CRIJ 3305_001 Criminal Procedure I

Fall 2023

Dr. George J. Day
Associate Professor of Criminal Justice; Department of Government

Office: LAN Room 133  Office Phone: (936) 468-3948  email: daygj@sfasu.edu

Class Hours & Location: Ferguson Liberal Arts F471 / MWF @ 10:00 a.m. - 10:50 a.m.
Zoom link for the virtual classroom:
https://sfasu.zoom.us/j/94889574613?pwd=TnRPWDF6dStPd3R0SVJGM1pUdUJJiZz09

Office Hours1:
- Mondays - Thursdays: 1:30 p.m. - 3:30 p.m.
- Friday: by appointment only

Office hours are available face-to-face or by Zoom at the following link2:
https://sfasu.zoom.us/j/92445418870?pwd=aXVnOCtwZ2Y4Z1BJbXhBTmk0ZEZLUT09

When logging into the Zoom meeting, you may be placed in a virtual waiting room if I meet with another student. I will be notified that you are waiting and will admit you when it is your turn to meet with me.

Required textbook:

Course Protection and Intellectual Property
My personal work contained in this syllabus, the course calendar, and all handouts and assignments created by me are my intellectual property and are protected by law. You do not have the authority to duplicate any part of the work without my permission.

Course Description:
Criminal Procedure I introduces students to the structure of the court system in the United States and the U.S. Constitution as it applies to the practice of criminal justice. The course’s primary focus is to provide students with an in-depth understanding of the application of the Fourth Amendment to searches and seizures of persons and property.

Course Contact Hours and Study Hours
CRIJ 3305 Criminal Procedure I (3 credits) is an upper division course that occurs over the course of 15 weeks. The course is facilitated using a flipped classroom style which requires students to spend a minimum of 3 hours a week reading the textbook and cases from the U.S. Circuit Court of Appeals and the U.S. Supreme Court. Students will spend 150 minutes in class each week discussing and answering questions about each unit’s assigned material. Each unit requires students to complete a short quiz designed to evaluate their understanding of the material in the text. Students will also complete a case brief for each unit designed to evaluate student’s ability to critically analyze court cases. The course ends with a comprehensive final exam.

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1 There will be no office hours on Sept. 13, Oct. 11, and Nov. 8 due to my responsibilities as a member of the Faculty Senate.
2 When logging into the Zoom meeting, you may be placed in a virtual waiting room if I meet with another student. I will be notified that you are waiting and will admit you when it is your turn to meet with me.
Program Learning Objectives:

- Explain the structure and sources of procedural law in the United States
- Apply the 4th Amendment to the U.S. Constitution to interactions between citizens and law enforcement regarding the searches and seizures of both persons and property.
- Critically analyze the compliance of regulatory inspections and searches with the requirements of the 4th Amendment.
- Explain the U.S. Supreme Court’s decision in Miranda v. Arizona (1966) and its application to custodial interrogations of suspects.

Student Learning Objectives: By completing this course, students should be able to:

- The student will demonstrate an understanding of the United States court system in terms of structure, constitutional issues, and historical precedents.
- The student will demonstrate an awareness of ethical issues in criminal justice and how to use ethical reasoning to formulate decisions and promote organizational and professional trust.

Course Engagement (formerly “attendance”) Policy:

This class utilizes a HyFlex modality which means that students have the freedom to choose how they wish to engage or interact with the course throughout the semester. Furthermore, students can change how they interact with the course at any time. See the “Required Course Work” section of the syllabus to learn more about my expectations for student engagement with the course.

Students taking a HyFlex class are expected to manage their schedules and decide which means of engaging or interacting with the course best fits their learning style and personal schedules. Students will have been considered to have “attended” class at least once for financial aid purposes if they have, during the first 12 class days, either (a) attended at least one class session f2f or via video conference (Zoom) or (b) submitted at least one assignment/quiz or participated in at least one online discussion.

Grading Policy

Final course grades will be assessed on the following scale:

- "A" 486-540 pts  Course engagement: 210 pts (up to 30/week)
- "B" 432-486 pts  Notes & Comments papers 210 pts (up to 30/week)
- "C" 378-431 pts  Final exam 120 pts
- "D" 324-477 pts
- "F" 0-323 pts

Required Course Work:

- **Course engagement:** Students will engage the course material either through live class sessions (either in-person or over Zoom) or online through Brightspace/D2L. Students may earn up to 30 points per unit by engaging with unit’s six topics (a maximum of five points may be earned per topic). See Brightspace/D2l > Course work instructions for more guidelines on how points are earned.

