

Montgomery County Community College  
CJS 107  
Criminal Procedure & Rules of Evidence  
3-3-0

**COURSE DESCRIPTION:**

This course provides an in-depth exploration of the laws and constitutional cases governing criminal procedure in the American criminal justice system. The course focuses on the “police phase” of the criminal process, including custody and seizures, arrests, interrogation, identification procedures. It also provides a survey of the rules of evidence in criminal proceedings, their origins and history, the use of both direct and circumstantial evidence in proving guilt or innocence, witness reliability, hearsay, and the use of inference. The course also highlights both procedural and evidentiary rules governing the investigative and prosecutorial phases of law enforcement, including the role of investigating grand juries, and the defense and police misconduct aspects of entrapment.

**REQUISITES:***Previous Course Requirements*

- CJS 100 Intro to Criminal Justice
- CJS 105 Criminal Law

*Concurrent Course Requirements*

None

LEARNING OUTCOMES Upon successful completion of this course, the student will be able to:	LEARNING ACTIVITIES	EVALUATION METHODS
1. Cite the Rules of Criminal Procedure and applicable constitutional provisions.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion

LEARNING OUTCOMES	LEARNING ACTIVITIES	EVALUATION METHODS
2. Describe the significant steps in the arrest, post-arrest, pretrial, trial, and post-trial processes, and the legal and practical ramifications and differences of detention, custody, and arrest.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Research Resource	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion
3. Explain the criteria of 'reasonable suspicion' and 'probable cause,' and the allowable exceptions to the warrant requirement found in the 4 <sup>th</sup> Amendment.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion
4. Identify and address the ethical considerations in searches and seizures, and the possible consequences of conducting an unlawful search.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion

LEARNING OUTCOMES	LEARNING ACTIVITIES	EVALUATION METHODS
5. Describe a suppression hearing, and explain when and why it occurs.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graced IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion
6. Explain the history of the Laws of Criminal Evidence.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion
7. Discuss the differences between direct evidence and circumstantial evidence, and how evidence is employed directly and inferentially in determining guilt or innocence.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion

LEARNING OUTCOMES	LEARNING ACTIVITIES	EVALUATION METHODS
<p>8. Explain the rules governing the appearances and statements of witnesses, the purpose of the Hearsay Rule how it operates, and the rules governing the Exclusionary Doctrine, and its rationale.</p>	<p>Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources</p>	<p>Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion</p>
<p>9. Explain how and why due process protections of the accused limit the manner in which identification evidence and testimony may be secured and used in court.</p>	<p>Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources</p>	<p>Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion</p>
<p>10. Describe the importance of correctly identifying, recovering, securing, and analyzing physical evidence and trace evidence, and explain the importance of the rules governing its handling, processing, and presentation in court.</p>	<p>Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources</p>	<p>Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion</p>

LEARNING OUTCOMES	LEARNING ACTIVITIES	EVALUATION METHODS
11. Describe the rules governing the use of documentary evidence, including writings, photographs, and recordings.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion
12. Explain the rules and standards governing scientific testimony and scientific evidence, including statistical evidence, and how the statistical concept of 'levels of confidence' relates to the 'beyond a reasonable doubt' standard.	Assigned Readings Lectures Discussions AV/Multimedia Materials Internet Field Trips IRAC Case Analyses Mock Court Exercise Field Trips Essay Assignments Journaling Research Resources	Multiple-Choice Examination Graded Essay Assignments Graded Essay Exams Graded IRAC Case Analysis Exercises Graded Mock Court Exercise Graded Research Projects Individual or Group Presentations Graded Class Discussion

At the conclusion of each semester/session, assessment of the learning outcomes will be completed by course faculty using the listed evaluation method(s). Aggregated results will be submitted to the Associate Vice President of Academic Affairs. The benchmark for each learning outcome is that *70% of students will meet or exceed outcome criteria.*

#### SEQUENCE OF TOPICS:

1. Criminal procedure and the Constitution: The meaning of due process
2. Definitions of reasonable and 'unreasonable' searches and seizures: The privacy doctrine Electronic surveillance; The seizure of persons: 'Stop-and-Frisk'; Detention and arrest; Searches for evidence with and without warrants
3. Legal limitations on 'Use of Force' and 'Use of Deadly Force'
4. Remedies for constitutional violations: The exclusionary rule and entrapment; Other remedies against official misconduct
5. Court proceedings: Pre-trial; Trial; Conviction; Post-trial
6. History and development of the Law of Criminal Evidence
7. Using direct and circumstantial evidence and inference in determine guilt or innocence
8. Witnesses and testimony; Judicial notice and privileges of witnesses

9. Prohibitions on the use of 'hearsay' in the courtroom; Exceptions to the Hearsay Rule
10. Obtaining statements and confessions for use as evidence; Meaning of self-incrimination
11. The Exclusionary Rule; When and where the Exclusionary Rule does not apply
12. Obtaining physical and other evidence; Obtaining evidence from computers; Rules governing identification evidence; Rules governing the 'Chain of Custody'
13. Use of special purpose search warrants; Surveillance, wiretapping & electronic eavesdropping
14. Rules Pertaining to videotapes, photographs, documents, and 'writings' as evidence; 'Scientific evidence'

**LEARNING MATERIALS:**

Criminal Procedure, (10th ed) by Joel Samaha. ISBN: 978-1337-374309 with Mindtap  
Various internet resources and supplementary readings may be assigned.

Other learning materials may be required and made available directly to the student and/or via the College's Libraries and/or course management system.

**COURSE APPROVAL:**

Prepared by: Benn Prybutok

Date: 4/2013

VPAA/Provost or designee Compliance Verification:

Victoria L. Bastecki-Perez, Ed.D.

Date: 6/18/2013

Revised by: Jayden Sampson

Date: 12/16/2017

VPAA/Provost or designee Compliance Verification:

Date: 12/18/2017



*This course is consistent with Montgomery County Community College's mission. It was developed, approved and will be delivered in full compliance with the policies and procedures established by the College.*