



# **INSTRUCTIONAL PACKAGE**

CRJ 120  
Constitutional Law

Effective Term  
Fall 2022/Spring 2023/Summer 2023

# INSTRUCTIONAL PACKAGE

## Part I: Course Information

Effective Term: 2022-2023

COURSE PREFIX: CRJ 120

COURSE TITLE: Constitutional Law

CONTACT HOURS: 3.0

CREDIT HOURS: 3.0

### **RATIONALE FOR THE COURSE:**

This course is to acquaint the student with basic constitutional guarantees enumerated in the Bill of Rights. The course is designed to familiarize the student with the use of the Fourteenth Amendment to apply constitutional rights to the States. The course includes not only reading and understanding the meanings and implications of Supreme Court decisions but also researching previous decisions and studying their application and effect on the criminal justice system.

### **COURSE DESCRIPTION:**

This course covers the analysis of the historical development of the United States Constitution and the relationship of rights contained therein to the state and the individual. The application of the Bill of Rights to federal and state systems is examined.

### **PREREQUISITES/CO-REQUISITES:**

\***Online/Hybrid** courses require students to complete the [Dli Orientation Video](#) prior to enrolling in an online course.

### **REQUIRED MATERIALS:**

This course uses available online education resources (OER) rather than a textbook. The resources used are from verifiable, reliable, and trustworthy websites, webpages, and library databases that are free to the public rather than a purchased textbook.

### **ADDITIONAL REQUIREMENTS:**

CRJ 120 – Constitutional Law does not have additional costs other than tuition and fees.

### **TECHNICAL REQUIREMENTS:**

Access to Desire2Learn (D2L), HGTC's student portal for course materials.  
myHGTC and college email access. Please review the Technical Requirements listed in the Instructor's Addendum.

## STUDENT IDENTIFICATION VERIFICATION:

Students enrolled in online courses will be required to participate in a minimum of one (1) proctored assignment and/or one (1) virtual event to support student identification verification. Please refer to your Instructor Information Sheet for information regarding this requirement.

## CLASSROOM ETIQUETTE:

All students are expected to conduct themselves in a **professional and courteous** manner and toward all class members, whether online or in a traditional classroom setting. The standards of professional behavior will be enforced. Any violation associated with inappropriate behavior, including statements or remarks in class or emails as well as postings or other communications, will **not** be tolerated. At the discretion of the professor of record, the inappropriate behavior may be reported in writing as a violation of the Student Code of Conduct under Proscribed Conduct, which could result in disciplinary action as described in College Catalog and Student Handbook (HGTC, 2017-2018, pp. 31-37).

## Part II: Student Learning Outcomes

### COURSE LEARNING OUTCOMES and ASSESSMENTS\*:

#### UNIT I - HISTORY, STRUCTURE, AND CONTENT OF U.S. CONSTITUTION

- **Student Outcome:** Describe each article of the U.S. Constitution.
- **Student Outcome:** Describe the powers granted exclusively to the States.
- **Student Outcome:** Describe the powers denied to the States.
- **Student Outcome:** Describe the Tenth Amendment to the U.S. Constitution.
- **Student Outcome:** Describe the rights set forth in the Bill of Rights.
- **Student Outcome:** Describe what is meant by selective incorporation.
- **Student Outcome:** Describe the application of the Bill of Rights to the States through the 14th Amendment.
- **Student Outcome:** Compare and contrast the due process clause and equal protection of the law clause of the 14th Amendment.
  
- **Assessment:** Attendance – Instructional Package Quiz

#### UNIT II - FREEDOM OF SPEECH AND EXPRESSION

- **Student Outcome:** Describe the application of freedom of religion under the First Amendment.
- **Student Outcome:** Describe what is free speech compared to the freedom of the press under the First Amendment.

- **Student Outcome:** Describe conduct versus message under the First Amendment.
- **Student Outcome:** Describe the types of forums under the First Amendment.
- **Student Outcome:** Describe the situations in which the government has a compelling interest to interfere with the freedom of expression.
- **Student Outcome:** Describe the types of speech exempted from the protection of the First Amendment.
- **Student Outcome:** Describe the major U.S. Supreme Court rulings regarding obscenity under the First Amendment.
- **Student Outcome:** Describe the implications of prior restraint under the First Amendment.
- **Assessment:** Discussion Assignment #1
- **Assessment:** Discussion Assignment #2

