**I. COURSE TITLE:** Constitutional Criminal Procedures

**COURSE NUMBER:** 2234 **CATALOG PREFIX:** CJUS

**II PREREQUISITE(S):**

None

**III. CREDIT HOURS:** 3 **LECTURE HOURS:** 3

**LABORATORY HOURS; OBSERVATION HOURS:**

**IV. COURSE DESCRIPTION:**

The first part of this course will examine the United States Constitution by applying the Bill of Rights to the operations of the criminal justice system. Information regarding judicial philosophies, interpretations and decisions will provide a basis on which to discuss the role of the United States Supreme Court and its ability to affect law. The second part of this course will examine a multitude of legal issues facing correctional staff. Sources of correctional law and specific constitutional amendments will structure discussions regarding the confinement and treatment of incarcerated inmates as well as those supervised in the community.

**V. ADOPTED TEXT(S):**

*Constitutional Law*

Jacqueline R. Kanovitz

Taylor and Francis Publishing, 2015, 14th edition

ISBN: 978-0-323-34048-9

*Constitutional Rights of Prisoners*

John W. Palmer. 2010, 9th edition.

Elsevier

ISBN: 978-1-59345-503-3

Optional Text

*Publication manual of the American Psychological Association* (6th ed.). (2009). Washington, D.C.: American Psychological Association.

ISBN: 978-1-4338-0561-5

**VI. COURSE OBJECTIVES:**

At the completion of this course, the student will be able to:

* Identify the structure of the state and federal court systems and discuss the responsibilities of each jurisdiction.
* Analyze the significance of the Incorporation Doctrine.
* Explain how the U.S. Supreme Court is able to affect law, using key terms.
* Citing case law, evaluate the elements of probable cause and apply it to the investigative process.
* Define due process and cite case law which applies this principle to a persons freedom from self-incrimination.
* Identify the sources of correctional law.
* Discuss Constitutional Amendments that pertain to inmate/offender rights.
* Understand the elements of concern when balancing the needs of a correctional institution/agency and those of inmates/offenders.
* Explain some of the major areas where the courts have intervened in the operations of institutions/community supervision agencies.
* Define Title 42 U.S.C. 1983, Civil Rights Act of 1872.

**VII. GRADING**

Students will be required to complete written exams, quizzes, presentations, and/or homework assignments at the times designated by the course instructor. Late assignments will be considered for half credit.

Grading will be awarded using the following schedule:

A= 90 – 100 %

B= 80 – 89 %

C= 70 -79 %

D= 60 – 69 %

F = 59 %and below – Student will be required to repeat course

Honesty and integrity are major elements in professional behavior and are expected of each criminal justice student. Cheating is unacceptable behavior within all criminal justice courses. Students having academic difficulties should seek guidance assistance from the instructor, academic advisor, or college counselor.

A student observed or found to be cheating on a test or assignment in any criminal justice course will be given a “zero” on the test or assignment. A written report of the incident, signed by the instructor and the student, will be placed in the student’s file. This notice will remain on file and in effect for the remainder of the student’s enrollment in the criminal justice program. Should a second incident of cheating occur in any criminal justice course, the student will be given a failing grade for the course and will be dismissed from the criminal justice program for one year. The “zero” grade for dishonesty will not be used as the drop grade in a course in which a drop grade option is given.

**VIII. COURSE METHODOLOGY:**

Lecture, discussion, journals, case studies, and other appropriate methodologies may be utilized as appropriate to the course objectives.

**IX. COURSE OUTLINE:**

1. Jurisdiction
   1. Definition
   2. Types of Jurisdiction: Original, Appellate, Specialized
   3. Venue
2. Structure and Function of the State Court System
   1. Municipal/County Courts
   2. District/Superior/Common Pleas Courts
   3. Appellate Courts
   4. State Supreme Courts
3. Structure and Function of the Federal Court
   1. Federal District Court
   2. United States Court of Appeals
   3. United States Supreme Court

4) The United States Constitution

1. Origins
2. Functions
3. The Bill of Rights
4. The Incorporation Doctrine

5) The United States Supreme Court

* 1. Interpreting and Creating Law
  2. Judicial Philosophies
  3. Constitutional Rule
  4. Opinions and Decisions: Requirements and Types
  5. Stare Decisis and Precedents
  6. Pathway of Cases to the United States Supreme Court

6) The Fourth Amendment

* 1. Overview of Issues and Protections
  2. Probable Cause: Definition, Determination, Factors to Consider
  3. Warrants: Issuance, Types and Execution
  4. Search and Seizure: Warrantless, Plain-View, Stop and Frisk, Incident to Arrest
  5. Exclusionary Rule
  6. Case Law\*

