

CRIMINAL PROCEDURE: INVESTIGATION (206-002)

Fall 2021

William Fitzpatrick

Syllabus

Class Schedule:

This class will meet in person on Mondays and Wednesday from 8:10 p.m. to 9:35 p.m.

Contact Information and Availability:

I will provide my contact information during the first class. Do not hesitate to contact me with any class-related questions, concerns or with requests to schedule a call or meeting. I enjoy teaching and I am always open to answering questions, discussing issues, or doing anything that will enhance the learning process.

Required Course Materials and Assignments:

Stephen A. Saltzburg and Daniel J. Capra, *American Criminal Procedure: Investigative Crime*, Eleventh Ed. and the 2018 Supplement.

Class Assignments:

You are responsible for all of the assigned material but pay particular attention to the primary cases in each reading.

On occasion I may supplement the casebook with outside materials, which will be made available to you with sufficient advance notice and other disclaimers (*i.e.*, not mandatory but for informational purposes only). The assignments may be adjusted from time to time given the pace of the course, and in consideration of certain subjects or topics that require more attention or less attention, as the case may be. Further information about the expectations for reading assignments will be provided during the first class.

Classroom Participation and Attendance:

Classroom participation is part of the course requirements. Student participation in classroom discussions is never intended to cause embarrassment or be a source of needless anxiety. If anyone has concerns in this regard, please let me know. Class participation is beneficial to the learning process and will help us fully explore the application of Constitutional principles to the criminal investigative process. Everyone should become proficient at reciting case facts, applying the facts to the law, and arriving at a thoughtful and well-reasoned legal conclusion.

Class attendance is obviously important and will be monitored. If you fail to attend class with some frequency without sufficient explanation, you may be precluded from taking the final exam.

Internet, Phone and Recording Policies:

Any non-course related use of the internet is prohibited during class. Also, please “silent” or turn off your phones during class – “texting” or any other on-class related phone use is prohibited. Recording of the class in any way is prohibited.

Final Exam:

The exam will take place on **December 10, 2021 at 6:00 p.m.** The exam will be open book and open notebook (details to follow).

Learning Outcomes:

By the end of the course students should have acquired:

- An understanding of the investigative process, including 4th, 5th and 6th Amendment jurisprudence;
- The ability to identify legal issues that arise during the course of an investigation; and
- Proficiency in applying Constitutional and statutory law to a given set of facts.

Class Assignments:

1. 08/23/2021 Overview of the Federal Criminal Justice System
 - Goals of the Criminal Justice System
 - Constitutional Criminal Law: The Need to Protect Society and the Need to Protect Individual Rights
 - Investigation/Adjudication: Identify and Discuss Each Phase of the Criminal Process

Read the text of the 4th, 5th, 6th, and 14th Amendments to the United States Constitution

2. 08/25/2021 Overview of the Federal Investigative Process
 - Sources of Law/Federalism
 - Structure of the Federal Criminal Justice System
 - The Roles of Law Enforcement, Prosecutors, Defense Counsel, the Court and the Community
 - Intersection of Criminal Law, Criminal Procedure, Evidence and Professional Responsibility

Saltzburg pps. 1-6 (Basic Principles)
Saltzburg pps 6-34 (Incorporation and Retroactivity)

3. 08/30/2021 Saltzburg pps. 35-64 and 1-39 in the Supplement. (Fourth Amendment)

4. 09/01/2021 Saltzburg pps. 64-103 (Fourth Amendment)

- 09/06/2021: No Class (Happy Labor Day)

5. 09/08/2021 Saltzburg pps. 103-149 (Fourth Amendment)

6. 09/13/2021 Saltzburg pps. 150-173 (Fourth Amendment)

7. 09/15/2021 Saltzburg pps. 173-212 (Fourth Amendment)

8. 09/20/2021 Saltzburg pps. 212-267 (Stop and Frisk);

9. 09/22/2021 Saltzburg pps. 267-315 (Stop and Frisk);
10. 09/27/2021 Saltzburg pps. 316-391 (Warrantless Searches and Seizures);
11. 09/29/2021 Saltzburg pps. 391-436 (Warrantless Searches and Seizures);
12. 10/04/2021 Saltzburg pps. 436-526 (Warrantless Searches and Seizures);
13. 10/06/2021 Saltzburg pps. 526-546 (Consent Searches);
- 10/11/2021 No Class: Columbus Day, Fall Recess
14. 10/12/2021 Saltzburg pps. 546-562 (Electronic Surveillance)
(Monday Schedule)
15. 10/13/2021 Saltzburg pps. 562-622 (Remedies for 4th Amendment Violations);
16. 10/18/2021 Saltzburg pps. 622-665 (Remedies for 4th Amendment Violations);
17. 10/20/2021 Saltzburg pps. 667-728 (Self-Incrimination and Confessions);
18. 10/25/2021 Saltzburg pps. 728-747 (Self-Incrimination and Confessions);
19. 10/27/2021 Saltzburg pps. 747-802 (Self-Incrimination and Confessions);
20. 11/01/2021 Saltzburg pps. 802-861 (Self-Incrimination and Confessions);
21. 11/03/2021 Saltzburg pps. 861-894 (Self-Incrimination and Confessions);
22. 11/08/2021 Saltzburg pps. 895-938 (Identifying Suspects);
23. 11/10/2021 Class Handouts (Identifying Suspects)
24. 11/15/2021 Saltzburg pps. 939-967 (Right to Counsel);
25. 11/17/2021 Class Handouts (Right to Counsel)
26. 11/22/2021 No Assignment: Course Review and Exam Preview.