

**CJ 424-90-1: Criminal Procedures**  
**Course Syllabus**  
**Spring 2025**

**Instructor:** Kelly Treece, Ph.D.  
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**Office Hours:** By appointment  
**Class Times:** Online  
**Class Location:** Virtual

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**Course Description:**

The pre-trial and trial rights of the criminal defendant and society, including discussions of the law of arrest, search and seizure, confessions, identification procedures, self-incrimination and right of counsel.

**Student Learning Outcomes:**

Upon completion of this course, the student will:

1. Identify the various criminal case rights contained in the Bill of Rights
2. Identify how race and ethnicity can impact criminal case investigations and prosecutions
3. Distinguish between state and federal constitutional rights
4. Describe the constitutional protections that apply to various stages of criminal cases
5. Explain the different legal standards that apply to criminal cases
6. Explain the challenge of balancing public safety against individual civil liberties interests

**Program Learning Outcomes:**

Upon completion of the B.S. undergraduate program in Criminology & Criminal Justice, students will be able to:

1. Describe the interrelated institutions and processes of the criminal justice system, including the basic rights guaranteed to each individual by both state and federal constitutions and laws.
2. Apply theories of crime and criminal justice to explain actual and hypothetical scenarios, behaviors, and trends.
3. Evaluate social, cultural, and technological change and its impact on the criminal justice system.
4. Assess social inequities in crime and criminal justice processes by race, social class, gender, region and age.
5. Articulate a working knowledge of qualitative and quantitative research methods by explaining the various social science methods of inquiry and use these to test specific criminological research questions.

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:**

Samaha, J. (2017). *Criminal Procedures*. 10th (ed). Cengage Learning

Additional reading/viewing materials will be used in supplement to the text.

RECOMMENDED SUPPLEMENT: Any legal dictionary. You can obtain one from any large bookstore or from an online supplier. As an alternative, you may download a basic law dictionary or use an online law dictionary.

### **Course Approach:**

Teaching strategies will emphasize the development of student learning objectives on page one based upon application of knowledge and skills which will include; lecture, active class participation/discussions, written examinations, research assignments, videos for assessment and discussions, and learning activities in the classroom. I will regularly call on students for input on issues discussed during class, thus it is important to come to class prepared.

### **Course Requirements:**

Students are expected to be present and 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:** in various weeks a discussion question will be posted. You are required to answer the discussion question in full. This includes supporting your assertions with references if applicable. Additionally, you are required to respond to a minimum of two classmates in each discussion post. **All original discussion posts are due on Wednesday with responses due on Sunday.**
- **Assignments:** You will have several critical thinking exercises to be given throughout the term. These exercises will be administered at my discretion during the course. These assignments are designed to help students be introspective and to apply class materials to real life. The critical thinking exercise is expected to be a thorough analysis and include your opinion supported by factual information. Students are never graded down because the instructor does not agree with the opinion stated. However, opinions should be stated logically and have validity. All critical thinking papers are due on the due date through Canvas without exception.
  - 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.
    - A rubric is used for grading assignments and is provided in each assignment. 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. You will receive a zero as you did not complete the assignment.

- **Case Briefs:** Students will have the ability to choose between several presented cases. A thorough analysis must be completed. Students will learn the systematic approach to analyzing and summarizing case law. Topics covered include identifying key case elements, distilling legal principles, and understanding the reasoning behind court decisions. Emphasis will be placed on developing concise and coherent case briefs that enhance understanding of legal concepts and facilitate critical thinking.
- **Unexcused Absences:** Unexcused absences totaling more than 6 classes will result in a lowering of the overall grade by one letter grade. Missing 9 classes or more will result in a lowering of the overall grade by two letter grades.

### **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***

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

**Grading System:**

**Point Distribution & Scoring System:                      % of Final Grade**

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Discussions	20%
Assignments	60%
Case Brief	20%

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- A = 90-100%
- B = 80-89%
- C = 70-79%
- D = 60-69%
- F = 59% and below

**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 student's).
  - 1 day = 10% deduction
  - 2 days - 20% deduction
  - 3 days = 30% deduction
  - 4 days = 40% deduction
  - 5 or more days = no points awarded
- \*\* *There are exceptions to this policy. Any group projects or final projects do not apply.***

**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. Examples of Honor Code violations include:

- Giving or receiving information from another student during an examination;
- Using unauthorized sources for answers during an examination;

- Illegally obtaining 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. Sleeping, side conversations, text messaging, doing work or studying for another class, repeated tardiness, or other disrespectful behavior is unacceptable. If you present a pattern of problem behavior, you will be asked to leave the classroom.**

