

PLS 3031 (01): Constitutional Law: Criminal Justice

California State Polytechnic University, Pomona

Instructor: Lewis Luartz

Fall Term, 2022

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Office Hours: M/W, 9:30 - 10:30 AM

Location: Building 94, Room 318

Web: <https://canvas.cpp.edu/>

Class Hours: M/W, 2:30 PM - 3:45 PM

Class Room: Building 66, Room 247

Course Safety Protocols

In response to the current COVID-19 pandemic, the course format may be subject to change with little to no notice, depending upon state, local, and University guidelines. California State Polytechnic University, Pomona's mandatory safety measures may be stricter than local, state or federal guidelines and may be subject to change at any time. The COVID-19 pandemic requires all of us to accept the possibility that changes in how this course is taught may be required and that some changes may occur with little or no notice. If any changes occur, you will be given clear instructions as to how to proceed. The uncertainty of the pandemic situation is not ideal for any of us, but we must all try to approach this situation with good-will, flexibility, and mutual understanding.

University Pandemic Policies

Faculty, Staff, and Students are required to adhere to all University mandated policies. For your convenience, the following is an updated summary of policies as they relate to the class. These are subject to change as the pandemic situation changes. The most updated policies can be found at <https://www.cpp.edu/safer-return/index.shtml>.

Catalog Description

Prerequisites: None. Constitutional questions concerning the operation of the criminal justice process in the United States. Special attention will be given to the Federal system's impact on state criminal justice systems. 3 credits.

Course Description

This course is part of a series of courses in American Constitutional Law (Governmental Powers, Civil Rights Liberties, Criminal Justice), but each course can be taken independently. The purpose of this part of the series is to introduce students to the way in which the U.S. Supreme Court, through its decisions, has shaped the constitutional protections of the rights of the criminally accused.

While we will focus on the Constitutional Amendments traditionally seen as connected to criminal justice, we will also discuss the connection of constitutional criminal law to freedom of speech and assembly, and several amendments.

Course Objectives

Substantively we will cover issues such as:

1. Describe legal concepts included in, and originating from, the Constitution and the Bill of Rights.
2. Apply the course material to contemporary constitutional criminal law scenarios.
3. Analyze Supreme Court cases and investigate the precedent they create.
4. Evaluate and critique legal arguments and Supreme Court decisions.

While this course assumes some familiarity with (*very*) basic algebra and statistical analyses, the emphasis in class sessions will be on developing an understanding of the course material.

Textbooks

The required textbook for the class is:

- Harr, J. S., Hess, K. M., Orthmann, C. H., Kingsbury, J. (2018). *Constitutional Law and the criminal justice system (7th Edition)*. Cengage Learning.

Students can check weekly reading assignments in the **Weekly Schedule** section of the syllabus. Students are required to complete the Required section of the readings prior to course sessions each week, with the exception of the first week.

Course Structure

Assignment Overview

Grading is facilitated through attendance and participation, four homework assignments, three exams, and a research presentation.

Assignment Weights

The weights associated with each of the course assignments are as follows:

- Attendance (Throughout term: 5%)
- Participation (Throughout term: 5%)
- Homework (Throughout term: 10%)
- Exam 1 (Week 4: 15%)
- Exam 2 (Week 7: 20%)
- Legal Case Presentation (Week 15: 20%)
- Final Exam (Finals Week: 25%)

In-person and Digital Meetings, Attendance, Materials

As this is an in-person course, all meetings will be held physically on campus. Any digital meetings due to the ongoing COVID-19 pandemic or otherwise will be announced in class or on Canvas. Digital Meetings require the Zoom platform. The schedule for all meetings can be found at the end of the syllabus in the Weekly Schedule section. The course will only be taught in-person unless the University states otherwise.

Attendance requires physically being present when roll-call is taken in the case of in-person meetings, while it requires being on Zoom during roll-call in the case of digital meetings. In both instances, leaving mid-way through a class will result in a penalty towards attendance.

All Course Material will be posted on Canvas, while any supplementary material or recordings will be posted to an online media repository, such as YouTube, for streaming. In the latter case, this means only those with access to the links associated with each video will have the capacity to access that material, as they will be unlisted and private otherwise. At the end of the term, all material will be removed from the online media repository.

Emergency Class Pass

Given the nature of pandemic era learning, there may be at least one instance during which a student may be unable to attend class. To alleviate the pressures associated with providing evidence and/or documentation during the semester, students are given one (1) "Emergency Class Pass." This pass allows students to miss one (1) class session without the need to provide any evidence and/or documentation relating to the absence. This pass provides the student with full credit for both the attendance and the discussion component (if applicable) for that session. *Once the pass has been used, students must provide evidence and/or documentation to make up any credit associated with any additional missed days as described in the "Emergencies and Exceptional Circumstances" section of this syllabus, found under "Course Policies."*

Grading Policy

A standard grading scale will be used. I reserve the right to curve the scale dependent on overall course grades at the end of the semester (not before it). Any curve will only ever make it easier to obtain a certain letter grade.

