

Course Objectives/Course Outline

Spokane Community College

Course Title: Constitutional Law and Criminal Procedure

Prefix and Course Number: CJ 201

Course Learning Outcomes:

By the end of this course, a student should be able to:

- Identify the elements of the 4th, 5th, 6th, 8th and 14th Constitutional Amendments as applied to law enforcement and other government activities
- Identify and discuss landmark cases which apply to law enforcement activities such as search, seizure and arrest
- Identify the elements of lawful arrests, searches and seizures, and common defense challenges to these activities
- Identify and discuss the rules of evidence which regulate admissibility and sufficiency
- Identify and discuss major exceptions to the 4th, 5th, 6th, 8th, and 14th Amendment requirements
- Identify and discuss landmark cases and court applied tests for testimony from expert witnesses
- Identify and discuss sanctions applied for violation of a suspect's rights (Exclusionary Rule, Fruit of the Poisonous Tree,) and legal exceptions for admitting evidence excluded under these rules
- Describe the concept of *stare decisis*, and its impact upon criminal procedure
- Name the components of a legal decision, and define court terms such as remand, uphold and overturn

Course Outline:

- I. Overview of the U.S. Legal System
 - a. Theories about and purpose of the Legal System
 - i. Purpose of Law: Consensus Theory versus Conflict Theory
 - ii. Purpose of the Criminal Justice System: Crime Control versus Due Process
 - iii. The Challenge: Balancing Individual and Societal Rights
 - b. Development of the Law
 - i. Evolution of Common Law and Stare Decisis
 - c. Categorizing Law
 - i. Jurisdiction
 - ii. Procedural
 - iii. Criminal
 - iv. Civil
 - d. The Court System:
 - i. Federal, State and Municipal
 - ii. Officers of the Court
 - iii. Explanation of the purpose and methods of the intentionally adversarial nature of the justice system
 - iv. Doctrines governing what cases will be heard: standing, subject matter jurisdiction
 - e. Overview of the Juvenile Justice Court System

- II. The U.S. Supreme Court
 - a. Authority and subject matter jurisdiction of the U.S. Supreme Court
 - b. Judicial Review, its definition and controversies and alternatives to judicial review
 - c. Certiorari, how the court determines which cases will be heard
 - d. The Supreme Court Justices
 - i. Politics and their appointment
 - ii. Method of appointment
 - iii. Changes in the Court over the years
 - 1. The current Court
 - e. Supreme Court Decisions
 - i. Types of Opinions found in a Supreme Court Decision
 - ii. Decisions, the meaning and use of: Majority Opinion, Concurring Opinions and Dissenting Opinions
 - iii. Strict Construction versus “Spirit of the Law” interpretations
- III. Equal Protection, balancing individual, State and Federal rights
 - a. 13th Amendment – How abolishing slavery set the need for the 14th Amendment and the extension of Constitutional rights to the States
 - b. 14th Amendment provides:
 - i. Due Process of Law – procedural law
 - ii. Equal Protection of Law – statutory law
 - c. Due Process
 - i. Enumerated and Unenumerated Rights
 - ii. Describe and compare procedural and substantive Due Process
 - iii. Due Process and Privacy rights: where it stands today
 - d. Discrimination versus Prejudice
 - i. How the courts and law view discrimination and prejudice.
 - 1. Prejudice – an attitude not controlled by law
 - 2. Discrimination – a behavior controlled by law
 - e. Equal Protection in the Criminal Justice System
 - i. Discrimination in legislation of law
 - ii. Discrimination in law enforcement
 - iii. Discrimination in the courts
 - iv. Discrimination in corrections
- IV. Overview of the 4th Amendment – Constitutional Searches and Seizures
 - a. The importance of 4th Amendment protections
 - b. What is a search and/or seizure for the purposes of the 4th Amendment
 - c. Clauses
 - i. Unreasonableness Clause
 - ii. Warrant Clause
 - 1. Probable Cause
 - d. Search and Arrest Warrants
 - i. Knock-and-Announce Rule
 - ii. Special Conditions
 - iii. Executing warrants (general)
 - e. Developing Probable Cause
 - i. Corroborating complainants/witnesses
 - ii. From first contact to suspicion to probable cause
 - f. *Terry v. Ohio*: Stop and Frisk
 - i. Basic definitions
 - g. Consequences of 4th Amendment Violations
 - i. The Exclusionary Rule
 - ii. Exceptions to the Exclusionary Rule

