



**Criminal Procedure**  
**Fall 2012**  
**01:202:205:02**  
**T, F 10:20-11:40 am**  
**Tillett Hall Rm. 207**

**Instructor:** Brian Donnelly, Esq.

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Office Hours: Prior to or after class and by appointment

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**Program in Criminal Justice**  
**Rutgers, The State University of New Jersey**

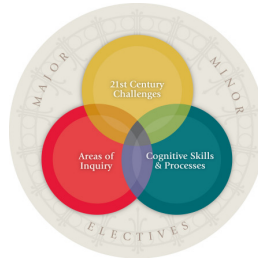
**Learning Goals:**  
**A Statement of Principles**

The Program Committee for the Program in Criminal Justice at Rutgers University in New Brunswick has adopted a series of learning goals for students who complete the major. These goals represent the consensus of the faculty regarding the concepts a student should grasp and the skills a student should acquire in the course of completing the major. These goals guide the choices faculty make about the structure of the curriculum and the requirements for our majors. Moreover, they guide faculty and instructors preparing course material and teaching courses.

The Program in Criminal Justice will provide students with a rich understanding of crime and criminal justice in the United States and abroad through an interdisciplinary approach that blends a strong liberal arts educational experience with pre-professional instruction in the field of criminal justice. Graduates of the program will be well-informed citizens on the topic of crime and justice, and qualified for graduate study or for employment as practitioners in a variety of legal, policymaking, and law enforcement fields.

Criminal justice majors graduating from a research university should be able to use critical thinking, factual inquiry, and the scientific approach to solve problems related to individual and group behavior. In addition, students should have an understanding of the legal, political and policymaking processes that affect criminal justice systems in the United States and elsewhere in the world. Finally, students should be familiar with the institutional structures and latest developments in the field in order to engage in meaningful debate about current public policy issues.

## Learning Goals for Criminal Justice Majors



### 1. **Competence:**

- a.) **Theory.** Students who complete the major in criminal justice should understand and be able to articulate, both orally and in writing, the core theoretical concepts that form the foundation of analysis and research in criminology and criminal justice today. Core concepts are derived from explanations of crime from a variety of perspectives, including biogenic, psychological, and sociological approaches. There are myriad theories of crime that are informed by these perspectives, including, classical, control, critical, ecology, labeling, learning, strain, and trait-based approaches. Theoretical literacy should extend to multicultural and international understanding.
- b.) **Institutions.** Students who complete the major in criminal justice should understand the special role of three types of institutions: Police, Corrections, and Courts. In addition, students should know how institutional forms vary across jurisdictions and how these institutions interact with and influence each other.
- c.) **Research Methods.** Students who complete the criminal justice major should be familiar with the tools, techniques, and data sources necessary for empirical analysis. Students should understand the various ways that empirical analysis is used in the scientific approach: for description, for developing, and for testing theories. They should be able to analyze data using computer applications and should be familiar with basic statistical techniques and regression analysis. They should be able to read and assess research from a wide range of sources, including general interest, academic, and government publications.

2. **Critical Thinking:** Upon completion of the major students should be able to apply their understanding of core concepts and quantitative tools to analyze and research real world problems, and evaluate alternative policy proposals on a range of criminal justice issues, from micro-level analyses relevant to particular cases to management concerns to macro-level analyses of legislative and other broad-scale policies. Accomplishment of this goal will require that students can apply their literacy and numeracy skills to different institutional structures, within the U.S. and across countries.

3. **Scholarship:** Qualified majors should have an opportunity through such avenues as advanced coursework, internships, and faculty interactions to conduct independent research on matters of central relevance to the field of criminal justice.

## **COURSE DESCRIPTION**

This course is a study of the structure, process and constitutional provisions of both the law and practice of criminal procedure. Description and discussion of what is commonly characterized as the Criminal Justice process and public policy consideration” through which the substantive criminal law is enforced.

## **REQUIRED TEXT**

Criminal Procedure: 8<sup>th</sup> edition By Joel Samaha, Wadsworth ISBN 10:0-495-91335-9. There may be additional handouts and readings distributed by the Professor.

