



**South Portland, Maine 04106  
Criminal Justice Department**

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<b>Title:</b> Laws of Arrest, Search and Seizure	<b>Semester:</b> Spring 2022
<b>Catalog Number:</b> CJUS-130-01	<b>Corequisite:</b> CJUS-105 Intro. to Criminal Justice
<b>Credit Hours:</b> 3	<b>Contact Hours:</b> 45
<b>Offered:</b> Monday and Wednesday 12:00PM-1:15PM, Howe Hall-room 105	
<b>Professor:</b> Thomas P. Joyce Jr.	<b>Phone:</b> (207) 741-5551
<b>Email:</b> tjoyce@smcme.edu	<b>Office Hours:</b> Flexible and by appointment

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### **Course Description**

This course presents current, prevailing case law from State and Federal Courts regarding the rights of the accused and proper police procedure for arrest, search and seizure, interrogation, and the right to assistance of counsel. Students will evaluate various scenarios and determine the appropriate action as defined by the U.S. Constitution and the courts.

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### **Course Objectives**

Upon the successful completion of this course, the student will be able to:

1. Conduct case law and criminal procedure research.
2. Evaluate case study scenarios and describe the appropriate legal action to be taken as it relates to arrest, search and seizure.
3. Identify illegal procedure and action taken by police in case study scenarios involving arrest, search and seizure.
4. Describe the procedure for presenting the Miranda warning to a person in custody.
5. Describe the procedure for obtaining and executing an arrest and search warrant.

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**Course Topics** (Topics are presented in the order listed. The PowerPoint presentation on Brightspace will give the outline of the material covered at each class. It will also give dates for assignments, quizzes, and examinations.)

Probable Cause  
Arrest  
Entrapment  
Stop and Frisk  
Admissions and Confessions  
Pretrial Identification Procedures  
Exclusionary Rule  
Search Warrants  
Search Incident to Arrest

Consent Searches  
Plain View Doctrine  
Exigent Circumstances, Vehicle, and Containers  
Open Fields and Abandoned Property  
Roadblocks and Checkpoints

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## **Course Requirements**

Key to Success!

All students are required to take charge of their own learning. The professor will work with all students to help ensure they successfully complete the course. Students should use the “Key to Academic Success” to help ensure mastery of the course content.

### **Key to Academic Success!**

1. I will attend class regularly and arrive to class on time.
  2. I will treat others with courtesy, respect and how I would like to be treated.
  3. I will bring all required materials to class (i.e. notebooks, workbook, textbook, assignments due)
  4. I will be attentive in class.
  5. I will participate in whole class and group discussions.
  6. I will complete my assignments on time.
  7. I will ask questions when I do not understand the material.
  8. I will take notes in class.
  9. I will study for quizzes and examinations. I will keep track of my grades. (Grade Sheet)
  10. I will be honest (avoiding plagiarism, cheating)
  11. I will reflect on how I could make improvements to my learning.
  12. I will seek out my advisor if I am having difficulty with my course(s).
  13. I will recognize this course syllabus as a contract that I must abide by to ensure my academic success.
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## **Work Outside of the Classroom**

All students should be prepared to spend a minimum of two hours on out of class preparation for each hour of classroom instruction.

This preparation will include but not limited to review of lecture notes, completion of reading assignments, studying of course materials and completion of class projects/papers as assigned.

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## Required Materials

Textbook: 1. Maine Law Enforcement Officer's Manual (Current Edition)  
The book is available at the campus bookstore.

Computer to: 1. Access Maine and Federal law, case law and court webpages  
2. Conduct online research on legal matters related to arrest, search and seizure as assigned.

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## Grading

Course Grade:

A	93-100	A-	90-92.9		
B+	87-89.9	B	83-86.9	B-	80-82.9
C+	77-79.9	C	73-76.9	C-	70-72.9
D+	67-69.9	D	63-66.9	F	0-62.99

"I" Grade: A temporary grade of "I" may be given when a student has, *due to extraordinary circumstances*, failed to complete all required course work by the end of the semester. This assumes that the student has made a consistent and persistent effort up to the point the "circumstances" occurred and that most course work has been completed. The remaining work must be completed and a new grade submitted by the mid-point of the semester following receipt of the "I" grade. An "I" grade which is not changed during this period automatically becomes an "F".