- **Notes & Comments papers:** Each unit will require the student to write a 2-3 page paper analyzing the Court’s ruling on an issue of procedural law. Each paper will be based on a U.S. Supreme Court case covering a particular issue. The paper will provide a synopsis of the facts of that case relevant to the procedural issue, identify the procedural law established by the Court in that case, and analyze each of the opinions in that case. The paper will then identify 2-3 cases decided by one of
the U.S. Courts of Appeals (the 5th Circuit is preferred) that cited the assigned case and analyze
the application of the relevant procedural law to each appellate court case.

**Final exam:** The course will conclude with a comprehensive final exam taken during finals week\(^3\). The exam will be essay in format and requires students to apply case law to fictional and real-
world circumstances. The exam will consist of four questions randomly chosen from a pool of
questions related to the material in this course. Each individual question is worth up to 50 points
(for a total of 200 points).

**Incomplete course work:** The submission of assignments or exams after they are due will *not be
permitted without approval* obtained from the instructor based on extenuating circumstances. Exten-
uating circumstances include, but are not limited to: military deployment, religious
holidays/observances, court appearances, jury duty, family emergencies, personal or immediate
family\(^4\) illness, or participation in student athletics or other university-approved activity.

Please note the following course policies regarding coursework missed as a result of absences:

- Student-athletes are expected to be aware of their team’s travel schedule and plan their activities
  accordingly. Because course material and required coursework are available to all students over
  the entirety of each unit, student-athletes are expected to complete all tasks on time. *Extensions
due to athletic travel will not be granted unless that travel involves more than 1/3 of the allotted
number of days for a particular unit.* This policy also applies to all other student clubs,
organizations, and other university-sponsored travel.

- Students who miss assignments for reasons other than athletics or other university-approved
  activities will need to *provide acceptable documentation of the absence.* Acceptable
documentation includes but is not limited to notices from doctors/medical providers on official
stationery that include the date(s) of illness\(^5\); published obituaries that include the date of funeral
services; a copy of military orders; or a copy of jury duty summons or other judicial document
supporting a court appearance. If you become ill, visit a medical professional and obtain a work
excuse (many doctors and physician assistants will ask you if you need one, the correct answer
is “yes”\(^6\)).

**Conduct:** Classroom behavior should not interfere with the instructor’s ability to conduct the class or
the ability of other students to learn and participate in the course. Unacceptable or disruptive behavior
will not be tolerated. Students who disrupt the learning environment may be asked to leave class and
may be subject to judicial, academic, or other penalties. This prohibition applies to all instructional
forums, including electronic, classroom, labs, discussion groups, field trips, etc. The instructor shall have
full discretion over what behavior is appropriate/ inappropriate in the classroom. Students who do not
attend class regularly or perform poorly on class projects/exams may be referred to the Early Alert
Program. This program provides students with recommendations for resources or other assistance
available to help SFA students succeed.

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3 Students will not be allowed to take the final exam early for any reason except for military deployment or family
emergencies. Students claiming either circumstance must provide appropriate documentation/evidence such as a copy of
military orders.

4 Immediate family is defined for this purpose as a student’s parent or grandparents (by blood or marriage), spouses, children,
siblings.

5 Note that documentation related to medical or mental health issues do not need to provide details of specific diagnoses (in
fact, I would prefer that they do not); they need mere need to verify that you are or were under a doctor’s care and the dates
of the absence.

6 I operate under a principle of “trust but verify”; a good philosophy to adopt when you work in the criminal justice field.
Rules of the Classroom

While the 1st Amendment to the U.S. Constitution protects each individual’s freedom of expression, freedom of speech is NOT an absolute right. Students who express themselves in a way that belittles, insults, bullies, or otherwise attempts to make another person feel like they are less human than another will be held accountable for their inappropriate conduct. There will be consequences for being a bully, insulting or belittling another, or being mean and hateful. Students violating this policy will be given one opportunity to apologize publicly. Those that refuse to apologize or continue to disrespect, bully, or harass others in the class will be removed from the course with a grade of F.

Grades are not given; they are earned. I do not offer or entertain requests for extra credit. I do not round grades. Do not ask; you may assume the answer will be “no.”

