DATE OF LAST REVIEW: 02/2013  
CIP CODE: 43.0107  
SEMESTER: Departmental Syllabus  
COURSE TITLE: Criminal Procedure  
COURSE NUMBER: CRJS0204  
CREDIT HOURS: 3  
INSTRUCTOR: Departmental Syllabus  
OFFICE LOCATION: Departmental Syllabus  
OFFICE HOURS: Departmental Syllabus  
TELEPHONE: Departmental Syllabus  
EMAIL: KCKCC- “issued email accounts are the official means for electronically communicating with our students.”  
PREREQUISITE(S): None  

REQUIRED TEXT AND MATERIALS: Please check with KCKCC bookstore, http://www.kckccbookstores.com/, for the required texts for your particular class.  

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.  

METHODS OF INSTRUCTION: A variety of instrumental 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 culinary 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

EXPECTED LEARNER OUTCOMES

A. The student will be able to provide an overview of the US Constitution as it relates to criminal law.
B. The student will be able to provide an overview of substantive and procedural law to criminal procedures.
C. The student will be able to identify and discuss issues involving search and seizure.
D. The student will be able to explain stop and frisk, arrest, self-incrimination, and due process.
E. The student will be able to communicate verbally and in writing with diverse populations.
F. The student will be able to apply investigative and case management techniques to practical situations.

COURSE COMPETENCIES:

The student will be able to provide an overview of the United States Constitution as it relates to criminal law.
1. The student will be able to examine the structures of the federal and state court systems, the effect and scope of their decisions and the precedent they set for future cases.
2. The student will be able to distinguish between jurisdiction and venue.
3. The student will be able to identify the various sources of individual rights where constitutional rules apply.
4. The student will be able to explain how rights in the Federal Constitution have been made applicable to the U.S. Supreme Court through the gradual process of incorporation.
5. The student will be able to explain the principle of stare decisis.

The student will be able to provide an overview of substantive and procedural law to criminal procedures.
6. The student will be able to analyze the procedures used in sequence by the criminal justice system before trial, during trial and after trial and court personnel.
7. The student will be able to define probable cause, reasonable suspicion and beyond a reasonable doubt.
8. The student will be able to identify the three general ways whereby probable cause is established.
9. The student will be able to discuss the applicability of procedural theory in relation to actual practices at the federal and state levels.
10. The student will be able to explain the principle of due process.
11. The student will be able to determine pretrial detainee rights.

The student will be able to identify and discuss issues involving search and seizure.
12. The student will be able to define exclusionary rule and identify what types of evidence are admissible.
13. The student will be able to apply the concept of “stop and frisk.”
14. The student will be able to define arrest and identify the elements of an arrest; explain the amount of force police can use during an arrest; detect police entrapment.
15. The student will be able to outline the rights a suspect has during a lineup and other pretrial identifications.
16. The student will be able to differentiate between search and seizure, both with and without warrants.
17. The student will be able to differentiate between search and seizure of vehicles, both with and without warrants.
18. The student will be able to differentiate between search and seizure of residences, both with and without warrants.

**The student will be able to explain stop and frisk, arrest, self-incrimination, and due process.**
19. The student will be able to distinguish between “plain view,” “open fields,” and abandonment.
20. The student will be able to identify constitutional rights guaranteed by the Bill of Rights during the trial stage.
21. The student will be able to present and discuss the exceptions guaranteed by the exclusionary rule.
22. The student will be able to discuss “stop and frisk” in relation to immigration and border searches.
23. The student will be able to discuss “stop and frisk” in relation to searches at the station house.
24. The student will be able to discuss what and how the police may search “incident to arrest.”
25. The student will be able to discuss special search and seizure situations: body cavities, surgery, administrative, mail, and computers.
26. The student will be able to discuss the legal use of police dogs in searches.
27. The student will be able to apply the rules of search and seizure including exceptions.
28. The student will be able to identify and briefly discuss the legal use of electronic surveillance.
29. The student will be able to explain in detail the content and impacts of the Miranda Decision.
30. The student will be able to describe the privilege against self-incrimination.
31. The student will be able to discuss police civil liabilities related to arrest, search, and seizure.
32. The student will be able to identify the requirement to execute search and arrest warrants.
33. The student will be able to explain the limits of police arrest.
34. The student will be able to explain a “lawful arrest.”

**The student will be able to communicate verbally and in writing with diverse populations.**
35. The student will be able to explain the rules of confession and admissions.

**The student will be able to apply investigative and case management techniques to practical situations.**
36. The student will be able to identify the elements of a lawful arrest.
37. The student will be able to explain rules of search and seizure.
38. The student will be able to explain due process in court procedures.

**ASSESSMENT OF LEARNER OUTCOMES:**
Student progress is evaluated by means that include, but are not limited to, exams, written assignments, and class participation.

**SPECIAL NOTES:**

This syllabus is subject to change at the discretion of the instructor. Material included is intended to provide an outline of the course and rules that the instructor will adhere to in evaluating the student’s progress. However, this
syllabus is not intended to be a legal contract. Questions regarding the syllabus are welcome any time.

Kansas City Kansas Community College is committed to an appreciation of diversity with respect for the differences among the diverse groups comprising our students, faculty, and staff that is free of bigotry and discrimination. Kansas City Kansas Community College is committed to providing a multicultural education and environment that reflects and respects diversity and that seeks to increase understanding and tolerance.

Kansas City Kansas community College offers equal educational opportunity to all students as well as serving as an equal opportunity employer for all personnel. Various laws, including the IX of the Educational Amendments of 1972, require the college’s policy on non-discrimination be administered without regard to race, color, age, sex, religion, national origin, physical handicap, or veteran status and that such policy be made known.

Kansas City Kansas Community College complies with the Americans with Disabilities Act. If you need accommodations due to a documented disability, please contact Director of Academic Resource Center, in Room 3354 or call (913) 288-7670