The final grade for this course is based on the following:

Assignments: Scenarios/Worksheets (35%)

Assignments will be given to students at a class meeting along with the due date.

Due dates for all course work (assignments, quizzes, examinations) are listed in the Class Schedule that is provided to students at the first class meeting. **No late assignments will be accepted under any circumstances.**

Quizzes (25%)

Quizzes will be given throughout the semester. The quiz dates will be given in class and are listed in the course schedule.

There will be no make-up quizzes given. The professor drops the lowest quiz grade before calculating the final course grade.

In the event that the class is cancelled, the scheduled quiz will be given at the next class meeting.

Only the L.E.O.M. will be used by the students taking a quiz.

Mid-term examination (20%) The mid-term date will be announced in class and is given in the course schedule. (Covers all material to this point in the semester.)

Only under extraordinary circumstances and at the discretion of the professor will a student be allowed to take a missed examination.

In the event that the class is cancelled, the scheduled examination will be given at the next class meeting.

Students will not be able to use any resource material when taking the examination.

Final examination (20%) The final examination date will be announced in class and is given in the course schedule. (The examination covers material from immediately after the mid-term to the end of the semester.)

Only under extraordinary circumstances and at the discretion of the professor will a student be allowed to take a missed examination.

In the event that the class is cancelled, the scheduled quiz or examination will be given at the next class meeting.

Students will not be able to use any resource material when taking the examination.

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## **Course and College Policies**

### Attendance Policy

This course meets Monday and Wednesday. The classroom is located in Howe Hall. Howe Hall is next to the baseball field.

Students are required to be present at the start of the class. Late arrivals interrupt the learning environment. Being late to class three times regardless of the reason(s) will constitute one absence and result in a 3-point deduction off the final grade for the course. Any more than three absences regardless of the reason(s) will result in a (3) point deduction per absence from a student's final course grade calculation. Emphasis is not placed on the reason for the absence but rather the amount of class time missed as it relates to the ability of a student to master the course objectives.

A student who misses three classes in a row without notifying the professor prior to the missed classes or during the period the student is absent will be dropped from the course and not be permitted to return. Enrollment Services will be notified and it is then up to the student to go to Enrollment Services and formally withdraw from the course to prevent an adverse effect on the student's GPA.

### Cell phones

If a student needs to text or use the cell phone during class, the student will leave the classroom.

### Food and beverages

Beverages are permitted; eating of food is not permitted during class.

### Student Code of Conduct:

All students are expected to be aware of and conform to the Student Code of Conduct. The Code can be found in the Student Handbook: The Compass.

### Administrative Failures (AF)

An Administrative Failure (a final grade of AF) identifies students who have stopped attending class and who have had no contact with the faculty member for a period in excess of one week. A student may be administratively failed after missing one more consecutive class meeting than the number of class meeting per week (4 for a class that meets three times a week, three for a class that meets twice a week, two for a class that meets once a week).

A student in an online course may be administratively failed after not submitting an assignment, responding to a discussion question, completing a graded assignment, or otherwise performing some type of activity that shows active involvement in the course for a period of two weeks.

At their discretion, faculty may reinstate students who resume attending after the grade has been assigned.

### End-of-Course Evaluation

Students complete evaluations for each course attended at SMCC. Evaluations are submitted online and can be accessed through the student portal. Students can access the course evaluations beginning one week before the end of classes. The deadline for submission of evaluations occurs Monday at 5 p.m. following the last day of the class. You will receive an e-mail to your student e-mail account when course evaluations are available.

### For Classes with any Face- to -Face Component

While the syllabus represents current plans, there may be changes during the semester in response to the on-going Covid-19 pandemic. Depending on the progression of the virus, it is possible that the College may have to suspend face-to-face instruction for part of the semester. If we must stop face to face instruction anytime during the semester, your instructor will contact you via your SMCC email or the Brightspace course homepage to discuss next steps for the course.