The tentative class schedule is a general guide. Coverage of the material may be accelerated, decelerated, rearranged, augmented, diminished, or otherwise modified when the professor believes such change would be to the benefit of the class.

This syllabus will act as the final word in the event of a discrepancy, error, or misunderstanding. Make sure you read and understand it completely—and make sure you keep a copy for reference during the semester.

Academic Integrity

The Code of Student Conduct and Academic Integrity outlines the prohibited conduct by any student enrolled in a course at SFA. It is the responsibility of all members of all faculty, staff, and students to adhere to and uphold this policy.

Articles IV, VI, and VII of the new Code of Student Conduct and Academic Integrity outline the violations and procedures concerning academic conduct, including cheating, plagiarism, collusion, and misrepresentation. Cheating includes, but is not limited to: (1) Copying from the test paper (or other assignment) of another student, (2) Possession and/or use during a test of materials that are not authorized by the person giving the test, (3) Using, obtaining, or attempting to obtain by any means the whole or any part of a non-administered test, test key, homework solution, or computer program, or using a test that has been administered in prior classes or semesters without permission of the Faculty member, (4) Substituting for another person, or permitting another person to substitute for one’s self, to take a test, (5) Falsifying research data, laboratory reports, and/or other records or academic work offered for credit, (6) Using any sort of unauthorized resources or technology in completion of educational activities.

Plagiarism is the appropriation of material that is attributable in whole or in part to another source or the use of one’s own previous work in another context without citing that it was used previously, without any indication of the original source, including words, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one’s own academic work being offered for credit or in conjunction with a program course or degree requirements.

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7 A proper apology includes (at a minimum), (1) a recognition of the harmful act and the harm caused by that act and (2) a commitment to not repeat the harmful behavior in the future. ‘Apologies’ that are used as microaggressions are unacceptable.
Collusion is the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any provision of the rules on academic dishonesty, including disclosing and/or distributing the contents of an exam.

Misrepresentation is providing false grades or résumés; providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment for the purpose of obtaining an academic or financial benefit for oneself or another individual or to injure another student academically or financially.

**Academic Integrity and the Use of AI**
All submitted work, including assignments, papers, discussion posts, and exams, must be the original work of the individual student unless explicitly stated otherwise. The use of AI technology, such as ChatGPT, is not permitted (see Policy Number 10.4, Article VI [vi]). While AI can be a useful and helpful tool, it is not an acceptable substitute for real scholarship. The consequence of the submission of AI-generated material in this course will be dismissal from the course with a grade of “F.”

**Academic Integrity and Background Investigations**
Students who wish to work for a state or federal criminal justice agency should keep in mind that background investigators frequently talk to people who know an applicant but are not on that applicant’s reference list (such as professors). If I determine that a student has violated this academic integrity policy and that determination is confirmed through a due process hearing conducted by the Dean of Student Affairs, that student’s lack of integrity will be the first thing I tell an investigator about them.

**Students with Disabilities:**
To obtain disability-related accommodations, alternate formats, and/or auxiliary aids, students with disabilities must contact the Office of Disability Services (ODS), Human Services Building, and Room 325, 468-3004 / 468-1004 (TDD) as early as possible in the semester. Once verified, ODS will notify the course instructor and outline the accommodation and/or auxiliary aids to be provided. Failure to request services promptly may delay your accommodations. For additional information, go to http://www.sfasu.edu/disabilityservices/.

**Student Wellness and Well-Being**
SFA values students’ overall well-being, mental health and the role it plays in academic and overall student success. Students may experience stressors that can impact both their academic experience and their personal well-being. These may include academic pressure and challenges associated with relationships, emotional well-being, alcohol and other drugs, identities, finances, etc.

If you are experiencing concerns, seeking help, SFA provides a variety of resources to support students’ mental health and wellness. Many of these resources are free, and all of them are confidential.

**On-campus Resources:**
*The Dean of Students Office (Rusk Building, 3rd floor lobby)*
www.sfasu.edu/deanofstudents
936.468.7249
dos@sfasu.edu
The Health and Wellness Hub “The Hub”
Location: corner of E. College and Raguet St.

