

CJ 604: Constitutional Law
Course Syllabus
Summer 2024

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Office Hours: By Appointment
Class Times: Asynchronous
Class Location: Virtual

Course Description:

Survey of criminal law, including the development of substantive criminal law under the United States Constitution. Examination of the judicial opinions related to the criminal justice process. [*Note: beyond the study of constitutional law related to criminal justice, we will also study other important constitutional law topics such as Freedom of Speech, Equal Protection and the Right to Privacy under the law.]

Student Learning Outcomes:

Students completing this course will demonstrate an understanding of and be able to:

1. Identify the Constitutional Amendments that apply to criminal cases in America.
2. Evaluate the importance of ethical standards in the criminal justice system.
3. Identify the importance and influence of politics on the operation and decision-making of the United States Supreme Court.
4. Describe the tension between public safety issues and the rights of individuals residing in the United States.
5. Identify and discuss key Supreme Court decisions that establish important constitutional protections in criminal cases.
6. Evaluate differing judicial philosophies and its impact on the decision-making at the United States Supreme Court.

Program Learning Outcomes:

Upon completion of the M.S. in Criminal Justice Administration, students will be able to:

1. Apply the primary concepts and assumptions of the traditional and contemporary theories of addressing crime.

2. Identify and critique efficient criminal justice standards while recognizing basic rights guaranteed to each individual both by state and federal constitutions and laws.
3. Examine the problems associated with ethical administrative decision-making.
4. Integrate issues of race, ethnicity, gender, age, and social class and identify how they affect the criminal justice system in terms of understanding social causes of crime.
5. Develop and apply research methods as used in the social sciences, with a particular emphasis on the basic skills necessary to conduct (and direct) research in criminal justice agencies.
6. Engage the Marianist tradition of education for service, peace, and justice as it pertains to local and national social justice, injustices, and inequities in the criminal justice field.

Reading Materials:

Israel, J., Kamisar, Y., LaFave, W., King, N., & Primus, E. (2020). *Criminal Procedure and the Constitution*. West Academic Publishing.

RECOMMENDED SUPPLEMENT: Any legal dictionary. You can obtain a portable, inexpensive one from any large bookstore or from an online supplier. As an alternative, you may download a basic law dictionary (about 50 pages) from “duhaime.org/dictionary” or access searchable law dictionaries at websites like: “*Findlaw*, *Nolo.com* or *Lectlaw.com*”. CJA 604 is an intensive law-based course and the class materials contain legal terms and concepts.

Required Digital Tools

This course uses the following digital tools, each of which will be essential for completing course activities:

- [Zoom \(Zoom Privacy Statement\)](#) will be used for virtual meetings, live lectures, and office hours.
- Canvas LMS ([Canvas Privacy Policy](#))

Course Approach:

Teaching strategies will emphasize the development of student learning objectives listed above based upon application of knowledge and skills which may include: lecture, active class participation/discussions, written examinations, research assignments, videos for assessment and discussions, and learning activities in the classroom.

Course Requirements:

Students are expected to be present and be prepared for each class session via completion of reading assignments for each class session. Students are expected to be prepared to critically discuss assigned material and participate in all aspects of classroom learning activities.

Participation in class discussions and projects are essential for understanding and passing this course. The following student activities are required:

- **Discussion Questions/response:** Each week a discussion video will be posted. You are required to watch each video and post a comment regarding your comprehension of the content. Additionally, you are required to respond to a minimum of one classmate in each discussion video. For discussions with multiple videos, you must watch all videos and include an original post in each, you must also respond to one classmate in each. **All original discussion posts are due on Wednesday with responses due on Sunday.** *In the case of an IS, students will interact with the instructor. If other students are included in the IS Canvas classroom, then students will participate as noted above.

- **Assignments:** You will be assigned a variety of papers to write on topics chosen by the professor. While there is no length requirement, please ensure that your paper is long enough to completely cover the topic assigned.
 - A rubric is used for grading assignments and discussions and will be provided to you in each assignment/discussion. It should be noted that the rubric will be used ***ONLY*** to grade the assignment given. You will not receive rubric credit for turning in a paper that has nothing to do with the assignment. For example: if you are given an assignment on police stress and you turn in a paper on how to change the oil in your car - you will not receive credit for grammar, spelling, etc. You will receive a zero as you did not complete the assignment.
 - You **MAY NOT** submit assignments using a pages document. Canvas is not compatible and I cannot open them. Submit using doc or docx for best results.