- Arrive to class on time and do not plan on leaving early. Don't disappear once you sign in.
- Do not engage in side conversations during lectures or discussions. If there are continual disruptions I will ask you to leave the class.
- Don't have a personal conversation with me during class, speak to the class.
- This class is not a study hall, do not treat it as such - do not read newspapers or materials for another class during this class.
- **ALL** electronic equipment (including laptops, cell phones, MP3 players, or other media devices) should be put away during this class. **No phones also means no texting!** If I see you using any of these I will stop the lecture and ask you to put the item away. I will ask you to leave the class upon a second warning. There is an exception if you are using an etext or taking notes.
- Place all backpacks and bags off the tables or desks (many students have used these to camouflage their text messaging or other game usage during class).
- At times we will discuss sensitive issues in class. We will not all agree. Discussion is encouraged and welcome, but disrespect of others' opinions will not be accepted.
- I generally do not mind if you eat in class, I'd rather you eat than be distracted by hunger. However, only quiet and non-smelly food please. Make sure to clean up after yourself.
- If you feel you are unable to stay awake in class, please quietly get up and leave.
- *No heads down on the desk* – this is a university classroom and deserves professional respect.
- No chewing tobacco or e-cigarettes are allowed in 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](mailto: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.

### **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 197 hours engaging in course material via class videos, readings, discussions, assignments, quizzes, and scenario work. Credit hours are listed in the course outline.

## MARIANIST EDUCATIONAL VALUES

The five characteristics of a Marianist Education are:

- **Educate for Formation in Faith**
- **Provide an Excellent Education**
  - **Educate in Family Spirit**
- **Educate for Service, Justice, and Peace**
- **Educate for Adaptation to Change**

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

Week	General Topic	Credit Hour
1	<ul style="list-style-type: none"> <li>● Module Video</li> <li>● Contract</li> </ul>	.5 .5
2	<ul style="list-style-type: none"> <li>● Chapter 1</li> <li>● Module Reading</li> <li>● Getting Started</li> <li>● Apple v FBI</li> <li>● Apple</li> </ul>	4 1 2 2 2
3	<ul style="list-style-type: none"> <li>● Chapter 2</li> <li>● Module Reading</li> <li>● Personal Rights</li> <li>● Do looks matter?</li> <li>● Incorporation/SCOTUS</li> </ul>	7 1 2 2 2
4	<ul style="list-style-type: none"> <li>● Chapter 3</li> <li>● Module Reading</li> <li>● 4th Amendment</li> <li>● Writs and privacy</li> <li>● Chapter 3 Case Brief</li> </ul>	10 1 2 2 3
5	<ul style="list-style-type: none"> <li>● Chapter 4</li> <li>● Module Reading</li> <li>● Probable cause and reasonable suspicion</li> <li>● Stop and frisk</li> <li>● More stop and frisk</li> <li>● Bringham city v Stuart</li> <li>● Chapter 4 Case Brief</li> </ul>	13 1 2 2 2 2 3
6	<ul style="list-style-type: none"> <li>● Chapter 5</li> <li>● Module Reading</li> <li>● Warrants and arrests</li> <li>● Unabomber &amp; Tennessee v Garner</li> <li>● Scott v Harris</li> <li>● Chapter 5 Case Brief</li> </ul>	7 1 2 2 2 3
7	<ul style="list-style-type: none"> <li>● Chapter 6</li> <li>● Module Reading</li> <li>● Searches</li> <li>● War on drugs</li> </ul>	10 1 2 2



	<ul style="list-style-type: none"> <li>● Chapter 6 Case Brief</li> </ul>	3
8	<ul style="list-style-type: none"> <li>● Chapter 7</li> <li>● Module Reading</li> <li>● Special searches</li> <li>● CPS</li> <li>● Electronic monitoring</li> <li>● Chapter 7 Case Brief</li> </ul>	7 1 2 2 2 3
9	<ul style="list-style-type: none"> <li>● Chapter 8</li> <li>● Module reading</li> <li>● Confessions</li> <li>● Chapter 8 Case Brief</li> </ul>	9 1 2 3
10	<ul style="list-style-type: none"> <li>● Chapter 9</li> <li>● Module reading</li> <li>● Eyewitness</li> <li>● Rape laws</li> <li>● Line ups</li> <li>● Eyewitness identification</li> <li>● Chapter 9 Case Brief</li> </ul>	9 1 2 2 2 2 3
11	<ul style="list-style-type: none"> <li>● Chapter 10</li> <li>● Module reading</li> <li>● How does the exclusionary rule apply?</li> <li>● The exclusionary rule</li> <li>● Chapter 10 Case Brief</li> </ul>	5 1 2 2 3
12	<ul style="list-style-type: none"> <li>● Chapter 11</li> <li>● Module reading</li> <li>● Do bystanders help or hurt?</li> <li>● Police qualified immunity</li> <li>● Chapter 11 Case Brief</li> </ul>	6 1 2 2 3
13	<ul style="list-style-type: none"> <li>● Chapter 14</li> <li>● Module readings</li> <li>● Sentencing</li> <li>● Three Strikes Sentencing</li> </ul>	8 1 2 2

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. Chapters may also be covered out of order if there are extenuating circumstances. Students are responsible for assigned chapters in the text, outside reading assignments, and relevant topics discussed.