

Bergen Community College
Division of Social Science, Business and Public Service
Department of Criminal Justice and Homeland Security

Course Designation, Number, and Title

Date of Most Recent Syllabus Revision: September 21, 2010
Course Typically Offered: Fall ___ Spring ___ Summer ___ Every Semester ___ Other ___
Syllabus last reviewed by: BCC General Education Committee ___ Date: ___
(Most courses need review Ad Hoc Committee on Learning Assessment ___ Date: ___
by only one of the following) Curriculum Committee: ___ Date: ___

A syllabus for this course must include as much of the following information as is applicable. It is understood that syllabi will vary considerably from department to department, program to program, and discipline to discipline, contingent upon departmental, program, and discipline policies and practices. In adopting these guidelines, there is no intention to impose a "one size fits all" syllabus or course outline format on departments, programs, and disciplines.

Basic Information About Course and Instructor

Semester and Year:
Course and Section Number: **CRJ 103**
Meeting Times and Locations:

Instructor:
Office Location: Paramus
Phone: (201) 493-4095
Departmental Secretary: Marguerite MacDonald
Office Hours: 9:30 AM – 5:30 PM
Email Address:

Criminal Law is a study of the philosophy and development of the law of criminal procedure and its constitutional provisions. Topics included in the course are principles of criminal law and the adversary system, police authority relative to the laws of arrest, search and seizure, and a review of relevant U.S. Supreme Court decisions.

Student Learning Objectives: As a result of meeting the requirements in this course, students will be able to

1. To examine individual rights under the U.S. Constitution.
2. To explain the stages of the criminal process.
3. To discuss the concept of arrest, search warrants and probable cause.
4. To describe the exceptions to the search warrant requirements.
5. To examine admission, confessions and pretrial identification.

OUTCOMES:

1. Explain the general nature and limits of individual rights embodied in the Bill of Rights.
2. Trace a criminal case through the stages from the initial complaint through appeal and post conviction remedies.
3. Describe the historical aspects of the exclusionary rule and its significance in the law of criminal procedure.
4. Define formal arrest and the distinctions between the terms “seizures” and “stop”.
5. Describe the history and development of the Fourth Amendment.
6. Know how to obtain and execute a search warrant.
7. Define probable cause to search and to arrest.
8. Examine the distinctions between a frisk and a full search.
9. Analyze the purposes of a search incident to arrest.
10. Examine the benefits of a consent search.
11. Examine the differences between the plain view doctrine and the law of search incident to arrest.
12. Describe the rationale behind the scope of search allowed under the Carroll Doctrine.
13. Explain the history of development of the test for admissibility of a defendant’s admission or confession.
14. Define the terms “showup”, “lineup” and “confrontation”.

Means of Assessment:

List means of assessment of student learning in pursuit of goals/objectives/outcomes (e.g., graded class discussions, objective tests and examinations, essay tests and examinations, student presentations in class (individual or group), writing assignments [papers, short essays, book reports, etc.]

Course Content:

I. INDIVIDUAL RIGHTS AND THE U.S. CONSTITUTION:

- A. Historical Overview.
- B. Bill of Rights.
- C. Overview of the Criminal Court System.
- D. Stages of the Criminal Process.
- E. Basic Underlying Concepts.
 1. Exclusionary Rule
 2. Privacy.
 3. Probable Cause

II. LAW OF ARREST:

- A. Formal Arrest.
- B. Detention of Persons.
- C. Arrest Authority under a Warrant and without a Warrant.
- D. Citizen’s Arrest.
- E. Fresh pursuit.
- F. Use of force.

III. SEARCH WARRANTS:

- A. History of the Fourth Amendment.
- B. Definition of search warrant
- C. Obtaining a search warrant

1. Who may issue
2. Grounds
 - a. Probable cause.
 - b. Items subject to seizure.
 - c. Description of place or person to be searched.
 - d. Description of things to be seized.
- D. Contents of the Warrant
- E. Execution of the warrant
 1. Who may execute
 2. Time considerations
 3. Gaining entry to premises
 4. Search and seizure of persons and items not named on warrant
 5. Intensity of search
 6. Duties after search is completed
- F. Administrative search warrants
- G. Title III of the Omnibus Crime Control and Safe Streets Act of 1968.
 1. Conflicting demands for privacy and more effective law enforcement.
 2. Judicial supervision
 3. Procedures for interception orders
 - a. Application for order
 - b. Issuance of order
 - c. Execution of order

IV. PROBABLE CAUSE:

- A. Definition of probable cause
- B. Sources of information for establishing probable cause
 1. Officer's own senses
 2. Informants – Aguilar test
 3. Gates vs. Illinois – totality of the circumstances test

V. STOP AND FRISK:

- A. Introduction – discussion of preference for search warrants and need for exceptions to the warrant requirement.
- B. Review Chapter 4 and distinctions between formal arrests, seizures tantamount to arrest, stops, and minimal contacts between citizens and law enforcement officers.
- C. Reasonableness standard – balancing the right to be free from unreasonable searches and seizures against effective crime prevention and detection and the protection of law enforcement officers.
- D. Stop
 1. Definition
 2. Authority
 3. Extent
- E. Frisk
 1. Authority
 2. Scope
- F. Examples – discussion of specific fact situations from actual cases.
- G. Miscellaneous issues
 1. Are Miranda warnings required?
 2. Frisk of persons of the opposite sex
 3. Luggage and other containers