7) The Fifth Amendment

* 1. Overview of Issues and Protections
  2. Freedom from Self Incrimination
  3. Double Jeopardy
  4. Due Process
  5. Case Law\*

8) The Sixth Amendment

1. Overview of Issues and Protections
2. Right to Counsel
3. Compulsory Process
4. Cross Examination
5. Trial: Fair, Speedy and Public
6. Case Law\*

9) The Eighth Amendment

1. Overview of Issues and Protections
2. Cruel and Unusual Punishment
3. Bail and Fines
4. Case Law\*

10) The Fourteenth Amendment

1. Historical Overview
2. Incorporating the Bill of Rights
3. Protections
4. Rights of the Convicted
5. Appellate Process
6. Rights of Probationers/Parolees
7. Rights of the Incarcerated
8. Case Law\*
9. History of Correctional Case Law
10. Common Law Influence
11. U.S. Constitution
12. The Courts and the “Hands-Off” era
13. Precedent Law
14. Primary Sources of Inmate Rights
15. First Amendment
16. Fourth Amendment
17. Fifth Amendment
18. Sixth Amendment
19. Eighth Amendment
20. Fourteenth Amendment
21. Balancing Correctional & Inmate Needs
22. Classification
23. Due Process
24. Discipline
25. Transfers
26. Correspondence
27. Visitation
28. Legal Services
29. Issues Facing Correctional Staff
30. Use of Force
31. Search & Seizure
32. Crowding
33. Condition of Facilities
34. Food
35. Recreation
36. Religion
37. Mail/Personal Communication
38. Segregation
39. Programming
40. Medical Care
41. Parole/Probation
42. News Media
43. Civil Liabilities
44. Title 42 U.S.C. 1983
45. Doctrine of Sovereign Immunity

**Sample Course Outline\***

**Constitutional Criminal Procedures**

Week 1 Class Introduction and course outline

Constitutional Law

Chapter 1: History, Structure, and Content of the United States Constitution

Week 2 Constitutional Law

Chapter 3: Authority to Detain and Arrest: Use of Force

Chapter 4: Search and Seizure

Week 3 Constitutional Law

Test Chapters 1, 3, and 4

Chapter 5: Laws Governing Police Surveillance

Week 4 Constitutional Law

Chapter 6: Interrogations and Confessions

Chapter 7: Compulsory Self-Incrimination

Chapter 8: Right to Counsel

Week 5 Constitutional Law

Chapter 9: Trial and Punishment

Chapter 10: Constitutional and Civil Rights n Government Workplace

Week 6 Constitutional Law

Case Studies

Test on Chapter 5,6,7,8,9, and 10

Week 7 Constitutional Rights of Prisoners

Chapter 2: Administrative Law

Chapter 3: Use of Force; Use of Corporal Punishment to Enforce Prison Discipline

Week 8 Constitutional Rights of Prisoners

Chapter 4: Prisoners’ Rights to Visitation / Association; Searches

Chapter 5: Prisoners’ Rights to Use the Mail, Internet, and Telephone

Week 9 Constitutional Rights of Prisoners

Chapter 6: Isolated Confinement- “The Hole” and Administrative Segregation

Test on Chapters 2, 3, 4, 5, and 6

Week 10 Constitutional Rights of Prisoners

Chapter 7: Religion in Prison

Chapter 8: Legal Services

Week 11 Constitutional Rights of Prisoners

Chapter 9: Prisoner Disciplinary Proceedings

Chapter 10: Right to Rehabilitation Programs, Right to Medical Aid and Right

to Life

Week 12 Constitutional Rights of Prisoners

Chapter 11: Additional Litigation

Chapter 12: Parole and Probation

Week 13 Constitutional Rights of Prisoners

Chapter 13: Litigation against Government and Individuals

Week 14 Constitutional Rights of Prisoners

Chapter 14: Prison Litigation Reform Act

Chapter 15: Selected Federal Statutes Affecting Prisoners

Week 15 Test Chapters 7, 8, 9, 10, 11,12, 13, 14, and 15.

` Final Exam Review

Week 16 FINAL EXAM (Comprehensive)

\*Instructor reserves the right to organize work to meet the objectives of the course.

**X. OTHER REQUIRED TEXTS, SOFTWARE AND MATERIALS:**

Supplemental Readings may be assigned by the instructor.

**EVALUATION:**

There will be five 100-point examinations including a comprehensive final exam. All exams will contain material from earlier in the course/program. Students are expected to achieve a passing score of 70 on three of the exams. The exam with the lowest score will not be counted toward the final grade. MAKE UP EXAMS WILL NOT BE PROVIDED.

