

CRTS/Per Jill PE172
11/16/00
CRIM
CRJS

Lock Haven University
University Curriculum Committee
PROPOSAL COVER SHEET

Course #: 360 Title: Criminal Procedure 3 sh

Prerequisites: Yes No Not Applicable

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|-----------------------------------|------------------|----------------|------------|
| <u>W. L. Smith-Hinds</u> | <u>9-20-2000</u> | <u>Approve</u> | Disapprove |
| Signature: Department Chairperson | Date | Recommendation | |

Following departmental approval, the Department Chairperson should deliver this Proposal Cover Sheet and the necessary number of copies of the proposal to the appropriate College Curriculum Subcommittee or Graduate Curriculum Committee. 501 courses bypass the College Curriculum Subcommittee and go directly to the UCC. 701 courses are to be submitted to the appropriate Graduate Curriculum Committee.

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|--|----------------|----------------|------------|
| <u>[Signature]</u> | <u>9-28-00</u> | <u>Approve</u> | Disapprove |
| Signature: Chairperson, College Curriculum Subcommittee or Graduate Curriculum Committee | Date | Recommendation | |

Following the College Curriculum Subcommittee or Graduate Curriculum Committee evaluation, the Chairperson should deliver this Proposal Cover Sheet and the necessary number of copies of the proposal to the University Curriculum Committee.

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|---|-----------------|----------------|------------|
| <u>Garth P. Phettepler</u> | <u>10/25/00</u> | <u>Approve</u> | Disapprove |
| Signature: Chairperson, University Curriculum Committee | Date | Recommendation | |

Following University Curriculum Committee evaluation, the UCC Chairperson should send this Proposal Cover Sheet and one copy of the proposal to the Vice President for Academic Affairs.

| | | | |
|--|-----------------|----------------|------------|
| <u>[Signature]</u> | <u>10-28-00</u> | <u>Approve</u> | Disapprove |
| Signature: Vice President for Academic Affairs | Date | Recommendation | |

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|----------------------|-----------------|----------------|------------|
| <u>[Signature]</u> | <u>10/26/00</u> | <u>Approve</u> | Disapprove |
| Signature: President | Date | Recommendation | |

Following administrative approval, the Vice President for Academic Affairs will send a copy of this completed cover sheet to the following:

- Chairperson, Department of Origin
- Chairperson, Graduate Council*
- Chairperson, Graduate Curriculum Committee*
- Academic Dean, College of Origin (plus the original syllabus)

- Chairperson, College Curriculum Subcommittee
- Chairperson, University Curriculum Committee
- Assistant Registrar
- Director of Admissions (new programs only)

* If applicable

sent to all
10-31-00
AB
Revised: 2/27/97

Crim
~~CRJS~~ 360 Criminal Procedure 9/28/00

I. Introductory Information

- A. Department Name: Sociology, Anthropology, Social Work and
Geography
- B. Department Catalog Number: *Crim* ~~CRJS~~ 360
- C. Course Title: Criminal Procedure
- D. Semester Hours of Credit: 3
- E. Clock Hours per Week: 3
- F. Restrictions Upon Student Registration: Prerequisite is
~~CRJS~~ 260 Criminal Law or permission of instructor.
Crim

II. Description of The Course

A. Catalog Description: Considers the procedures the criminal justice professional must use in implementing the criminal law. The course gives primary consideration to the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. The course considers the Incorporation Doctrine, search and seizure, warrant requirements, arrest, stop and frisk, the right to counsel, interrogation, identification procedures, entrapment, cruel and unusual punishment and related matters.

B. No further description is necessary.

III. Exposition

A. Objectives: Upon completion of this course, students will be able to do the following:

1. define important terms in the field;
2. describe key elements of procedural law;
3. explain the judicial framework of criminal procedure;
4. explain the exclusionary rule and its rationale;
5. explain the incorporation doctrine;
6. explain the basic structure of search and seizure law;
7. explain the privacy doctrine;
8. explain the plain view doctrine;
9. explain the difference between probable cause and reasonable suspicion;
10. explain the automobile exception;
11. explain stop and frisk;
12. explain the law of arrest;

13. explain the warrant requirement;
14. explain interrogation and Self-Incrimination;
15. explain the rules for identification of suspects;
16. explain entrapment; and
17. explain the adjudication process.