### UNIT III - AUTHORITY TO DETAIN AND ARREST

- **Student Outcome:** Compare and contrast reasonable suspicion [grounds] and probable cause.
- **Student Outcome:** Identify and describe the types of seizures.
- **Student Outcome:** Define arrest and its types.
- **Student Outcome:** Describe the criteria for investigatory stops and frisk for weapons under Terry V. Ohio (1968) and other decisions.
- **Student Outcome:** Describe the constitutional authority to stop motorists, including pretextual traffic stops and roadblocks.
- **Student Outcome:** Describe the requirements for constitutional roadblocks.
- **Student Outcome:** Compare and contrast a warrantless arrest with an arrest with a warrant.
- **Student Outcome:** Describe the scope of a search to execute an arrest warrant, including no announcement executions.
- **Assessment:** Discussion Assignment #3
- **Assessment:** Exam #1

### UNIT IV - SEARCH AND SEIZURE

- **Student Outcome:** Describe a reasonable expectation of privacy.
- **Student Outcome:** Describe search incidental to an arrest, including the requirements and vehicles.
- **Student Outcome:** Describe plain view and open field.
- **Student Outcome:** Discuss permission to search, the criteria to request permission, and the constitutional limitations on the search.
- **Student Outcome:** Describe the requirements for a valid search warrant and the exceptions to the warrant requirement.

- **Student Outcome:** Describe using informants as the basis of probable cause, including the Aguilar - Spinelli Test and the totality of circumstances in Illinois v. Gates (1983).
- **Student Outcome:** Describe the Exclusionary Rule and Fruits of the Poisonous Tree.
- **Student Outcome:** Describe the exceptions to the Exclusionary Rule, including Good Faith, Inevitable Discovery Rule, and Independent Source Rule.
- **Assessment:** Discussion Assignment #4
- **Assessment:** Discussion Assignment #5

## **UNIT V – LAWS GOVERNING AND CONSTITUTIONALITY OF POLICE SURVEILLANCE AND INTERCEPTION OF COMMUNICATIONS**

- **Student Outcome:** Describe the principal laws governing interception.
- **Student Outcome:** Describe the historical approach to the government's interception of communication.
- **Student Outcome:** Compare and contrast eavesdropping with electronic intrusion or interception.
- **Student Outcome:** Describe protected conversations and invitation to listen.
- **Student Outcome:** Discuss how emails, voice mails, and text messages are viewed when seizing for evidence.
- **Student Outcome:** Describe interception under Title III.
- **Student Outcome:** Describe the emergency exceptions to Title III.
- **Student Outcome:** Describe the implications of the USA PATRIOT Act on Title III and electronic intrusion.
- **Assessment:** Discussion Assignment #6

## **UNIT VI - INTERROGATIONS AND CONFESSIONS**

- **Student Outcome:** Describe the Miranda Rule, including identifying and describing the warning and where and when the ruling does and does not apply.
- **Student Outcome:** Describe the rules governing custodial interrogation.
- **Student Outcome:** Describe free and voluntary, and the suspect's susceptibility and the interview environment.
- **Student Outcome:** Describe the privilege against self-incrimination.
- **Student Outcome:** Describe the "Public Safety Exception."
- **Student Outcome:** Describe the use of an inadmissible confession for impeachment.
- **Student Outcome:** Describe the requirement of corroborating a confession,
- **Student Outcome:** Describe the case law associated with jailhouse or incarcerated informants.
- **Assessment:** Discussion Assignment #7
- **Assessment:** Exam #2

## UNIT VII – COMPULSORY SELF-INCRIMINATION

- **Student Outcome:** Describe invoking the Fifth Amendment.
- **Student Outcome:** Describe self-incrimination and compulsion.
- **Student Outcome:** Describe the different types of immunity.
- **Student Outcome:** Describe what is a Subpoena Duces Tecum and how it can be used to lawfully secure evidence in an investigation.
- **Student Outcome:** Describe non-testimonial evidence.
- **Student Outcome:** Discuss the implications of *Schmerber v. California* (1966) and the other landmark cases regarding bodily self-incrimination or non-testimonial evidence.
- **Student Outcome:** Describe the types of appearance evidence and the constitutional implications of each.
- **Student Outcome:** Describe the legal standards for conducting strip searches and body cavity searches.
- **Assessment:** Discussion Assignment #8