Class Assignment:

Each student will be responsible for a research paper consisting of 1,500 to 2,000 words of original narrative documentation in APA format. The paper shall be double-spaced with font of 12 or less in size and margins of one inch from top and bottom of the paper and one inch from the each side on an 8.5 by 11 inches white paper. The research paper shall include a cover page and reference page(s) with three or more reference. Cover page and reference will not be counted toward required number of pages. Diagrams and charts may be used but will not be counted as words. Drawings and photographs should not be used. Late papers will receive half credit.

**Final Grade Calculation:**

Measuring Tool Number Required Maximum Points

Exams 4 @ 100 points each 400

Research Paper 1 @ 100 points each 100

Cases Studies 18 @ 5 points each 90

Class Participation 10

600

Grading Scale:

600 – 540 = A

539 – 480 = B

479 – 420 = C

419 – 360 = D

359 – 0 = F Must retake course

**XII. SPECIFIC MANAGEMENT REQUIREMENTS:**

Student Responsibilities:

If enrolled in a face-face section:

To meet the objectives of the course, students must attend all scheduled classes. At the beginning of the quarter, instructors will pass out a class schedule that lists all class meetings. If a student must miss a class due to extenuating circumstances, then the student is expected to call and inform the instructor by either talking with the instructor or leaving a message should the instructor not be available.

Students will be allowed two class absences. Unexcused absences over two times will result in a drop of one letter grade from the final grade, i.e. the third absence would reduce a final grade of “A” to a “B.” Two instances of significant tardiness or leaving early will be considered to be equivalent to an absence for purposes of this calculation.

Specific login and activity requirements will be indicated in the initial instructions for any online sections.

Note: Work submitted in this class may be seen by others. Others may see your work when being distributed, during group project work, or if it is chosen for demonstration purposes. Other instructors may also see you work during the evaluation/feedback process. There is also a possibility that your papers may be submitted electronically to other entities to determine if content is original and references are cited appropriately.

Need for assistance: If you have any condition or situation which will make it difficult for you to carry out the work as outlined, please notify the instructor as soon as possible. Students with disabilities may contact the Disabilities Service Office, Central Campus at 800-628-7722 or 937-393-3431.

Instructor’s Responsibilities:

The instructor will enhance and expand the meaning and application of the subject matter covered throughout the course. At the beginning of each quarter, the instructor will distribute syllabi listing all class sessions and course requirements. The instructor will facilitate class discussion and be available to students who need additional educational assistance

**XIII.** **OTHER INFORMATION:**

**Classroom courtesy and decorum**

Old –fashioned courtesy and mutual respect are the order of the day. Rude behavior of any sort will not be tolerated. It is especially important that there be no disruptions that hinder the learning process during class. Such disruptions include, but are not limited to sleeping, eating, listening to iPods, talking and or text messaging on cell phone or other device, using wireless internet connections not related to the subject matter being covered in the class room, reading newspapers, or other unrelated materials during lectures, coming late, leaving early, etc. If you have a need to engage in any of the aforementioned activities, kindly do it somewhere other than this classroom. If you engage in any of the aforementioned activates the instructor has the authority to remove you from the classroom and remove you from the class list.

**Cheating**

STATEMENT OF ACADEMIC HONESTY

(Southern State Community College Catalog 2009-2011, pp.53-56)

Southern State Community College is committed to providing educational opportunities that promote academic, professional and personal growth in students. To these ends, all members of the college are expected to uphold the highest academic and ethical stands.

Types of Academic Misconduct

1. Any unauthorized use of material (books, notes, of any kind, and so forth) during an examination, test, or quiz.
2. Copying from another student’s work, permitting one’s work to be copied during an examination, test, or quiz.
3. Unauthorized use of equipment (computers, calculators, or any type of educational or laboratory equipment).
4. Permitting a person to pose in one’s place during an examination, test, quiz, or posing as another person during an examination, test, quiz.
5. Altering an examination, test, quiz, or any other type of evaluated work in an effort to have the work re-evaluated for higher grade.
6. Plagiarizing or permitting one’s work to be plagiarized.
7. Using unauthorized or improper methods to determine in advance the contents of an examination, rest, or quiz.
8. Unauthorized use of computer software during an examination, tests, or quiz.
9. Submitting as one’s own a work of art, a speech, or oral report, a musical composition, a computer program, a laboratory project or any other creation done by another person.

Plagiarism Defined

Plagiarism can be defined as copying someone else’s words or ideas and passing it of as your own. This includes copying material from the World Wide Web, the Internet, books, videos, and all copyrighted material without express permission and documentation.

Possible Sanctions for Academic Misconduct

By an instructor:

Instructors must state possible options at the beginning of a quarter what sanctions they will apply to cases of academic misconduct. Instructors may choose any of the following possible sanctions:

“F” for an individual examination, test, quiz, or evaluated project.

“F” for the course.

Refer the case to the Academic Appeals Committee.