B. Activities and Requirements: Students will be required to:

1. read assignments and participate in class discussion;
2. attend class regularly;
3. make oral presentations;
4. take examinations;
5. prepare a research paper;
6. participate in small group assignments, exercises and simulations that encourage and develop critical thinking, creative problems solving and ethical decision making;
7. observe and write reports;
8. make field trips;
9. respect the classroom, the professor, each other, and views different from their own.

C. Major Units and Time Allotted

1. The Meaning and Context of Criminal Procedure(2/3 of a week)
2. The Constitution, the Supreme Court and the Incorporation Doctrine (1
2/3 weeks)
3. The Fourth Amendment (2 weeks)
4. The Search Warrant, Probable Cause and Electronic Surveillance (1
week)
5. The Exclusionary Rule (1 week)
6. Exceptions to the Warrant Requirement (1 week)
7. Arrest, Stop and Detention (1 week)
8. The Right to Counsel (2/3 of a week)
9. Interrogation and Confessions (1 week)
10. Identification of Suspects (1 week)

11. Entrapment (2/3 of a week)
12. The Pre Trial Process (1 2/3 weeks)
13. The Adjudication Process (1 2/3 weeks)

D. Materials and Bibliography

1. Textbooks and other materials may be required. Some examples are:

- Acker, James and David Brody. Criminal Procedure. Aspen Publisher. Gaithersburg, MD. 1998. ISBN: 0-8342-1061-4.
- del Carmen, Rolando. Criminal Procedure: Law and Practice 5th ed. Wadsworth. Belmont, CA. 2000. ISBN: 0-534-51471-5.
- Dressler, Joshua. Criminal Procedure: Principals, Policies, and Perspectives. West. St. Paul. 1999.
- Ferdico, John. Criminal Procedure for the Criminal Justice Professional, 6th ed. West. Minneapolis. 1996. ISBN: 0-314-06381-1.
- Hickey, Thomas. Criminal Procedure. McGraw Hill. 1997. Boston. 1997. ISBN: 0-697-32905.
- Kaci, Judy. Criminal Procedure: A Case Approach 4th ed. Copperhouse. Incline Village, NV. 1999. 0-942-728-85-8.
- Samaha, Joel. Criminal Procedure 4th ed. Wadsworth. Belmont, CA. 1998. ISBN: 0-534-54711-7.
- Zalman, Marvin and Larry Siegel. Criminal Procedure: Constitution and Society, 2d ed. West/Wadsworth. Belmont, CA. 1997. ISBN: 0-314-20222-6.

2. Other Materials:

Case and Simulation materials provided by the instructor.

3. Bibliographic Support:

The following are available on the internet:

Argersinger v Hamlin 407 U.S. 25, 92 S.Ct. 2006, 32 L.Ed.2d 530 (1972).

AZ v Hicks 480 U.S. 321, 107 S.Ct. 1149, 94 L.Ed.2d 347 (1987).

Brewer v Williams 430 U.S. 387, 97 S.Ct. 1232, 51 L.Ed.2d 424 (1977).

Brown v MS 297 U.S. 278, 56 S.Ct. 461, 80 L.Ed. 682 (1936).

CA v Acevedo 500 U.S. 565, 111 S.Ct. 1982, 114 L.Ed.2d 619 (1991).

CA v Greenwood 486 U.S. 35, 108 S.Ct. 1625, 100 L.Ed.2d 30 (1988).

CA v Hodari 499 U.S. 621, 111 S.Ct. 1547, 113 L.Ed.2d 690 (1991).

Chimel v CA 395 U.S. 752, 89 S.Ct. 2034, 23 L.Ed.2d 685 (1969).

CO v Bertine 479 U.S. 367, 107 S.Ct. 738, 93 L.Ed.2d 739 (1987).

DE v Prouse 440 U.S. 648, 99 S.Ct. 1391, 59 L.ED.2d 660 (1979).

Estelle v Williams 425 U.S. 501, 96 S.Ct. 1691, 48 L.Ed.2d 126 (1976).

