

CATALOG INFORMATION

Dept and Nbr: AJ 55

Title: CRIMINAL PROCED-CP4

Full Title: Criminal Procedures - CP4

Last Reviewed: 9/25/2017

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	17.5	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

Catalog Description:
A comprehensive examination of the origin, development, philosophy, and legal basis of criminal procedures in California. Procedural, statute law, case law, constitutional law and judicial rules governing pre-arrest, arrest, custody, crime charging, motions, applicable rules of discovery and evidence, California grand jury system, pretrial court procedures, adult and juvenile court procedures, verdict, sentencing, and the appellate process.

Prerequisites/Corequisites:

Recommended Preparation:
Eligibility for ENGL 100A or ENGL 100.

Limits on Enrollment:

Schedule of Classes Information:
Description: A comprehensive examination of the legal processes from the point of pre-arrest to final court adjudication. Statute, procedural, case law & judicial rules covering laws of arrest, custody, crime charging, court steps in case adjudication, and sentencing. (Grade Only)
Prerequisites/Corequisites:

Recommended: Eligibility for ENGL 100A or ENGL 100.

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:

AS Degree:	Area	Effective:	Inactive:
CSU GE:	Transfer Area	Effective:	Inactive:

IGETC:	Transfer Area	Effective:	Inactive:
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CSU Transfer:	Transferable	Effective:	Fall 1981	Inactive:
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UC Transfer:	Effective:	Inactive:
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CID:

CID Descriptor:	AJ 122	Criminal Court Process
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SRJC Equivalent Course(s):	AJ55
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Certificate/Major Applicable:

Certificate Applicable Course

COURSE CONTENT

Outcomes and Objectives:

1. The student will describe the California laws of arrest by peace officers, private persons, service of arrest warrants, use of force, arrest dispositions, and pre-arrest subjects such as contacts and detentions, and custodial procedures.
2. The student will compare the jurisdiction and operation of the California Court system and the selection/election process for magistrates.
3. The student will distinguish and list the various charging documents applicable to bringing a case to court and considerations in charging or not charging a person with a crime.
4. The student will analyze and demonstrate knowledge of the various court processes after a criminal defendant is charged with a crime including arraignment, motions, and preliminary hearing; and due process considerations attached to each court stage.
5. The student will describe the function of the grand jury system.
6. The student will analyze and evaluate the purpose and function of the plea bargaining process and other alternatives to trial.
7. The student will describe the trial process including jury selection, prosecution's case-in-chief, witness testimony, exhibits/evidence, motions, defense's case-in-chief, rebuttal testimony, jury instruction, jury deliberations, verdict, sentencing and appeals.
8. The student will be able to analyze legal concepts and make rational decisions about the prosecution of a case through the court system.
9. The student will learn concepts of Laws of Arrest in Learning

Domain (LD) 15 (minimum 12 hrs.) and Custody in LD31 (min. 4 hrs.) of the Basic Law Enforcement Course curriculum adopted by the California Commission on Peace Officer Standards and Training. Performance Objective number are identified herein: 3.6.1-3.6.3, 3.8.3, 3.38.1-3.38.2, 3.38.4-3.38.7, 3.38.9, 3.38.12-3.38.13, 11.1.1, 11.2.2-11.2.3, 11.3.1-11.3.2, 11.4.7-11.4.8, 11.6.6-11.6.8, 13.31.1.

Topics and Scope:

COURSE OUTLINE

I. INTRODUCTION

- A. Attendance and class participation
- B. Testing and grading policies
- C. Outside class assignments
- D. A.J./Basic Course "Transition Program - Pilot Project"

II. SOURCES OF CRIMINAL PROCEDURE

- A. Common law heritage
- B. Separation of powers
- C. Constitutional due process
- D. Independent State Grounds

III. CRIMINAL PROCEDURE CONCEPTS

- A. Adversary system
- B. Presumption of innocence
- C. Burden of Proof
- D. Corpus delicti
- E. Ex post facto and retroactivity
- F. Methods of proof

IV. LAWS OF ARREST

- A. Detention and reasonable (3.6.1)
- B. Contact (3.6.3)
- C. Arrest defined (834 P.C.)(3.38.2)
- D. Custody defined (835 P.C.)(3.38.2)
- E. Use of force in making an arrest (835a P.C.)(3.38.2)
- F. Peace officer authority to arrest (836 P.C.)(3.6.2 & 3.38.1)
- G. Notice of intention to arrest (841 P.C.)(3.38.4)
- H. Arrest procedures and dispositions (825, 848, 849, 851.5, 853.5, 853.6 P.C.)(3.38.6)
- I. Service of arrest warrants (840 P.C.)(3.38.5)
- J. Residential entry (Ramey and Steagald rules)
- K. Knock and notice (844 P.C.)(3.38.7)
- L. Private person arrests (837, 847, 142 P.C.)(3.8.3, 3.38.9, 3.38.12)
- M. Arrest exceptions (3.38.13)
- N. Booking procedures
- O. Confession evidence and Miranda