## **COURSE OBJECTIVES**

At the completion of this course, students are responsible for:

- 1) Provide a working knowledge of constitutional rights in the context of criminal law.
- 2) Focus on the concept of reasonableness of restraints on those rights.
- 3) Gain an understanding of the public policy considerations underlying the substantive criminal law and the manner in which such policies are effectuated through criminal procedural requirements.
- 4) Study specific procedural law issue/requirements, including right to counsel, exclusionary rule, search warrant, permissible warrantless searches, stop and frisk, entrapment, wiretapping, confessions, lineups, jury selection, voir dire, negotiated pleas, post conviction relief.

## **COURSE REQUIREMENTS**

### *1) Attendance & Participation*

Participation and attendance are required and mandatory, as they count toward your grade. Students are expected to attend all classes; if you expect to miss one or two classes, please use the University absence reporting website //https://sims.rutgers.edu/ssra// /to indicate the date and reason for your absence. An e-mail is automatically sent to me. You are expected to have the material read for the respective class. Students are encouraged to take an active part in all classroom discussion and will be called on regularly. Please remember that participation will be graded accordingly.

## 2) *Disability Policy & Accommodations*

- Full disability policies and procedures are at <http://disabilityservices.rutgers.edu/>
- Students with disabilities requesting accommodations must follow the procedures outlined at <http://disabilityservices.rutgers.edu/request.html>

## 3) *Reading Material*

Readings are assigned for every class.

## 4) *Class Presentations*

**A part of your grade will be derived from your active participation in the Case Scenarios.** Each week we will go over a case scenario that I have written up. The scenario will be handed out and gone over in the next class. Each student is encouraged and expected to actively participate in these discussions. At times you may be asked to write out an opinion on the cases.

## **COURSE GRADING**

The final grade will be determined using the following weighting scale:

Midterm	25%
Final Exam	35%
Opinion Paper	10%
Class Presentations	15%
Attendance, participation	15%

## **GRADING SCALE**

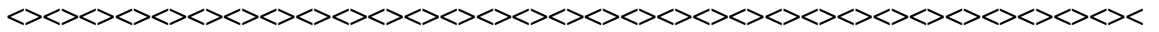
<b>A</b>	100-- 90
<b>B+</b>	89-- 85
<b>B</b>	84-- 80
<b>C+</b>	79-- 75
<b>C</b>	74-- 70
<b>D</b>	69-- 60
<b>F</b>	59 and below

## **ACADEMIC DISHONESTY**

Rutgers University has a well defined academic integrity policy, which will strictly enforced in this class. All students in this class should review and be familiar with the policy of the university, which can be found at [http://academicintegrity.rutgers.edu/files/documents/AI\\_Policy\\_9\\_01\\_2011.pdf](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf)

## **Fall 2012--COURSE SCHEDULE**

This calendar of events is subject to change based on the completion of course material and student progress.



Sept. 4            **Introduction**  
Presentation of the syllabus, requirements and discussion of current issues.

Sept. 7            Chapter 1- Crime Control in a Constitutional Democracy

Sept. 11 & 14 Chapter 2- Criminal Procedure and the Constitution

Sept. 18 & 21 Chapter 3- The Definition of Searches and Seizures

Sept. 25 & 28 Chapter 4- Stop and Frisk

Oct. 2 & 5        Chapter 5- Seizure of Persons: Arrest

Oct. 9 & 12      Chapter 6- Searches for Evidence  
Chapter 7- Special Needs Searches

**Oct. 16 & 19 Midterm**  
**Case Studies**

Oct. 23 & 26 Chapter 8- Self Incrimination

Oct 30 & Nov 2 Chapter 9- Identification Procedures

Nov. 6 & 9        Chapter 10- Exclusionary Rule and Entrapment

Nov. 13 & 15 Chapter 11- Remedies Against Government Misconduct

Nov. 21 (**Wednesday**) Case Studies    **No Class Fri (Thanksgiving Recess)**

Nov. 27 & 30 Chapter 12- Before Trial

Dec. 4 & 7        Chapter 13- Trial and Conviction  
Chapter 14- After Conviction

Dec. 11            Review

Dec. 21            Final Exam 8:00 a.m. - 11:00 a.m.

<http://finalexams.rutgers.edu/>

**For any changes that may unexpectedly occur**