- **Final Assignment:** A thorough assessment of a hypothetical case. Students must provide a thorough critical analysis of the constitutional law issues within the scenario. Case law application must be included.

PLAGIARISM CHECKER:

You will notice in your assignments that a plagiarism checker (Turn it in) has been activated. This tool is designed to help both the student and the instructor. After submission, you will receive a color coded flag and percentage next to your submission. This informs you of how much your assignment is similar to other work out there. If it is above 20%, I urge you to rework and resubmit your assignment prior to the due date. Whatever the last submission is **PRIOR** to the due date and time is the one I will grade. **I will not grade a resubmission after the due date.** If you notice that there are a lot of similarities in the reference section, please disregard. If you are doing those correctly they should match with other work. Any instances of plagiarism will be subject to discipline (see below section on academic honesty).

ARTIFICIAL INTELLIGENCE CHECKER:

This course prohibits the use of AI software in completing any assignments, projects, or exams. The use of AI software is defined as the use of any computer program or algorithm that utilizes machine learning, natural language processing, or any other form of artificial intelligence to assist in completing coursework. In addition to checking for plagiarism, Turn It In also detects assignments that are likely written by AI software. It has a 98% reliability rating. Any assignment that indicates high levels of likelihood to be written by AI software is subject to review. Further, software that is designed to alter/hide AI usage is also prohibited. Any submitted work that is suspected of AI usage is subject to review. This may include an interview with the student to show competency in the assignment, an investigation of the assignment, and/or documented proof that AI was not used. Violating this policy will result in a penalty as described in the Academic Dishonesty policy noted in the handbook (and listed below in the syllabus). Specifically for this class, the first offense will result in a zero for the assignment. The second offense will result in a failing grade. It does not matter if the second offense is on the last week of class, a failing grade will be automatically issued. **IT IS URGED THAT ALL STUDENTS TAKE THIS SERIOUSLY.**

I RESERVE THE RIGHT TO RE-CHECK AND REGRADE ANY PREVIOUSLY GRADED WORK IF ANY CONCERNS REGARDING ACADEMIC HONESTY OCCUR

Credit Hour Policy

This is a three-credit hour course requiring 135 clock hours of student engagement, per the official CUH Credit Hour Policy. Students enrolled in this course are anticipated to spend an estimated 137 hours engaging in course material via class videos, readings, discussions, assignments, quizzes, and scenario work. Credit hours for assignments are listed in the course outline.

PLEASE NOTE THAT THERE IS NO PLANNED EXTRA CREDIT FOR THIS CLASS.

Grading System:

Point Distribution & Scoring System:	% of Final Grade
Assignments	60%
Discussion	20%
Final	20%
	100%

Late Policy:

Late work is subjected to the following percentage deductions. Since all assignments/discussions are open on the first day of class it is recommended that students work ahead if/when possible if they anticipate a late submission. The ONLY exception to this policy is a catastrophic emergency (at my discretion, not the students).

- 1 day = 10% deduction
- 2 days - 20% deduction
- 3 days = 30% deduction
- 4 days = 40% deduction
- 5 or more days = no points awarded

Unexcused Absences: Unexcused absences totaling more than 2 will result in lowering of the overall grade by one letter grade. Missing 4 or more will result in lowering of the overall grade by two letter grades.

Academic Honesty

Academic honesty is an essential aspect of all learning, scholarship, and research. It is one of the values regarded most highly by academic communities throughout the world. Violations of the principle of academic honesty are extremely serious and will not be tolerated.

Students are responsible for promoting academic honesty at Chaminade by not participating in any act of dishonesty and by reporting any incidence of academic dishonesty to an instructor or to a University official. Academic dishonesty may include theft of records or examinations, alteration of grades, essay plagiarism, using unapproved notes/material during quizzes/exams, and assisting others with quizzes/exams.

Questions of academic dishonesty in a particular class are first reviewed by the instructor, who must make a report with recommendations to the Dean of the Academic Division. Punishment for academic dishonesty will be determined by the instructor and the Dean of the Academic Division and may range from an “F” grade for the work in question to an “F” for the course to suspension or dismissal from the University.

