against state and local police under 42 U.S.C. § 1983 (Section 1983). With regard to its role in civil lawsuits concerning violations of constitutional norms regulating the police, defendents of the doctrine have suggested that qualified immunity plays an important role in affording police officers some level of deference when making split-second decisions about whether to, for example, use force to subdue a fleeing or resisting suspect. Critics of the doctrine have questioned its legal origins and have argued that its practice has provided too much deference to the police at the expense of accountability and the erosion of criminal suspects’ constitutional rights. With increasing focus on whether Congress should legislate to abrogate or otherwise modify the doctrine, this Sidebar explores the legal basis for qualified immunity, how it has operated in practice, and current debate over the efficacy of the doctrine. The Sidebar concludes by discussing considerations for Congress regarding qualified immunity.

What Is Qualified Immunity?

Qualified immunity is a judicially created legal doctrine that shields government officials performing discretionary duties from civil liability in cases involving the deprivation of statutory or constitutional rights. Government officials are entitled to qualified immunity so long as their actions do not violate “clearly established statutory or constitutional rights of which a reasonable person would have known.” The Supreme Court has observed that qualified immunity balances two important interests—“the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” The immunity’s broad protection is intended for “all but the plainly incompetent or those who knowingly violate the law” and to give government officials “breathing room” to make reasonable mistakes of fact and law. According to the Supreme Court, the “driving force” behind qualified immunity was to ensure that
NOTE-TAKING TOOLS & TECHNIQUES
Why good note-taking is important

- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations
What to look for

• Reference manager
• Citation support
• Organization and annotation of PDFs and other digital content
• A tool that fits your research style
• You do not have to use an app—can create your own system using folders
A few useful tools

- Evernote
- Google Drive
- Microsoft OneNote
- Dropbox
- Box
Note-taking tips

If you cut & paste text from another source to look at later, **immediately** mark it as copied text & include citation info.
Summarizing & paraphrasing

- Try to do it without looking at the source material
- Not enough to change a few words around, or substitute synonyms
- You literally have to rewrite the material using your own words

"If you can't explain it simply, you don't understand it well enough."

Albert Einstein
Citing the best source

• Don’t rely on Source A to tell you what Source B says – go back to the original
  • Don’t cite Scholar A to tell your reader what Scholar B argued
  • Don’t cite a book or an article to tell your reader what a case held
  • Don’t cite a case to tell you what the statute says
Research log

- Keep a log of where you’ve searched and what search terms you used (not just what you found)
- This will save you time later
Follow the citation format used in your course materials.

- Books
- Secondary Sources
- Websites
Contact us

Reference librarians: Email: lrcrefer@sandiego.edu
- M–Th 9am–6pm
- F 9am–5pm
- Su noon–4pm

Chat: www.sandiego.edu/law/library
Call: (619) 260-4612

Slides available at: https://www.sandiego.edu/law/library/research-trainings/upper-division.php

Liz Parker (619)260-4600 x 2555
eparker-10@sandiego.edu