FL v Bostick 501 U.S. 429, 111 S.Ct. 2382, 115 L.Ed.2d 389 (1991).

FL v Royer 460 U.S. 491, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983).

Frisbee v Collins 342 U.S. 519, 72 S.Ct. 509, 96 L.Ed. 541 (1952).

Gideon v Wainwright 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963).

Hudson v Palmer 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984).

Jacobson v United States 503 U.S. 540, 112 S.Ct. 1535, 118 L.Ed.2d 174 (1992).

IL v Gates 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983).

Katz v United States 389 U. S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967).

Mapp v OH 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961).

Massiah v United States 377 U.S. 201, 84 S.Ct. 1199, 12 L.Ed.2d 2246 (1964).

MI v Long 463 U.S. 1032, 103 S.Ct. 33469, 77 L.Ed.2d 1201 (1983).

MI Dept. of Safety v Sitz 496 U.S. 444, 110 S. Ct. 2481, 110 L.Ed.2d 412 (1990).

MN v Dickerson 508 U.S. 366, 113 S.Ct. 2130, 124 L.Ed.2d 334 (1993).

Miranda v AZ 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).

NJ v T.L.O. 496 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985).

NY v Belton 435 U.S. 454, 101 S.Ct. 2860, 69 L.Ed.2d 768 (1981).

NY v Harris 496 U.S. 14, 110 S.Ct. 1640, 109 L.Ed.2d 13 (1990).

NY v Quarles 467 U.S. 649, 104 S.Ct. 2626, 81 L.Ed.2d 550 (1984).

Payton v NY 445 U.S. 573, 100 S. Ct. 1371, 63 L.Ed.2d 639 (1980).

Powell v AL 287 U.S. 45, 53 S. Ct. 55, 77 L.Ed. 158 (1938).

Rakas v IL 439 U.S. 128, 99 S.Ct. 421, 58 L.Ed.2d 387 (1978).

Rochin v CA 342 U.S. 165, 72 S.Ct. 205, 96 L.Ed. 183 (1952).

Santobello v NY 404 U.S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971).

Schneckloth v Bustamonte 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 (1973).

Silverthorne Lumber v United States 251 U.S. 385, 40 S.Ct. 182, 64 L.Ed. 319 (1920).

Skinner v R. L. E. Assoc 4989 US. 602, 109 S.Ct. 1402, 103 L.Ed.2d 639 (1989).

Strickland v WA 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

TN v Garner 471 U.S. 1, 105 S.Ct. 1694, 85 L.Ed.2d 1 (1985).

Terry v OH 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

United States v Leon 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984).

United States v Salerno 481 U.S. 739, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987).

United States v Wade 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d 1149 (1967).

Weeks v United States 232 U.S. 383, 58 L.Ed. 652, 34 S.Ct. 3341 (1914).

Wolfe v CO 338 U.S. 25, 69 S.Ct. 1359, 93 L.Ed. 1782 (1949).

Related Internet Sites
(sites checked 8/25/00)

www.courtstv.com
www.nolopress.com
www.findlaw.com
www.lawofficer.com
www.law.cornell.edu
www.duhaime.org/dict-f.htm
www.vls.law.vill.edu
www.visalaw.com
www.kentlaw.edu
www.alltheweb.com

IV. Standards: Student achievement will be evaluated and graded in this course by mid term and final examinations, class participation, regular quizzes, a case brief, and a research paper on a topic related to criminal procedure.

V. Rationale and Impact

A. Explain Why the Proposal is Necessary: This course is necessary to prepare students who will seek careers in criminal justice for the critical thinking necessary to understand issues related to the application and administration of relevant substantive criminal law. The course will help the student understand not just the relevant procedures but also the reasoning behind such procedures. The course will also help students understand more fully the constitutional protections afforded to the people of this country and the remedies for violation of such protections.

B. Describe for Whom it Specifically is Designed: This course is designed for students who are majoring in criminal justice at both Clearfield and Lock Haven.

C. Identify Who Else Will be Permitted to Take it: Any student enrolled at LHU who has satisfied the prerequisite requirements will be permitted to take this course.

D. Explain How Existing Academic Programs or Departments will be Affected: This course will most likely draw students from sociology courses.

