

# CJ C128: CRIMINAL PROCEDURE

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| Item                         | Value                              |
|------------------------------|------------------------------------|
| Top Code                     | 210500 - Administration of Justice |
| Units                        | 3 Total Units                      |
| Hours                        | 54 Total Hours (Lecture Hours 54)  |
| Total Outside of Class Hours | 0                                  |
| Course Credit Status         | Credit: Degree Applicable (D)      |
| Material Fee                 | No                                 |
| Basic Skills                 | Not Basic Skills (N)               |
| Repeatable                   | No                                 |
| Open Entry/Open Exit         | No                                 |
| Grading Policy               | Standard Letter (S)                |

## Course Description

This course explores some of the basic protections the U.S. Constitution affords citizens against government intrusion when individuals are suspected of criminal conduct. It allows students to analyze legal and practical problems related to search and seizure, arrest, and interrogation law from the perspective of both law enforcement and the community member. Topics include important legal concepts such as the exclusionary rule, stop, and frisk, probable cause, and Miranda warnings. Transfer Credit: CSU. C-ID: AJ 122. C-ID: AJ 122.

## Course Level Student Learning Outcome(s)

1. Given a United States Supreme Court judicial opinion, prepare a law case brief that correctly analyzes constitutional principles related to operational police practices.
2. Given a contemporary legal topic, justify constitutional search and seizure legal doctrines by properly evaluating legal and historical research.

## Course Objectives

- 1. Discuss the role of the U.S. Constitution and the Bill of Rights as they relate to the protections of American citizens when involved in the criminal justice process.
- 2. Recognize the importance of American Courts, including the U.S. Supreme Court, in deciding fundamental legal decisions related to government-citizen interactions
- 3. Interpret important United States Supreme Court decisions related to law enforcement activities related to search and seizure and laws of arrest.
- 4. Explain the legal concepts of stop and frisk, probable cause, and the exclusionary rule
- 5. Describe proper procedures that law enforcement agents must use to obtain a valid waiver of Miranda principles consistent with Fifth Amendment rights.
- 6. Define the goals of the American Court system and its relation to criminal prosecution.
- 7. Discuss the procedural guidelines related to trial and appellate practice.

## Lecture Content

THE CONSTITUTION: FOURTH AMENDMENT STANDARDS Introduction and History Fourth Amendment Language Probable Cause Warrants Warrant Exceptions THE CONCEPT OF STOP AND FRISK Introduction to Stop and Frisk The Terry Legal Standard Unusual Conduct Armed and Dangerous Plain Feel Doctrine ARREST AND SEIZURE OF THE PERSON Probable Cause Arrests: The Legal Standard The Concept of Probable Cause for Arrest Sources of Probable Cause to Arrest Arrest Pursuant to a Warrant SEARCH SEIZURE: HOUSES, PERSONS, VEHICLES AND EFFECTS Searches of Houses Warrants to Search and Arrest Inside the Home Searches of Vehicles Searches Based on Consent Plain View Doctrine THE EXCLUSIONARY RULE: BASIC PRINCIPLES Violations and Remedies Regarding the Fourth Amendment The Derivative Evidence Rule Exclusionary Rule Exceptions The Concept of Standing MIRANDA PRINCIPLES: INFLUENCES ON POLICE PRACTICE Introduction to Miranda Warnings Miranda Warnings: The Triggering Events Procedure for Waiver of Miranda Protection Introduction to the Fifth Amendment Privilege Sixth Amendment: Right to Counsel INDICTMENT, PLEA BARGAINING AND PRETRIAL PROCEDURES The Decision to Prosecute Introduction to Plea Bargaining and Guilty Pleas Prosecution and Defense Considerations Pretrial Criminal Procedures Fifth, Sixth and Fourteenth Amendment Rules TRIALS AND APPELATE PRACTICE Trial by Jury Jury Selection Right to Counsel The Right to Appeal The Appeals Process

## Method(s) of Instruction

- Lecture (02)
- DE Online Lecture (02X)

## Instructional Techniques

Instructor will utilize lecture, case studies, simulations, flash cards, DVD/ videotaped scenarios, computer generated presentations, web-based information distribution, and facilitate classroom discussions.

## Reading Assignments

Students will complete assigned reading from the course textbook, and selected legal briefs and case studies.

## Writing Assignments

Students will prepare reports based upon law case related to important U.S. Supreme Court decisions.

## Out-of-class Assignments

Students will study for quizzes and the final examination, complete required readings, and prepare written reports.

## Demonstration of Critical Thinking

Students will demonstrate critical thinking through the analysis of case studies, legal briefs, sample legal problems, ethical issues, security trends, and statistical data related to crime.

## Required Writing, Problem Solving, Skills Demonstration

Students will prepare reports based upon law case briefs related to important U.S. Supreme Court decisions and evaluate sample legal problems, ethical issues, and security trends.

## Eligible Disciplines

Administration of justice (police science, corrections, law enforcement): Any bachelor's degree and two years of professional experience, or any associate degree and six years of professional experience.

### **Textbooks Resources**

1. Required Worrall, J.L. Criminal Procedure: From First Contact to Appeal, 6th ed. Pearson Publishing, 2019

### **Other Resources**

1. Coastline Library