### ADA Statement

Southern Maine Community College is an equal opportunity/affirmative action institution and employer. For more information, please call (207) 741-5798. If you have a disabling condition and wish to request accommodations in order to have reasonable access to the programs and services offered by SMCC, you must register with the Disability Services Coordinator, Sandra Lynham, who can be reached at 741-5923. Further information about services for students with disabilities and the accommodation process is available upon request at this number. Course policies about online testing are modified to suit each individual's accommodations.

### The Learning Commons:

The library, tutoring and writing centers, and reference/research assistance (typically located on the second floor of South Portland's Campus Center and in the Midcoast's LL Bean Learning Commons and Health Science Center) will be fully available online during the fall 2020 semester.

Here you can find free academic support through individually scheduled and drop in, online tutoring. You can also find information literacy/research librarians, and professional academic strategy/planning mentoring online. While the physical space of the Learning Commons will not be available at this time, we can also work with you to set up zoom classrooms for small group study. Services are offered by appointment or as drop-in assistance.

To access services:

- Visit My Learning in My Maine Guide or
- Select the "tutoring needed" button if it appears inside your Brightspace course.

Whether On Site or Online, students have consistently reported that the Learning Commons is a friendly, risk-free, and helpful place to seek academic support. It has also been shown that those who make use of the Learning Commons do better in a course than those who do not. We strongly encourage you to take advantage of this valuable and enjoyable resource.

### SMCC Pay-for-Print Policy

Each semester students receive a \$20 printing credit. The balance resets at the end of the semester and any remaining credits are removed. The College's pay-for-print system monitors printing on all printers (including those in general access labs, library printers, Tutoring Services, Campus Center Lounge and technology labs). Be sure to log OUT of the system when you've finished your printing, to prevent unauthorized access to your account. Students can check the number of pages they have printed by using the Printing Balance tool available on SMCC computers (located in the lower right corner of the screen, near the clock). Departments with work study students who need to print documents for the department should contact the Help Desk at 741-5696 to have a special account set up. To find ways to reduce your printing charges, please go to the IT Help tab on My SMCC. If you have questions about the pay-for-printing policy or your printing charges, please contact the Help Desk at 741-5696 or send an e-mail to [helpdesk@smccme.edu](mailto:helpdesk@smccme.edu).

### Refunds

Print jobs are eligible for a refund in the event of mechanical or electronic error on the part of the printer, print server, or software used to submit the job. Jobs are not eligible for a refund in cases where the job was not set up correctly, was submitted multiple times, or the student is not satisfied with the result. To request a refund, please bring the offending print to the IT Department in the basement of the Ross Technology Center. Refunds will be granted in the form of a credit to the student's account.

### Add-Drop Policy

Students who drop a course during the one-week "add/drop" period in the fall and spring semesters and the first three days of summer sessions receive a 100% refund of the tuition and associated fees for that course. Please note any course that meets for less than the traditional semester length, i.e., 15 weeks, has a pro-rated add/drop period. There is no refund for non-attendance.

### Withdrawal Policy

A student may withdraw from a course only during the semester in which s/he is registered for that course. The withdrawal period is the second through twelfth week of the Fall and Spring semesters and the second through ninth week of twelve-week Summer courses. This period is pro-rated for shorter-length courses, usually 75 percent of course meeting times; please check with the Registration Office. To withdraw from a course, a student must complete and submit the appropriate course withdrawal form, available at the Registration Office. This process must be completed either in person or by using SMCC e-mail accounts.

### Plagiarism Statement

If an instructor suspects that a student has knowingly committed a violation defined in the Maine Community College System Policy on Student Grade Appeals and Academic Misconduct, the instructor has the authority to review the alleged misconduct and determine the grade that the student should receive for the assignment and the course. The instructor may assign a failing grade for the assignment or course and may require the student to complete additional work for the course. The instructor may consult with the department chair and/or the College's chief academic officer

prior to making such decisions. If a student seeks to challenge an instructor's determination, the student should submit a grade appeal. Grade appeal forms are available in the Advising Office on the South Portland Campus or in the administrative offices in the Learning Commons on the Midcoast Campus. An instructor may also refer the matter to the College's disciplinary officer for review under the procedures of the MCCS Student Code of Conduct