

LRC Research Training

For Professor Brooks' Jurisprudence Seminar Fall 2020


Liz Parker, Publication Services Librarian


eparker-10@san Diego.edu


LRC Reference Desk

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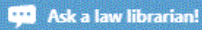

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The LRC offers cite-checking, proofreading, and other support for faculty scholarship.

Hours
Thursday, October 8, 2020

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- 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](#)

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police



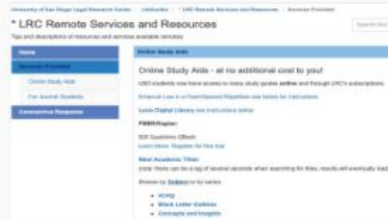
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Related Searches:

Report of the Independent Commission on the Los Angeles Police Department

Independent Commission on the Los Angeles Police Department (Los Angeles, Calif.)

PRINT BOOK |

Available at LRC Reading Room (HV8148.L552 I52 1991) plus 3 more [see all](#)[CITECHECKERS REQUEST MATERIALS HERE](#)[Request it](#)

Additional actions:

**Women officers of the San Diego Police Department, 1912-1988 / by Anne Findlay Patton**

Patton, Anne Findlay

THESIS/DISS | 1989

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Additional actions:

**Fear, society, and the police / Dale L. June**

June, Dale L., author

PRINT BOOK | 2020

Available at CL New Books (HV7432 .J86 2020) [see all](#)[Request it](#)

Additional actions:

**The global police state / William I. Robinson**

Robinson, William I., author

PRINT BOOK | 2020

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Additional actions:

**Police use of force : important issues facing the police and the communities they serve / edited by Michael J. Palmiotto Wichita State University School of Community Affairs Wichita, Kansas, USA**

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Rushin, Stephen, author

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Zimring, Franklin E., author

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
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☒ include patents☒ include citations☒ Create alertA critical history of **police reform**

S Walker - Lexington, MA: Lexington Books, 1977 - ncjrs.gov

THE DEVELOPMENT OF **POLICE REFORM** AND OF THE **POLICE** PROFESSIONALISM MOVEMENT ON THE NATIONAL LEVEL ARE TRACED WHILE INDICATING THE GENERAL PERIODS OF CHANGE. A CENTRAL ARGUMENT IS THAT AROUND THE ...

☆  Cited by 679 Related articles [book] **Police reform**: Forces for change

S Savage - 2007 - researchportal.port.ac.uk

This book focuses on the very topical subject of **police reform** in the UK. Currently, the **police** service is undergoing a time of significant change and **reform** as a result of the 'modernisation' agenda. Planned force re-structuring, the performance culture, recruitment ...

☆  Cited by 204 Related articles All 2 versions [book] Mirage of **police reform**

RE Worden, SJ McLean - 2017 - luminoso.org

In the United States, the exercise of **police** authority—and the public's trust that **police** authority is used properly—is a recurring concern. Contemporary prescriptions for **police reform** hold that the public would trust the **police** more and feel a greater obligation to ...

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A Goldsmith - Theoretical criminology, 2005 - journals.sagepub.com

Police reform is widely undertaken in developing and post-authoritarian countries. The starting point for analysis of this phenomenon, it is suggested, is the absence of public trust in **police that characterizes police-community** relations in these countries. Without public ...

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MC Bell - YALE IJ, 2016 - HeinOnline

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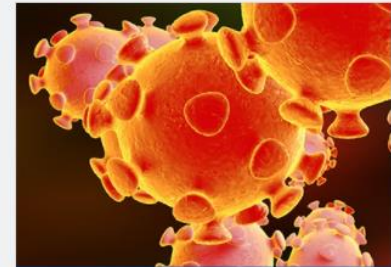
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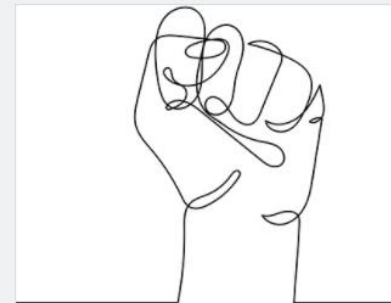
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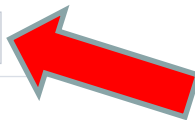
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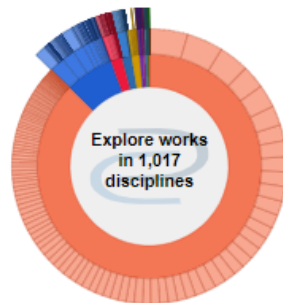
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Defunding the Police

Date: 06/2020

Author: Patrick Oliver

Publication: *History and Government Faculty Contributions to the Popular Press*

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What Does it Mean to Dismantle and Defund Police Departments?

Date: 06/2020

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Defund Police?

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Will Defunding Police be a Campaign Message?