VI. SEARCH INCIDENTAL TO ARREST:

- A. Chimel vs. California – allowable purposes of a search incident to arrest.
- B. Scope of search
 - 1. Seizable property
 - 2. Full search of arrestee's body
 - 3. Search of area within the arrestee's immediate control
 - a. Motor vehicles
 - b. Other persons
- C. Other requirements for a valid search incident to arrest
 - 1. Lawful custodial arrest
 - 2. Contemporaneousness of arrest with search
 - 3. Who may conduct the search
 - 4. Use of force

VII. CONSENT SEARCHES

- A. Introduction – benefit of consent searches
- B. Voluntariness – requirement
- C. Scope
 - 1. Consent to enter not necessarily consent to search
 - 2. Plain view doctrine
 - 3. Area of search
 - 4. Time
 - 5. Object of search
 - 6. Revocation of consent
- D. Third party consent
 - 1. Persons with equal rights or interests
 - 2. Particular relationships
 - 3. Reasonable expectation of privacy

VIII. PLAIN VIEW DOCTRINE:

- A. Introduction – distinction between plain view observations and search
- B. Requirements of the Plain View Doctrine
 - 1. Officer must be in a position in which he/she has legal right to be.
 - 2. Officer must not unreasonably intrude on any person's reasonable expectation of privacy
 - 3. Officer must actually observe the item of evidence
 - 4. The item of evidence must be lying in the open
 - 5. Officer must have probable cause to believe that the item observed is subject to seizure
 - 6. The discovery of the item of evidence by the officer need not be inadvertent.

IX. SEARCH AND SEIZURE OF VEHICLES AND CONTAINERS:

- A. Introduction – unique nature of motor vehicles
- B. Carroll Doctrine
 - 1. Probable cause
 - 2. Impounding the vehicle
 - 3. Exigent circumstances
 - 4. Scope of search
- C. Movable containers – way they are treated differently from motor vehicles
- D. Impoundment and inventory of vehicles
 - 1. Requirements
 - 2. Plain view doctrine
- E. Expectation of privacy

X. OPEN FIELDS AND ABANDONED PROPERTY:

- A. Introduction – Hester case
- B. Open fields
 - 1. Determination of cartilage
 - 2. Reasonable expectation of privacy
 - 3. Plain view, open fields and observations into constitutionally protected areas
- C. Abandoned property
 - 1. Factors determining abandonment
 - 2. Reasonable expectation of privacy

XI. ADMISSIONS AND CONFESSIONS

- A. Historical background – admissibility of admission and confessions
 - 1. Voluntariness
 - 2. Escobedo vs. Illinois
 - 3. Miranda vs. Arizona
- B. Issues of Miranda
 - 1. Custody – definition and determination
 - 2. Interrogation
 - a. Definition and determination
 - b. Multiple attempts
 - 3. Warning
 - a. Contest and administration
 - b. Does suspect require warning?
 - 4. Waiver
 - a. Obtaining – form
 - b. Words and actions indicating
 - c. Voluntariness
 - 5. Miscellaneous issues
 - a. Fourth Amendment violations
 - b. Applicability of Miranda to misdemeanors and other situations
 - c. Effect of Miranda violation in court

XII. PRETRIAL IDENTIFICATION PROCEDURES:

- A. Introductions – definition of terms and discussion of dangers of mistaken identification in pretrial identification procedures
- B. Requirement of counsel – Wade-Gilbert rule
- C. How to conduct a lineup
- D. Exceptions to requirement of counsel
 - 1. Identifications conducted before the initiation of adversary judicial proceedings
 - a. Kirby vs. Illinois
 - b. Stovall vs. Denno
 - c. Neil vs. Biggers
 - d. Manson vs. Braatwaite
 - 2. Emergency identifications
- E. Photographic identifications
 - 1. Right to counsel
 - 2. How to conduct a photographic identification

Course Texts and/or Other Study Materials:

Criminal Procedure for the Criminal Justice Professional, Ferdico..

Suggested Texts:

Criminal Procedure, Lafane.

Modern Criminal Procedure, Kamises, LaFava, & Israel.

Research, Writing, and/or Examination Requirement(s)

List/describe/comment on course research/writing/presentation/examination requirements.

State departmental policies on research, writing, presentation,
and/or examination assignments [optional].

Include policy statements on student group work (if relevant).

Grading Policy:

1. Comprehensive objective and/or essay examination.
2. Comprehensive protocol and case study examinations.

Attendance Policy:

BCC Attendance Policy:

All students are expected to attend punctually every scheduled meeting of each course in which they are registered. Attendance and lateness policies and sanctions are to be determined by the instructor for each section of each course. These will be established in writing on the individual course outline. Attendance will be kept by the instructor for administrative and counseling purposes.

BIBLIOGRAPHY:

Search and Seizure, LaFave and Israel.

Criminal Procedure in a Nutshell LaFave and Israel.

Criminal Procedure, Samaha.

Criminal Procedure, Zalman & Siegel.

Eyewitness Identification, Sobel.

The Law of Electronic Surveillance, Carr.

Black's Law Dictionary, Black.

Criminal Law & Justice Dictionary, Ferdico.

Criminal Procedure, Del Carmen.

Criminal Procedure, Whitebread.

Constitutional Law, Klotter & Kandvitz.

Criminal Law, Reid.

Criminal Law, Samaha.

