

COURSE SYLLABUS

LAST REVIEW	Fall 2021
COURSE TITLE	Criminal Procedure
COURSE NUMBER	CRJS 0204
DIVISION	Social and Behavioral Sciences & Public Services
DEPARTMENT	Criminal Justice
CIP CODE	43.0107
CREDIT HOURS	3
CONTACT HOURS/WEEK	Class: 3 Lab: 0 Clinical: 0
PREREQUISITES	None
COURSE PLACEMENT	Students must meet the correct placement measure for this course. Information may be found at: https://www.kckcc.edu/admissions/information/mandatory-evaluation-placement.html

COURSE DESCRIPTION

This course acquaints the students with the principles, duties, and mechanics of criminal procedure in the areas of arrest, force, and search and seizure. The types, degrees, admissibility, competence, and weight of evidence and proof are studied, and the course specifically deals with rules of evidence and procedures to follow at the operational level.

PROGRAM ALIGNMENT

This course is part of a program aligned through the Kansas Board of Regents and Technical Education Authority. For more information, please visit:
https://kansasregents.org/workforce_development/program-alignment

PROGRAM LEARNING OUTCOMES

AA Police Science

1. Describe several ideological, theoretical, and institutional perspectives of political science.
2. Demonstrate proficiency in various contending theories of international relations, with emphasis on the U.S. national interest approach, foreign policy, and the realist approach.
3. Describe the historical background, governing principles, institutions, domestic and foreign policy goals of the National Government of the United States.

AAS Police Science

1. Define the interdependence of the three components of the criminal justice system: police, courts, and corrections and how these systems function both in relationship to each other and as separate entities.
2. Define the principles related to the acquisition, preservation, and presentation of evidence in a criminal case.
3. Demonstrate the critical reasoning skills necessary in the practice of arrest, search, and seizure.

Police Science Certificate

1. Define the profession of policing and its function within society
2. Define criminal investigation procedures, to include evidence processing and recovery and the rules of evidence.
3. Define the principles of arrest, search and seizure.

TEXTBOOKS

<http://kckccbookstore.com/>

METHODS OF INSTRUCTION

A variety of instructional methods may be used depending on content area. These include but are not limited to: lecture, multimedia, cooperative/collaborative learning, labs and demonstrations, projects and presentations, speeches, debates, panels, conferencing, performances, and learning experiences outside the classroom. Methodology will be selected to best meet student needs.

COURSE OUTLINE

I. Introduction: The Court System and Sources

- a. Structure of the Court System
- b. The Appellate Process
- c. The Territorial Effect of Judicial Decisions
- d. The principle of stare decisions (judicial precedent)
- e. Federal versus state jurisdiction
- f. Sources of rights
- g. The incorporation controversy (Does the Bill of Rights apply to the states?)

II. Overview of the criminal justice process

- a. Procedure before trial
- b. Procedure during trial
- c. Procedure after trial
- d. Cautions

III. Probable cause

- a. What constitutes probable cause
- b. When is probable cause required?
- c. Advantages in obtaining a warrant
- d. How probable cause is established
- e. Probable cause compared with other levels of proof

IV. The exclusionary rule

- a. General considerations
- b. The exclusionary rule applied to the states: Mapp v. Ohio
- c. Procedure for invoking the exclusionary rule
- d. What is not admissible
- e. Exceptions to the exclusionary rule
- f. Proceedings to which the rule does not apply
- g. Arguments in support of the exclusionary rule
- h. Alternatives to the exclusionary rule
- i. The future of the exclusionary rule

V. "Stop and frisk," immigration and border seizures, and stationhouse detention

- a. Stop and frisk – in general
- b. Stop and frisk are two separate acts
- c. Distinctions between stop and frisk and arrest
- d. Other applications of stop and frisk
- e. Stop and frisk applies to immigration and border searches
- f. Stationhouse detention – needs probable cause
- g. Stop and frisk versus stationhouse detention