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Author: Mark Caleb Smith

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What Reform, Demilitarizing Police, Could Mean

Date: 06/2020

Search strategies

- Use multiple search techniques
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- Build from the sources you've already found
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Researching New Statutes/Ordinances



- 50 state surveys of statutes by topic
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 - National Conference of State Legislatures
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- 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

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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

<https://www.ncsl.org/research/civil-and-criminal-justice/law-enforcement.aspx>



For more recent 2020 enactments [see here](#).

Recent Use of Force Enactments 2014 - April 2020			
State	Bill Number & Enactment Date	Topic	Summary
Alabama	AL HB 50 (2017)	Data collection and reporting	Relates to law enforcement; relates to the Alabama Criminal Justice Information System (ACJIS) to collect data regarding allegations of excessive force by state, county and municipal law enforcement officers; requires the ACJIS to compile certain data related to incidents involving excessive force; and requires the ACJIS to submit an annual report relating to incidents involving excessive force to certain legislative committees.
Arizona	AZ SB 1253 (2017)	Investigation of law enforcement use of force	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.
California	CA AB 71 (2015)	Data and reporting	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.
	CA S 227 (2015)	Grand jury inquiry into law enforcement use of force	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.
	CA AB 1024 (2017)	Grand jury indictment of law enforcement due to use of force	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.
	CA AB 392 (2019)	Law enforcement use of deadly force	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.

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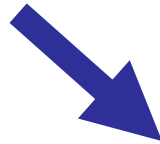
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☐ 1. 2020 NJ A.B. 4741 (NS)

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 supplementing 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, Carol A., 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 (218th)

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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 ...

[View Table of Contents](#)2 ☐**§ 1983. Civil action for deprivation of rights**

USCS - United States Code Service - Titles 1 through 54 | 42 USCS § 1983

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

... Interstate parole compacts 185. Labor laws 186. Land **use** decisions and zoning laws 187. Laws on **use of deadly force** by **police** officer 188. Medical malpractice 189. Mental health 190. Notice-of-claim statute 191. ...

... link between actions and alleged custom or policy 479. Entrapment 480. **Use of force** 481. —Deadly **force** or threat thereof 482. —Assault, beating or choking 483. Harassment...

... State post-deprivation remedies as bar to action 198. —Property rights 199. **Use of excessive force** 200. Other particular circumstances 201. Taxation 202. Workers Compensation 203. Wrongful ...

[View Table of Contents](#)3 ☐**Police Reform Act of 2020**

Congressional Full Text of Bills - 113th Congress to Current Congress | Jun 08, 2020 | 2020 H.R. 7137 | ,116 H.R. 7137 | AS INTRODUCED IN THE HOUSE
A BILL To prohibit the receipt of funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and...

... by State and local government units that have failed to adopt **use-of-force** policies and other policies that meet minimum standards; require State and ...

... in de-escalation and mental health crisis intervention and to publicly disseminate **use-of-force** policies; to require the promulgation of protocols for the investigation and reporting of instances of the **use of deadly force** by Federal law enforcement officers; to provide for grants to community ...

... by State and local government units that have failed to adopt **use-of-force** policies and other policies that meet minimum standards; require State and ...

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JULY 9, 2020



Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct

Little public support for cuts in spending on local policing



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Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct

Wide racial, partisan gaps in views of police performance

Overall ratings of the police have declined since 2016

Broad public support for several policing reform proposals

Just a quarter of the public says spending on police should be

Broad public support for several policing reform proposals

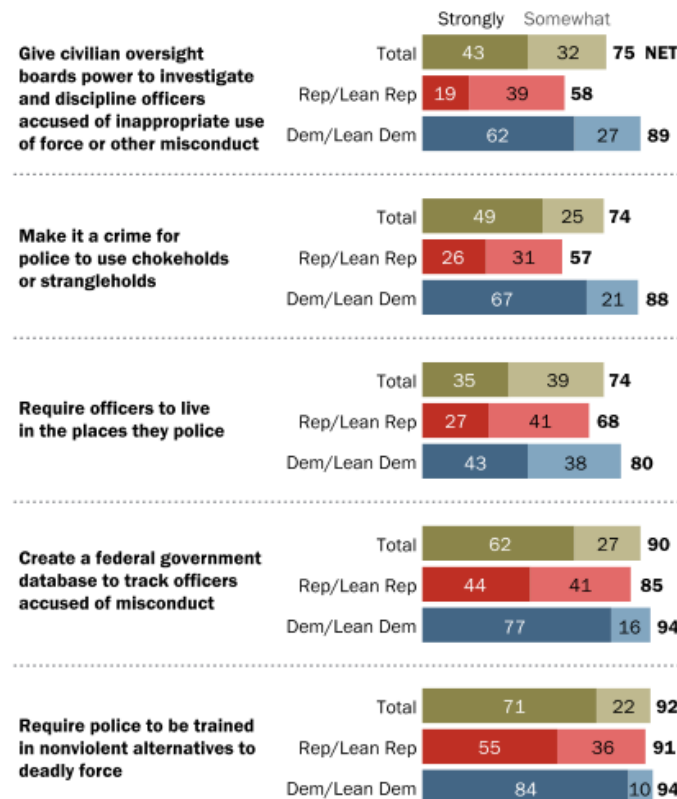
There is majority support among the public – and in both parties – for five policy proposals about policing included in the survey. However, there are still sizable partisan differences in these views.