The grade grading scale is as follows:

A	=	94 - 100+%	B	=	84 - 86.99%	C	=	74 - 76.99%	D	=	64 - 66.99%
A-	=	90 - 93.99%	B-	=	80 - 83.99%	C-	=	70 - 73.99%	D-	=	60 - 63.99%
B+	=	87 - 89.99%	C+	=	77 - 79.99%	D+	=	67 - 69.99%	F	=	59.99% - 0%

Course Policies

The Syllabus

The syllabus is a contract between the instructor and the students enrolled in this course. If you decide to remain in the class, you accept the course requirements and thereby agree to abide by them. It is important that you know what this class entails, that you acknowledge its requirements and evaluation criteria, and that you make a commitment to finishing the work in a timely and responsible fashion. If necessary, the syllabus and its contents are subject to revision; students are responsible for any changes or modifications posted on California State Polytechnic University, Pomona's (CPP's) course management system, Canvas.

Audio and Video Capabilities

You must have access to a computer with audio and video capabilities in case of remote instruction, as well as to review any recorded (if applicable) or supplementary material. While you are not required to turn on your video camera during any potential digital meetings, you should at the least be able to ask questions verbally should the need arise. If you have a disability that prevents you from expressing yourself verbally, you are welcome to participate using text via the Chat feature on Zoom instead. In all cases, please mute your microphone on Zoom unless you have a question or wish to comment on the material. In fact, you are welcome to interject at any point during a remote class meeting should you have a question or wish to comment on the material. Otherwise, please mute your microphone until you are ready to speak so as to not unnecessarily disturb others. Be courteous of others.

Attendance Policy

The material for the course can at times seem complex if students do not attend lecture regularly. It is therefore suggested you attend as many (if not all) of the class meetings as you can. Attendance will be taken in each course session and will count towards your final grade. If there is an issue preventing you from attending, do reach out and/or come see the Instructor sooner rather than later.

Please be aware that university policy prohibits a passing grade for students missing 20 percent of course sessions, or in our case more than 5 class meetings. I will require verification for all excused absences.

Late Assignment and Make-up Work Policy

Except when otherwise indicated, late assignments will be deducted one and one-half (1 1/2) letter grade for every twenty-four (24) hours it is late, up to a maximum of forty-eight (48) hours. After forty-eight (48) hours, the student will receive a grade of zero (0) for the assignment. There are no opportunities to make-up or revise an assignment for a higher grade, although an alternative assignment may be provided in the case of an emergency as outlined under the "Emergencies and Exceptional Circumstances" section of this syllabus.

Emergencies and Exceptional Circumstances

Should an emergency arise, the student must contact the Instructor as soon as possible, and preferably before a class session. Any emergencies must be accompanied by evidence (i.e., note from a Doctor as evidence of having been in a hospital). Routine checkups are not considered medical emergencies and should thus be discussed with the Instructor as soon as possible *before* they occur. Any accidents must be accompanied by photographic evidence by email. Failure to contact the Instructor in a timely manner will result in a judgment call on the Instructor's part and is completely dependent on the gravity of the situation. In all cases, the Instructor's decision on the matter is final.

Exams

All exam information will be distributed at least one week before each exam.

Challenging a Grade

Students who wish to challenge a grade are required to submit a written grievance, which includes: the reasons for their dissatisfaction, the grade received, and what grade they believe is merited. Reasons why the requested grade is merited should be supported by evidence from the assignment or exam in question to justify this appeal. The written grievance should be submitted at least two business days before meeting with the Instructor to discuss the assignment. If you choose to appeal your grade, the Instructor reserves the right to issue a grade that is lower than the existing grade. This second, post-appeal decision is final. *The deadline to challenge and possibly change a grade is within forty-eight (48) hours after the posting of the grade on Canvas.*

CPP's Academic Integrity Policy

California State Polytechnic University, Pomona (CPP) is a community of scholars that emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work and academic dishonesty of any kind will be subject to sanction by the instructor/administrator and referral to The Office of Student Conduct Integrity, which may impose additional sanctions including expulsion. Please see <https://www.cpp.edu/studentconduct/academic-integrity/index.shtml> for full description of CPP's policy on Academic Integrity as well as resources.