The success of the Honor Code is made possible only with the acceptance and cooperation of every student. Each student is expected to maintain the principles of the Code. Example of Honor Code violations include:

- Giving or receiving information from another student during an examination;
- Using unauthorized sources for answers during an examination;
- Illegally obtained test questions before the test;
- Any and all forms of plagiarism – submit all or part of someone else’s work or ideas as your own;
- The destruction and/or confiscation of school and/or personal property.

A violation is reported either to the professor involved, who will report it to the Dean of Students, or directly to the Dean of Students.

Violations of the Honor Code are serious. They harm other students, your professor, and the integrity of the University. Alleged violations will be referred to the Office of Judicial Affairs. If found guilty of plagiarism, a student might receive a range of penalties, including failure of an assignment, failure of an assignment, and withholding of the final course grade until a paper is turned in on the topic of plagiarism, failure of the course, or suspension from the University.

Violations of Academic Integrity: Violations of the principle include, but are not limited to:

- Cheating: Intentionally using or attempting to use unauthorized materials, information, notes, study aids, or other devices in any academic exercise.
- Fabrication and Falsification: Intentional and unauthorized alteration or invention of any information or citation in an academic exercise. Falsification is a matter of inventing or counterfeiting information for use in any academic exercise.
- Multiple Submissions: The submission of substantial portions of the same academic work for credit (including oral reports) more than once without authorization.
- Plagiarism: Intentionally or knowingly presenting the work of another as one's own (i.e., without proper acknowledgment of the source).
- Abuse of Academic Materials: Intentionally or knowingly destroying, stealing, or making inaccessible library or other academic resource materials.
- Complicity in Academic Dishonesty: Intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty.
- Plagiarism includes, but is not limited to:
 1. Copying or borrowing liberally from someone else's work without his/her knowledge or permission; or with his/her knowledge or permission and turning it in as your own work.
 2. Copying of someone else's exam or paper.
 3. Allowing someone to turn in your work as his or her own.
 4. Not providing adequate references for cited work.
 5. Copying and pasting large quotes or passages without properly citing them.

A general note on professionalism.

Students are expected to handle themselves professionally during class. Professionalism includes attending and being prepared for class (e.g., reading the required material), arriving to class on time, and being engaged, active participants in the classroom experience. It is my intent to treat each student as an adult, and as such, require standards of professionalism that are highly consistent with the "real world."

I intend to discuss controversial criminal justice/social issues in a frank and forthright manner because I believe it is important to do so. As professionals, each student must direct comments or responses to the class and to me in a professional manner.

We must all respect the opinions of one another. I would also request that if you are offended by the comments of a fellow class member or myself that you come to me during office hours to discuss the problem with me personally. In many cases these instances can be used as valuable learning experiences and I will do my best to rectify any problems.

Classroom Etiquette

A general note on classroom behavior: Disrespectful, rude, and unprofessional behavior will not be permitted in this classroom. If you present a pattern of problem behavior, you will be removed from the class.

Student Expectations Disability Access

Chaminade University of Honolulu is committed to providing reasonable accommodations for persons with documented disabilities. Any student who believes that they may need accommodations must first register with the Counseling Center. Registration with the Counseling Center begins the process of determining whether the student meets the requirements for a documented disability in accordance with the Americans with Disabilities Act (ADA), even if accommodations may not be needed for this particular class. The contact information for the Counseling Center is (808) 735-4845, 739-4603, or by email at counselingcenter@chaminade.edu. It is important for students to contact the Counseling Center as soon as possible so that accommodations are implemented in a timely fashion and to allow your instructor(s) to plan accordingly. Students will be required to provide written documentation to the Counseling Center in order for a determination to be made as to whether the requirements for a documented disability under the ADA are met.

Failure to provide written documentation through the Counseling Center will prevent your instructor from making the necessary accommodations. Instructors cannot provide accommodations unless they have been prescribed by the Counseling Center. Once you have received an official notice of accommodations from the Counseling Center, it is also very important to discuss these accommodations directly with your instructor so that they can better support your needs. If you have specific questions regarding your individualized accommodations you may speak directly with your instructor and/or you may contact the Counseling Center.