VI. Cost and Staff Analysis

A. Impact on University Resources: The major impact on university resources will be a heavy increase in use of Lexis-Nexis.

B. Expected Frequency and Rotation of the Proposed Course: It is expected that this course will be offered in the Fall semester of every year.

VII. Approval of University President

date

VIII. Course Outline

A. The Meaning and Context of Criminal Procedure

1. The meaning of Criminal Procedure
2. The Legal and Judicial Framework
 - a. definition and classification of law
 - b. sources of law
 - c. Federalism
 - d. conflict of laws
 - e. the courts
3. Historical Foundations of Criminal Procedure
 - a. English Constitutional History
 - b. procedure before the revolution
4. The Theoretical Foundation of Criminal Procedure
 - a. constitutionalism
 - b. rule of law
 - c. liberty
 - d. equality
5. Human Rights

B. The Constitution, the Supreme Court and the Incorporation Doctrine

1. The PreIncorporation Period
2. The Civil War and its Aftermath
 - a. the war
 - b. Dred Scott
 - c. States' Rights
 - d. the Fourteenth Amendment
 - e. The Slaughter-House Cases
3. The Idea of Incorporation
4. The Due Process Revolution

5. The Counter Revolution

C. The Fourth Amendment

1. Search and Seizure
2. the Expectation of Privacy Doctrine
3. The Special Needs Doctrine
4. Administrative Searches
5. Plain View
 - a. AZ v Hicks
 - b. Open fields
 - c. enhancement devices
 - d. public places

6. Police Perjury

D. The Search Warrant, Probable Cause and Electronic Surveillance

1. the search warrant
 - a. detached and neutral magistrate
 - b. obtaining a search warrant
 - c. challenging a search warrant
 - d. particularity
 - e. anticipatory warrants
 - f. execution of a warrant

2. probable cause

3. electronic surveillance

E. The Exclusionary Rule

1. Development of the Remedy
2. Attacks on the Exclusionary Rule
3. Good Faith Exception
4. Fruits of the Poisonous Tree Doctrine

5. Standing

6. Possible Alternative remedies

F. Exceptions to the Warrant Requirement

1. hot pursuit

2. automobile searches

- a. general rule
- b. defining an "automobile"
- c. probable cause
- d. searches of containers

3. inventory searches

4. searches incident to an arrest

5. consent searches

- a. voluntariness
- b. knowledge
- c. third party consent

6. border searches

- a. rationale
- b. types
- c. checkpoints
- d. roving patrols
- e. inspection of mail
- f. boarding and searching vehicles

G. Arrest, Stop, and Detention

1. arrest

- a. definition
- b. felony-misdemeanor rules
- c. illegal and mistaken arrests
- d. probable cause
- e. use of force

2. warrant requirement
 - a. in the home
 - b. in public
 - c. in third-party homes

3. Stop and Frisk
 - a. reasonable suspicion
 - b. limits on stop and frisk

4. detention for investigation

5. arrest and domestic violence

H. The right to Counsel

1. Powell v AL
2. Gideon v Wainwright
3. Effective Counsel

I. Interrogation and Confessions

1. the Voluntariness Test
2. Miranda v AZ
3. The Massiah Rule
4. confessions
 - a. police interrogation
 - b. Do innocent people confess?

J. Identification of Suspects

1. convicting innocent people
2. right to counsel during identification procedures
3. Eye Witness Identification
4. Identificatin rules

K. Entrapment

1. encouragement v entrapment
2. development of the defense
3. subjective and objective tests
4. current law

L. The PreTrial Process

1. bail and pretrial release
 - a. the Eighth Amendment
 - b. deposit bond
 - c. preventive detention
2. charging
 - a. prosecutorial discretion
 - b. plea bargaining
3. grand juries v bill of information
4. arraignment
5. pretrial motions
 - a. change of venue or venire
 - b. discovery
 - c. other pre-trial motions
6. prosecutorial misconduct

M. The Adjudication Process

1. A Fair Trial
2. Conducting a Trial
 - a. right to be present
 - b. false evidence
 - c. compulsory process

- d. right to silence
- e. hearsay
- f. confrontation and cross examination
- g. closing arguments

3. Juries

- a. selection
- b. voir dire
- c. challenges