CPP's Students with Disabilities Policy

In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that might affect their ability to perform in this class are encouraged to contact the Disability Resource Center. If you will need to utilize your approved accommodations in this class, please follow the proper notification procedure for informing your professor(s). This notification process must occur more than a week before any accommodation can be utilized. Please contact Disability Resource Center at (909) 869-6985 or visit <https://www.cpp.edu/drc/index.shtml> if you have questions regarding this procedure or for information or to make an appointment to discuss and/or request potential accommodations based on documentation of your disability. Once formal approval of your need for an accommodation has been granted, you are encouraged to talk with your professor(s) about your accommodation options. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

CPP's Equity and Diversity Policy

California State Polytechnic University, Pomona (CPP) is committed to ensuring equality and valuing diversity. Students and professors are reminded to always show respect as outlined in CPP's Harassment and Discrimination Policy. Please see the full description of this policy at <https://www.cpp.edu/officeofequity/discrimination-harassment-retaliation/index.shtml>. Any violations of this policy should be discussed with the professor, the dean of students and/or otherwise reported in accordance with this policy.

Religious Accommodation at CPP

Consistent with our commitment of creating an academic community that is respectful of and welcoming to persons of differing backgrounds, California State Polytechnic University, Pomona (CPP) believes that every reasonable effort should be made to allow members of the university community to fulfill their obligations to the university without jeopardizing the fulfillment of their sincerely held religious obligations. Please review the syllabus early in the semester and consult with your faculty member promptly regarding any possible conflicts with major religious holidays, being as specific as possible regarding when those holidays are scheduled in advance and where those holidays constitute the fulfillment of your sincerely held religious beliefs. More information on CPP's policy can be found at <https://www.cpp.edu/officeofequity/religious-accommodations/index.shtml>.

Respect for Others

Discriminatory/hateful/pejorative and/or demeaning language will not be tolerated. All participants must feel comfortable asking questions and speaking, as voicing one's ideas is essential to the learning experience. Please be respectful of all questions, ideas and views. You will be asked to leave the classroom or (if applicable) the Zoom meeting if you disrespect anyone and/or exhibit any form of the above, and you will automatically receive a zero (0) for any attendance or graded assignments due that day. This zero (0) grade cannot be made up under any circumstances.

DISCLAIMER: This Course Contains Mature Content

Like most university-level courses, this course deals with material that may be controversial and sensitive for some people. Often, these topics may invoke strong responses based on political affiliation, religious beliefs, personal identity, and experiences. While we will need to engage with such details at times, they will not be the focus of our inquiry. You should nevertheless be prepared to encounter these references. If you have any concerns about any of the material we will be covering in this course at any time, please see do not hesitate to come see me.

Weekly Schedule

The schedule for the course is below. This schedule is tentative and subject to change at the instructor's discretion or based on the needs of the university. *Be aware that all deadlines posted are in Pacific Standard Time (PST).*

PART I. FOUNDATION FOR UNDERSTANDING CONSTITUTIONAL LAW

Week 01, 08/29 - 09/02: Introduction | Reading Political Science | Historical Overview

MONDAY, AUGUST 29:

- Required Readings:
 - No Readings Assigned This meeting.

WEDNESDAY, AUGUST 31:

- Required Readings:
 - Harr et al. Chapter 1.

IMPORTANT THIS WEEK:

- **Homework 1** Assigned This Week (Monday, August 29, 2022).

Week 02, 09/05 - 09/09: Overview of the U.S. Legal System

MONDAY, SEPTEMBER 5:

- No class today due to Labor Day Holiday. Campus is closed.

WEDNESDAY, SEPTEMBER 7:

- Required Readings:
 - Harr et al. Chapter 2.

IMPORTANT:

- **Homework 1** Due on Canvas (Wednesday, September 7, 2022, by 11:59 PM).

Week 03, 09/12 - 09/16: The U.S. Supreme Court

MONDAY, SEPTEMBER 12:

- Required Readings:
 - Harr et al. Chapter 3

WEDNESDAY, SEPTEMBER 14:

- No class today due to American Political Science Association (APSA) Annual Meeting.

PART II. GUARANTEES OF THE CONSTITUTION: CIVIL RIGHTS AND CIVIL LIBERTIES

Week 04, 09/19 - 09/23: Exam 1 | Equal Protection under the Law

MONDAY, SEPTEMBER 19:

- Exam 1 In-Class Today! Bring Your Laptop Today!