- iii. Internal Sanctions, Civil Liability and Criminal Liability
- V. Conducting Constitutional Seizures
 - a. Arrest is a seizure
 - b. Stops versus Seizures
 - i. Investigatory stops
 - 1. Establishing reasonable suspicion
 - 2. Length of the detention
 - 3. Traffic stops
 - 4. Checkpoints
 - ii. Arrests (an overview)
 - 1. Defacto Arrests
 - 2. What is required for a lawful arrest
 - iii. Pursuit
 - iv. Use of Force
 - 1. What is reasonable force
 - 2. Use of less-lethal force
 - 3. Use of deadly force
 - v. Citizens Arrests
 - vi. Immunity from Arrest
- VI. Conducting Constitutional Searches
 - a. Scope of Searches
 - b. Searches with a warrant
 - i. Executing the warrant
 - ii. Knock-and-Announce Rule revisited
 - iii. Detention during a search
 - iv. Conducting a search
 - c. Searches without a warrant
 - i. Consent
 - ii. Frisks
 - iii. Plain Feel
 - iv. Plain View
 - v. Search Incident to Arrest
 - vi. The Automobile Exception
 - vii. Exigent Circumstances
 - viii. Open Fields, Abandoned Property, and Public Places
 - d. Special Needs Searches
 - i. Administrative Searches
 - ii. Public School Searches
 - iii. Jail, Prison and Parole Searches
 - iv. Public Employee Work Areas
 - e. Electronic Surveillance, Privacy Interests and the 4th Amendment
 - i. The Electronic Communications Privacy Act
 - ii. Balancing Security Concerns with Privacy Interests
- VII. The 5th Amendment: Obtaining Information Legally
 - a. Government's Need to Know
 - b. The Right against self-incrimination
 - i. Voluntariness of confessions
 - ii. Standard of voluntariness
 - iii. False confessions
 - c. *Miranda v. Arizona*
 - i. The Case
 - ii. The Miranda Warning

1. Wording

- iii. Premature Miranda Warnings
- iv. When Miranda must be given
- v. Waiving and invoking Miranda rights
- vi. Challenge to Miranda, *Dickerson v. United States*
- vii. The right against self-incrimination and impeached testimony
- viii. When Miranda Warnings are generally not required
- ix. The Public Safety Exception
- x. Consequences of a Miranda Violation
- xi. Fifth Amendment implications of using informants

d. Entrapment

e. Other Rights from the 5th Amendment

- i. Right to a Grand Jury
- ii. Double Jeopardy

VIII. The 6th Amendment: Right to Counsel and a Fair Trial

a. The Seven Discrete Clauses of the 6th Amendment

- i. Speedy and public trial
- ii. Impartial jury
- iii. Jurisdiction of a trial
- iv. Being informed of the accusation
- v. Right to confront witnesses
- vi. Compulsory process for the accused
- vii. Right to counsel

b. Right to Counsel at critical stages of criminal proceedings

- i. During investigation
- ii. During identification
- iii. Hearings, trials and appeals

c. The Presumption of Effective Counsel

d. Waiver of 6th Amendment Right to Counsel

e. Right to act as one's own attorney

f. Juveniles and the 6th Amendment

g. Corrections

IX. The 8th Amendment: Bail, Fines and Punishment

a. Bail

- i. Evolution of legislation and case law
- ii. Bail Reform Act of 1966 and 1984

b. Fines

- i. Asset forfeiture and the prohibition against excessive fines

c. Cruel and Unusual Punishment

- i. Punishment options
- ii. Physical forms of punishment
- iii. Capital punishment
 - 1. Is it cruel and unusual?
 - 2. Are lengthy delays cruel and unusual?
 - 3. Who can be executed: juveniles, mentally handicapped
 - 4. Appeals
 - 5. Costs
 - 6. Juries and capital punishment

iv. Corrections

- 1. Conditions of confinement and Deliberate Indifference
- 2. Use of force and Good Faith

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