To support the health and well-being of every Lumberjack, the Health and Wellness Hub offers comprehensive services that treat the whole person – mind, body and spirit. Services include:

- Health Services
- Counseling Services
- Student Outreach and Support
- Food Pantry
- Wellness Coaching
- Alcohol and Other Drug Education

www.sfasu.edu/thehub
936.468.4008
thehub@sfasu.edu

Crisis Resources:
- Burke 24-hour crisis line: 1.800.392.8343
- National Suicide Crisis Prevention: 9-8-8
- Suicide Prevention Lifeline: 1.800.273.TALK (8255)
- Crisis Text Line: Text HELLO to 741-741

Withheld Grades Semester Grades Policy:
Ordinarily, at the discretion of the instructor of record and with the approval of the academic chair/director, a grade of WH will be assigned only if the student cannot complete the coursework because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F. If students register for the same course in future terms the WH will automatically become an F and will be counted as a repeated course to compute the grade point average. For additional information, go to https://www.sfasu.edu/policies/course-grades-5.5.pdf.
**Class Schedule** - subject to change at instructor’s discretion; All assignments are due by midnight on the last day of a unit unless otherwise indicated on D2L/Brightspace (all times CST)

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<th>Unit</th>
<th>Date</th>
<th>Topic</th>
<th>Required Reading</th>
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<td>Aug 28</td>
<td>Criminal processes &amp; sources of criminal procedure</td>
<td>Chapter 1 &amp; 2 (text)</td>
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<td></td>
<td>Aug 30</td>
<td>Terminology of the Court</td>
<td>Powell v. Alabama, 287 U.S. 45 (1932)</td>
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<td>Sept 1</td>
<td>Precedent &amp; judicial philosophy</td>
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<td>U.S. Constitution &amp; the Bill of Rights</td>
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<td>Sept 6</td>
<td>Due Process</td>
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<td>Incorporation</td>
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<td>Sept 11</td>
<td>Expectation of privacy</td>
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<td>Sept 15</td>
<td>Plain view doctrine</td>
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<td>Sept 20</td>
<td>Abandoned property</td>
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<td>Sept 22</td>
<td>Seizure of persons</td>
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<td>Sept 25</td>
<td>Reasonable suspicion</td>
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<td>Sept 27</td>
<td>Informants and Hearsay</td>
<td>Terry v. Ohio, 392 U.S. 1 (1968)</td>
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<td>Sept 29</td>
<td>Scope &amp; duration of <em>Terry</em> searches</td>
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<td>Oct 2</td>
<td>Automobiles and <em>Terry</em> stops</td>
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<td>Oct 4</td>
<td>Frisks (<em>Terry</em>)</td>
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<td>Oct 6</td>
<td><strong>Terry</strong></td>
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<td>Oct 9</td>
<td>Probable cause</td>
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<td>Oct 13</td>
<td>Arrest warrants</td>
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<td>Oct 16</td>
<td>Exigent circumstances</td>
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<td>Oct 18</td>
<td>Use of force &amp; arrests</td>
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<td>Oct 20</td>
<td>Misdemeanor arrests</td>
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<td>Unit</td>
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<td>Oct 23</td>
<td>Knock &amp; announce</td>
<td>Chapter 6 (text)</td>
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<td>Oct 25</td>
<td>Search incident to arrest</td>
<td><em>Carroll v. United States</em>, 45 S.Ct. 280 (1925)</td>
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<td>automobile searches incident to arrest</td>
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<td>pretext arrests &amp; searches</td>
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<td>Nov 1</td>
<td>consent searches</td>
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<td>Nov 3</td>
<td>Carrol Doctrine</td>
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<td>6</td>
<td>Nov 6</td>
<td>Administrative searches</td>
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<td>Nov 8</td>
<td>Special needs searches</td>
<td><em>New Jersey v. T.L.O.</em>, 469 U.S. 325 (1985)</td>
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<td>Nov 10</td>
<td>Motor vehicle check points</td>
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<td>Nov 13</td>
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<td>Nov 15</td>
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<td>Nov 17</td>
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<td>7</td>
<td>Nov 27</td>
<td>Interrogations &amp; confessions</td>
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<td><em>Miranda v. Arizona</em></td>
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<td>Custodial interrogation</td>
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<td>Dec 6</td>
<td>waiver of <em>Miranda</em> rights</td>
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<td>Dec 8</td>
<td>Interrogations and the right to counsel</td>
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<td>Final Exam</td>
<td>Opens - Dec 11 @ 8:00 a.m.</td>
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<td>Closes/due - Dec 12 @ 5:00 p.m.</td>
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