Academic Conduct Policy

From the 2018-2019 Undergraduate Academic Catalog (p. 42):

Any community must have a set of rules and standards of conduct by which it operates. At Chaminade, these standards are outlined so as to reflect both the Catholic, Marianist values of the institution and to honor and respect students as responsible adults. All alleged violations of the community standards are handled through an established student conduct process, outlined in

the Student Handbook, and operated within the guidelines set to honor both students' rights and campus values.

Students should conduct themselves in a manner that reflects the ideals of the University. This includes knowing and respecting the intent of rules, regulations, and/or policies presented in the Student Handbook, and realizing that students are subject to the University's jurisdiction from the time of their admission until their enrollment has been formally terminated. Please refer to the Student Handbook for more details. A copy of the Student Handbook is available on the Chaminade website.

For further information, please refer to the Student Handbook.

Incomplete Grades:

The current university policy concerning incomplete grades will be followed in this course. A student in good standing in a course may petition the instructor for an "I" grade. All petitions must be requested in writing via email. Good standing means that the student has completed more than 50% of the coursework and has had continued communication with the instructor throughout the term. This grade is appropriate only if extraordinary conditions beyond the control of the student have led to an inability to complete course requirements. Your instructor is the final authority on whether you qualify for an incomplete. Only one extension of 30 days per course will be allowed. Incomplete work must be finished by the end of the 30 day extension or the "I" will automatically be recorded as the final earned grade in the course on your transcript.

Title IX Statement:

Chaminade University of Honolulu recognizes the inherent dignity of all individuals and promotes respect for all people. Sexual misconduct, physical and/or psychological abuse will NOT be tolerated at CUH. If you have been the victim of sexual misconduct, physical and/or psychological abuse, we encourage you to report this matter promptly. As a faculty member, I am interested in promoting a safe and healthy environment, and should I learn of any sexual misconduct, physical and/or psychological abuse, I must report the matter to the Title IX Coordinator. If you or someone you know has been harassed or assaulted, you can find the appropriate resources by visiting Campus Ministry, the Dean of Students Office, the Counseling Center, or the Office for Compliance and Personnel Services.

Religious Observances: Students are expected to notify their instructor one week in advance if they intend to miss class to observe a holy day of their religious faith.

Marianist Educational Values

The five characteristics of a Marianist Education are:

1. **Educate for Formation In Faith**
2. **Provide an Excellent Education**
3. **Educate in Family Spirit**
4. **Educate for Service, Justice, and Peace**
5. **Educate for Adaptation to Change**

Tentative course schedule, subject to change based on course progression.

Module	General Topic	Credit Hour
1	● Welcome Module Review	
	● Introductions	1
	● Read Chapter 1 & 2	1
	● Lecture	9
	● The Constitution and The Bill of Rights	2
	● Chapter 1	4
	● The Creation of the U.S. Constitution	4
2	● Read Chapter 3	20
	● Lecture	4
	● The Primer	2
	● The Supreme Court	4
	● Chapter 3 - Part 1	4
	● Chapter 3 - Part 2	2
	● What is the 4th Amendment?	2
	● Terry v Ohio and Tennessee v Garner	4
	● Chapter 3 - Part 3	4
	● 4th Amendment	4
	● The Exclusionary Rule	4
3	● Read Chapters 5 & 6	10
	● Lecture	3
	● Right to Counsel	4
	● Chapter 6	4
	● Confessions	2
4	● Reach Chapters 7 & 13	4
	● Lecture	3
	● Chapters 7 & 13	4

	<ul style="list-style-type: none"> ● Lineups ● Eye Witnesses 	4 2
5	<ul style="list-style-type: none"> ● Lecture ● Equal Protection ● Significant Court Cases 	6 4 2
6	<ul style="list-style-type: none"> ● Lecture ● 1st Amendment 	3 2
7	<ul style="list-style-type: none"> ● Lecture ● Final Assignment 	1 8

NOTE:

It is the discretion of the instructor to follow this schedule strictly or with the autonomy of spending more time on relevant topical areas. Modules may also be covered out of order if there are extenuating circumstances. Students are responsible for outside reading assignments and relevant topics discussed.