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

% who say they *strongly/somewhat* favor each of the following ...



Source: Survey of U.S. adults conducted June 16-22, 2020.

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Widespread Desire for Policing and Criminal Justice Reform



Many Unsure If Recent Protests Will Create Positive Change

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Policing the Police: Qualified Immunity and Considerations for Congress

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Jul 10, 2020

LSB10516

Michael A. Foster



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, [defenders](#) 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.

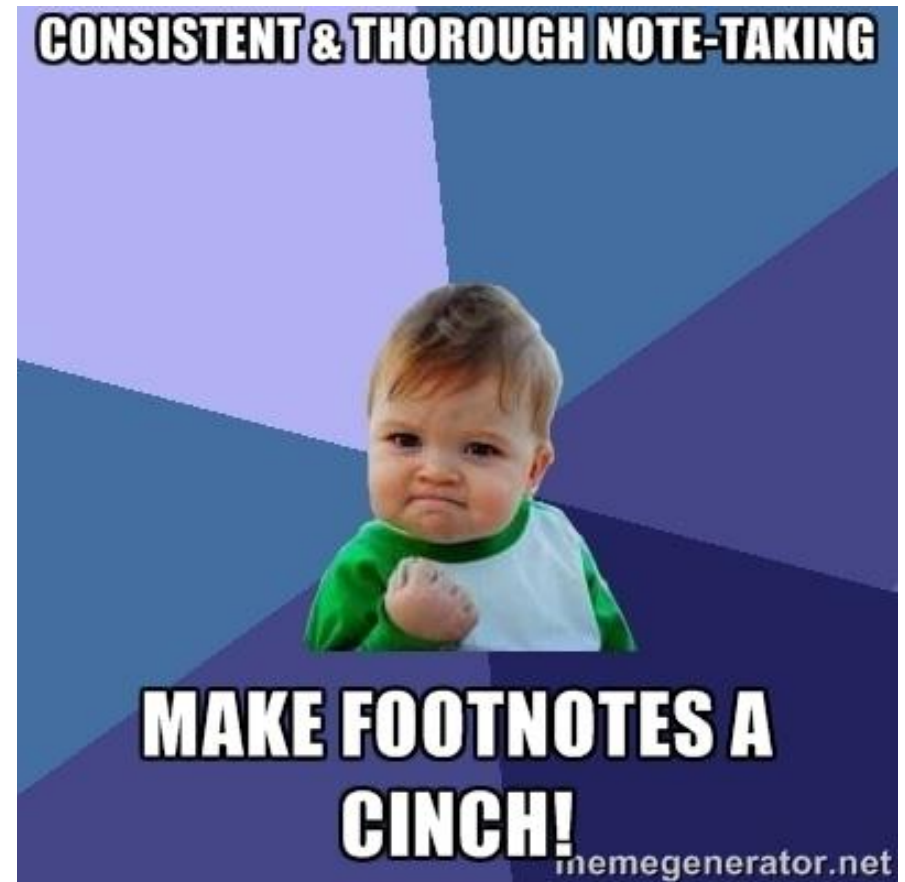
What Is Qualified Immunity?

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



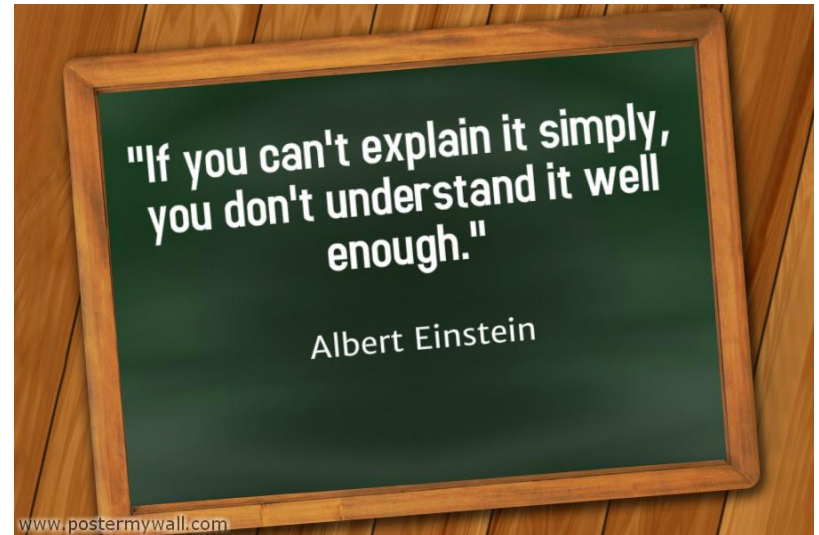
Note-taking tips

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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



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

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Follow the citation format used in your course materials.

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- Secondary Sources
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