## UNIT VIII – RIGHT TO COUNSEL

- **Student Outcome:** Discuss the Sixth Amendment right to legal counsel.
- **Student Outcome:** Describe the landmark cases addressing the Right to Legal Counsel.
- **Student Outcome:** Describe the “critical stage” concerning the right to counsel.
- **Student Outcome:** Describe the defendant’s right to self-representation, and discuss ineffective assistance of legal counsel.
- **Student Outcome:** Discuss the warning and waiver under the Sixth Amendment and the police responsibilities to provide legal counsel, allow counsel to participate, and intrusion upon the right of counsel.
- **Student Outcome:** Describe the pretrial identification procedures, and compare and contrast the constitutional requirements and implications when using a photographic line, a show-up, and lineup.
- **Student Outcome:** Describe the right to counsel during pretrial identification procedures.
- **Student Outcome:** Describe the right to effective legal counsel.
- **Assessment:** Research Paper
- **Assessment:** Discussion Assignment #9

## UNIT IX – CONSTITUTIONAL RIGHTS IN TRIAL

- **Student Outcome:** Describe the double jeopardy prohibition.
- **Student Outcome:** Describe the tests of double jeopardy.
- **Student Outcome:** Describe the right to a speedy trial.

- **Student Outcome:** Describe the right to a fair, impartial, and public trial.
- **Student Outcome:** Describe a grand jury right under the Sixth Amendment and South Carolina law.
- **Student Outcome:** Describe jurisdiction and venue.
- **Student Outcome:** Describe the constitutional right to a jury, including identifying each landmark case and its significance.
- **Student Outcome:** Describe the constitutional requirement of preservation and disclosure of evidence, including evidence favorable to the defendant and the obligation of law enforcement to preserve and disclose exculpatory evidence.
- **Assessment:** Discussion Assignment #10

## UNIT X – CONSTITUTIONAL RIGHTS IN POST-TRIAL AND CONSTITUTIONAL CONSIDERATIONS IN SENTENCING

- **Student Outcome:** Discuss plea bargaining and constitutional implications.
  - **Student Outcome:** Describe the different types of plea bargains.
  - **Student Outcome:** Discuss the types of pleas and what are the constitutional implications.
  - **Student Outcome:** Describe the Eighth Amendment.
  - **Student Outcome:** Describe the death penalty landmark cases.
  - **Student Outcome:** Describe a Writ of Habeas Corpus and how it can be used.
  - **Student Outcome:** Describe the Antiterrorism and Effective Death Penalty Act of 1996 and its impact on appeals.
  - **Student Outcome:** Describe the path of appeal in the federal court system and state court systems, including a direct review.
- Assessment:** Exam #3

***\*Students – please refer to the Instructor’s Course Information sheet for specific information on assessments and due dates.***

## Part III: Grading and Assessment

### EVALUATION OF REQUIRED COURSE MEASURES/ARTIFACTS\*:

Students’ performance will be assessed, and the weight associated with the various measures/artifacts are listed below.

#### EVALUATION\*

Exams .....	50%
Discussion Assignments .....	40%
Papers/Project .....	10%
Total 100%	

***\*Students, please refer to the Instructor's Course Information Sheet for the specific number and type of evaluations.***

## **GRADING SYSTEM:**

Please note the College adheres to a 10 point grading scale A = 100 – 90, B = 89- 80, C = 79 – 70, D = 69 – 60, F = 59 and below. You must have your Dean's approval if changes in the scale are made.

Grades earned in courses impact academic progression and financial aid status. Before withdrawing from a course, be sure to talk with your instructor and financial aid counselor about the implications of that course of action. Ds, Fs, Ws, WFs and Is also negatively impact academic progression and financial aid status.

The Add/Drop Period is the first 5 days of the semester for **full term** classes. Add/Drop periods are shorter for accelerated format courses. Please refer to the [academic calendar](#) for deadlines for add/drop. You must attend at least one meeting of all of your classes during that period. If you do not, you will be dropped from the course(s) and your Financial Aid will be reduced accordingly.

## **Part IV: Attendance**

Horry-Georgetown Technical College maintains a general attendance policy requiring students to be present for a minimum of 80 percent (80%) of their classes in order to receive credit for any course. Due to the varied nature of courses taught at the college, some faculty may require up to 90 percent (90%) attendance. Pursuant to 34 Code of Federal Regulations 228.22 - Return to Title IV Funds, once a student has missed over 20% of the course or has missed two (2) consecutive weeks, the faculty is obligated to withdraw the student and a student may not be permitted to reenroll. **Instructors define absentee limits for their class at the beginning of each term; please refer to the Instructor Course Information Sheet.**

**For online and hybrid courses**, check your Instructor's Course Information Sheet for any required on-site meeting times. Please note, instructors may require tests to be taken at approved testing sites, and if you use a testing center other than those provided by HGTC, the center may charge a fee for its services.

