

CRIMINAL PROCEDURE—POLICE AND POLICE PRACTICES
UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
FALL 2025 SYLLABUS—LAW 547—3 CREDITS

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Office Hours: Tuesdays 1:30-2:30 p.m. in my office

MEETING TIME: TU and F 10:45 a.m. - 12:10 p.m.

LOCATION: Room 397

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 regarding 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. \

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.

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

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| A. Incorporation Doctrine and Retroactive Application of Constitutional Decisions | 5-13; 15-28 |
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2. Searches and Seizures of Persons and Things

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| 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

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| 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 Right to Counsel	861-885; 886-894
4. Right to Counsel	945-967; 973-976
5. Identifying Suspects	895-918