V. CUSTODY PROCEDURES

- A. Commitment procedures (11.1.1)
- B. Booking inventory (4003P.C.)(11.2.2)
- C. Unlawful solicitation of counsel (6165 & 6152 B&P)(11.2.3)
- D. Inhumanity towards prisoner (147P.C.) (11.3.2)
- E. Assault under color of authority (149 P.C.)(11.4.7)
- F. Bringing weapons into facility (4574 P.C.)(11.4.7)

- G. Body cavity inspections and strip searches (4030 P.C.)(11.4.8)
- H. Depriving phone calls (851.5 P.C.)(11.6.6)
- I. Eavesdropping on confidential communications (636 P.C.)(11.6.8)
- J. Learning Activity (13.31.1)

VI. COURT SYSTEM

- A. Overview of the California trial court system
- B. Section/election of magistrates
- C. Overview of California appellate court system
- D. Effect of the doctrine of judicial review

VII. BAIL

- A. Historical development of bail
- B. Form and amount of bail
- C. Forfeiture of bail
- D. Preventive detention.

VIII. CRIME CHARGING PROCEDURE

- A. Decision to prosecute
- B. Limitations on prosecutor's discretion
- C. Charging standards and selection
- D. Attacks on charging
- E. Dismissal of charges

IX. ARRAIGNMENT

- A. Securing defendant's appearance
- B. Arraignment
- C. Constitutional rules and rights during trial
- D. Pleadings
- E. Release from custody

X. PRELIMINARY HEARING

- A. Prosecution burden
- B. Prop. 115 issues
- C. Magistrate disposition

XI. PRETRIAL PROCEDURE

- A. Time for trial
- B. Discovery
- C. Motions in general
- D. Motion to suppress evidence (1538 P.C.)
- E. Evidentiary motions (402 E.C. and 352 E.C.)
- F. 995 motion (995 P.C.)
- G. Kelly-Frye motion
- H. Pretrial writs

XII. ALTERNATIVE TO TRIAL

- A. Non-trial disposition
- B. Guilty plea (summary trial)
- C. Diversion
- D. D.A. office hearing/D.A. probation
- E. Civil compromise
- F. Immunity to testify
- G. Mental treatment alternatives
- H. Trailing greater offenses
- I. Deportation
- J. Dismissal/Release

XIII-XIX(See attached)

Assignment:

1. Clarify vocabulary and legal concepts by studying a college-level text, professional journals, and other available pertinent literature when assigned.
2. Develop skills in writing through an analysis of case law research of selected appellate court decisions.
3. Demonstrate skills mastered by the completion of written and objective tests requiring timed responses.
4. Oral presentations in class requiring deductive analysis from text, law and case books.
5. Assignments involving critical issues occurring in the criminal justice system.
6. Develop skills in writing and oral presentation through court visits, critiques and moot court.

Methods of Evaluation/Basis of Grade:

Writing: Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Written homework, Reading reports, ISSUE PAPERS

Writing
10 - 30%

Problem Solving: Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Homework problems, Quizzes, Exams

Problem solving
10 - 30%

Skill Demonstrations: All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations
0 - 0%

Exams: All forms of formal testing, other than skill performance exams.

Multiple choice, True/false, Matching items, Completion

Exams
25 - 75%

Other: Includes any assessment tools that do not logically fit into the above categories.

ASSESSMENT OF STUDENT'S CRITICAL ANALYSIS OF CONCEPTS AND ISSUES.

Other Category
5 - 15%

Representative Textbooks and Materials:

Rutledge, Devallis, CALIFORNIA CRIMINAL PROCEDURE, 3rd Ed. or current edition, Copperhouse Publishing Co., Placerville, CA 1994.
State of California, Commission on Peace Officer Standards and Training,

BASIC LAW ENFORCEMENT COURSE UNIT GUIDES #2, (Criminal Justice System) and #15 (Laws of Arrest), Sacramento, CA, 1996.

State of California, Department of Justice - Office of the Attorney

General, PEACE OFFICER'S LEGAL SOURCEBOOK, Sacramento, CA, 1996.

Stuckey, Gilbert, PROCEDURES IN THE JUSTICE SYSTEM, Chas. Merrill, Columbus, Ohi (current edition).