## **Part V: Student Resources**



### **THE STUDENT SUCCESS AND TUTORING CENTER (SSTC):**

The SSTC offers to all students the following **free** resources:



1. **Academic tutors** for most subject areas, **Writing Center support**, and **college success skills**.
2. Online **tutoring** and academic support resources.
3. Professional and interpersonal communication **coaching** in the EPIC Labs.

Visit the [Student Success & Tutoring Center](#) website for more information. To schedule tutoring, contact the SSTC at [ssc@hgtc.edu](mailto:ssc@hgtc.edu) or self-schedule in the Penji iOS/Android app or at [www.penjiapp.com](http://www.penjiapp.com). Email [ssc@hgtc.edu](mailto:ssc@hgtc.edu) or call SSTC Conway, 349-7872; SSTC Grand Strand, 477-2113; and SSTC Georgetown, 520-1455, or go to the [Online Resource Center](#) to access on-demand resources.



## STUDENT INFORMATION CENTER: TECH Central

TECH Central offers to all students the following free resources:

1. **Getting around HGTC:** General information and guidance for enrollment, financial aid, registration, and payment plan support!
2. Use the [Online Resource Center \(ORC\)](#) including Office 365 support, password resets, and username information.
3. **In-person workshops, online tutorials and more services** are available in Desire2Learn, Student Portal, Degree Works, and Office 365.
4. **Chat with our staff on TECH Talk**, our live chat service. TECH Talk can be accessed on the student portal and on TECH Central's website, or by texting questions to (843) 375-8552.

Visit the [Tech Central](#) website for more information. Live Chat and Center locations are posted on the website. Or please call (843) 349 – TECH (8324), Option #1.

## STUDENT TESTING:

Testing in an **online/hybrid** course may be accomplished in a variety of ways:

- Test administered within D2L
- Test administered in writing on paper
- Test administered through Publisher Platforms

Further more tests may have time limits and/or require a proctor.

Proctoring can be accomplished either face-to-face at an approved site or online through our online proctoring service. To find out more about proctoring services, please visit the [Online Testing](#) section of the HGTC's Testing Center webpage.

The **Instructor Information Sheet** will have more details on test requirements for your course.

## DISABILITY SERVICES:

HGTC is committed to providing an accessible environment for students with disabilities. Inquiries may be directed to HGTC's [Accessibility and Disability Service webpage](#). The Accessibility and Disability

staff will review documentation of the student's disability and, in a confidential setting with the student, develop an educational accommodation plan.

Note: It is the student's responsibility to self-identify as needing accommodations and to provide acceptable documentation. After a student has self-identified and submitted documentation of a disability, accommodations may be determined, accepted, and provided.

### **STATEMENT OF EQUAL OPPORTUNITY/NON-DISCRIMINATION STATEMENT:**

Horry-Georgetown Technical College prohibits discrimination and harassment, including sexual harassment and abuse, on the basis of race, color, sex, national or ethnic origin, age, religion, disability, marital or family status, veteran status, political ideas, sexual orientation, gender identity, or pregnancy, childbirth, or related medical conditions, including, but not limited to, lactation in educational programs and/or activities.

### **TITLE IX REQUIREMENTS:**

All students (as well as other persons) at Horry-Georgetown Technical College are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of educational programs and activities. Any student, or other member of the college community, who believes that he/she is or has been a victim of sexual harassment or sexual violence may file a report with the college's Chief Student Services Officer, campus law enforcement, or with the college's Title IX Coordinator, or designee.

\*Faculty and Staff are required to report incidents to the Title IX Coordinators when involving students. The only HGTC employees exempt from mandatory reporting are licensed mental health professionals (only as part of their job description such as counseling services).

### **INQUIRIES REGARDING THE NON-DISCRIMINATION/TITLE IX POLICIES:**

**Student and prospective student** inquiries concerning Section 504, Title II, and Title IX and their application to the College or any student decision may be directed to the Vice President for Student Affairs.

**Dr. Melissa Batten, VP Student Affairs**

*Title IX Coordinator*

Building 1100, Room 107A, Conway Campus

PO Box 261966, Conway, SC 29528-6066

843-349-5228

[Melissa.Batten@hgtc.edu](mailto:Melissa.Batten@hgtc.edu)

**Employee and applicant** inquiries concerning Section 504, Title II, and Title IX and their application to the College may be directed to the Vice President for Human Resources.

**Jacquelyne Snyder, VP Human Resources**

*EEO and Title IX Coordinator*

Building 200, Room 212A, Conway Campus

PO Box 261966, Conway, SC 29528-6066

843-349-5212

[Jacquelyne.Snyder@hgtc.edu](mailto:Jacquelyne.Snyder@hgtc.edu)