VI. Arrest and entrapment

- a. Seizures of persons under the Fourth Amendment – in general
- b. Arrest defined
- c. Elements of arrest
- d. Types of authorized arrest
- e. What the police may do after an arrest
- f. Evidence illegally seized is not admissible
- g. Disposition of prisoner after arrest
- h. Entrapment ("The police made me do it and then arrested me")

VII. Lineups and other pretrial identification procedures

- a. Privilege against self-incrimination – does not apply
- b. The right to counsel – it depends
- c. The right to due process of law - applies
- d. The right to be free from unreasonable search and seizure – usually does not apply
- e. Other means of pretrial identification

VIII. Searches and seizures of things or items

- a. Search and seizure of things or items
- b. Search and seizure with warrant
- c. Search and seizure without warrant
- d. Specific searches and seizures
- e. Other search and seizure issues
- f. Property forfeiture as a law enforcement tool – Is it constitutional? Yes and no.
- g. Guide to understanding search and seizure cases

IX. Vehicle stops and searches

- a. Vehicle stops
- b. Vehicle searches
- c. Vehicle inventory searches
- d. Caution
- X. "Plain view," "Open fields," abandonment, and electronic surveillance
 - a. The "plain view" doctrine
 - b. The "open fields" doctrine
 - c. Abandonment
 - d. Electronic Surveillance

XI. Confessions and admissions: The Miranda v Arizona case

- a. Old standard for admissibility – Was the admission or confession voluntary?
- b. Miranda v. Arizona sets the new standard for admissibility
- c. Effect of Miranda on the old voluntaries rule
- d. When must the Miranda warnings be given? – Whenever there is "custodial interrogation"
- e. When are the Miranda warnings not required?
- f. Other cases affirming Miranda
- g. Other cases either rejecting Miranda or not applying Miranda in full
- h. The "harmless error" rule applies to Miranda cases on appeal: The Arizona v. Fulmante case
- i. Is Miranda here to stay? - Yes

XII. Constitutional rights and defenses during trial

- a. Right to trial by jury
- b. Right to counsel
- c. Right to due process – prosecutor's duty to disclose evidence to accused
- d. Privilege against self-incrimination
- e. Right to protection against double jeopardy
- f. Right to confrontation of witnesses
- g. Right to compulsory process to obtain witnesses
- h. Right to a speedy and public trial
- i. Right to a fair and impartial trial
- j. Right to proof of guilt beyond a reasonable doubt
- k. The insanity defense

XIII. Consequences of police misconduct: Civil lawsuits and other sanctions

- a. Introduction to legal liabilities
- b. Overview of legal liabilities to which the police are exposed
- c. Civil liability under state tort law
- d. Civil liability under federal law (Civil rights or section 1983 cases)
- e. Defenses in civil liability cases
- f. Defendants in civil liability cases: Legal representation and indemnification
- g. Can the police sue back? Yes, but...
- h. Ways to minimize legal liabilities
- i. Other sanctions against the police

COURSE LEARNING OUTCOMES

Upon successful completion of this course, the student will:

1. The student will be able to summarize the historical, theoretical, and philosophical developments in Criminal Justice.
2. The student will be able to Identify and discuss the steps in the Criminal Justice system.
3. The student will be able to distinguish the goals and philosophies of the due process and crime control models of Criminal Justice.
4. The student will be able to identify the ethical responsibilities and constitutional duties of the criminal justice professional.
5. The student will be able to summarize how law enforcement, courts and corrections operate and interact.
6. The student will be able to explain the importance of empirical data in criminal justice policy.

ASSESSMENT OF COURSE LEARNING OUTCOMES

Student progress is evaluated through both formative and summative assessment methods. Specific details may be found in the instructor's course information document.

COLLEGE POLICIES AND PROCEDURES

Student Handbook

<https://www.kckcc.edu/files/docs/student-resources/student-handbook-and-code-of-conduct.pdf>

College Catalog

<https://www.kckcc.edu/academics/catalog/index.html>

College Policies and Statements

<https://www.kckcc.edu/about/policies-statements/index.html>

Accessibility and Accommodations

<https://www.kckcc.edu/academics/resources/student-accessibility-support-services/index.html>.