WEDNESDAY, SEPTEMBER 21:

- Harr et al. Chapter 4, pp. 79-104

IMPORTANT:

- *Exam 1 This Week!*
- *Homework 2 Assigned on Canvas (Wednesday, September 21, 2022, by 11:59 PM).*

Week 05, 09/26 - 09/30: Equal Protection under the Law (Cont.) | The First Amendment

MONDAY, SEPTEMBER 26:

- Required Readings:
 - Harr et al. Chapter 4, pp. 104-122

WEDNESDAY SEPTEMBER 28:

- Required Readings:
 - Harr et al. Chapter 5, pp. 127-152

Week 06, 10/03 - 10/07: The First Amendment (Cont.) | The Second Amendment

MONDAY, OCTOBER 3:

- Required Readings:
 - Harr et al. Chapter 5, pp. 152-172

WEDNESDAY, OCTOBER 5:

- Required Readings:
 - Harr et al. Chapter 6

IMPORTANT:

- *Homework 2 Due on Canvas (Monday, October 3, 2022, by 11:59 PM).*

Week 07, 10/10 - 10/14: Exam 2 | Legal Case Group Selection and Scenarios

MONDAY, OCTOBER 10:

- Exam 2 In-Class Today! Bring Your Laptop Today!

WEDNESDAY, OCTOBER 12:

- Choosing Groups for Presentations and Scenarios

IMPORTANT:

- *Exam 2 This Week!*
- *Legal Case Group Selection and Scenarios on (Wednesday, October 12, 2022).*

PART III. THE FOURTH AMENDMENT: GOVERNING CONSTITUTIONAL SEARCHES AND SEIZURES

Week 08, 10/17 - 10/21: Fourth Amendment

MONDAY, OCTOBER 19:

- Required Readings:
 - Harr et al. Chapter 7, pp. 204-228

WEDNESDAY, OCTOBER 21:

- Required Readings:
 - Harr et al. Chapter 7, pp. 229-243.

IMPORTANT:

- **Homework 3** Assigned on Canvas (Monday, September 19, 2022, by 11:59 PM).

Week 09, 10/24 - 10/28: Conducting Constitutional Seizures

MONDAY, OCTOBER 24:

- Required Readings:
 - Harr et al. Chapter 8, pp. 247-263

WEDNESDAY, OCTOBER 26:

- Required Readings:
 - Harr et al. Chapter 8. pp. 264-283.

Week 10, 10/31 - 11/04: Conducting Constitutional Searches (Cont.)

MONDAY, OCTOBER 31:

- Required Readings:
 - Harr et al. Chapter 9, pp. 287-323.

WEDNESDAY, NOVEMBER 2:

- Required Readings:
 - Harr et al. Chapter 9, pp. 323-342.

IMPORTANT:

- **Homework 3** Due on Canvas (Monday, October 31, 2022, by 11:59 PM).

PART IV. DUE PROCESS: THE FIFTH, SIXTH, AND EIGHTH AMENDMENTS

Week 11, 11/07 - 11/11: The Fifth Amendment: Obtaining Information Legally

MONDAY, NOVEMBER 7:

- Required Readings:
 - Harr et al. Chapter 10, pp. 346-377.

WEDNESDAY, NOVEMBER 9:

- Required Readings:
 - Harr et al. Chapter 10, pp. 377-389.

IMPORTANT:

- **Homework 4** Assigned This Week (Monday, November 7, 2022).

Week 12, 11/14 - 11/18: The Sixth Amendment: Right to Counsel and a Fair Trial

MONDAY, NOVEMBER 14:

- Required Readings:
 - Harr et al. Chapter 11, pp. 393-409.

WEDNESDAY, NOVEMBER 16:

- Required Readings:
 - Harr et al. Chapter 11, pp. 409-424.

Week 13, 11/21 - 11/25: The Eighth Amendment: Bail, Fines, and Punishment

MONDAY, NOVEMBER 21:

- Required Readings:
 - Harr et al. Chapter 12, pp. 428-439.

WEDNESDAY, NOVEMBER 23:

- Required Readings:
 - Harr et al. Chapter 12, pp. 440-452.

IMPORTANT:

- **Homework 4** Due This Week (Monday, November 21, 2022).

PART V. COMING FULL CIRCLE

Week 14, 11/28 - 12/02: The Remaining Amendments and a Return to the Constitution

MONDAY, NOVEMBER 28:

- Required Readings:
 - Harr et al. Chapter 13, pp. 456-471.

WEDNESDAY, NOVEMBER 30:

- Course Material Wrap-Up

IMPORTANT:

- *Make sure you are working on your Legal Case Presentations!*
- *Legal Case Presentation Sign-Ups on Wednesday, November 30, 2022*

Week 15, 12/05 - 12/09: Legal Case Presentations

MONDAY, DECEMBER 5:

- Legal Case Presentations Day 1

WEDNESDAY, DECEMBER 7:

- Legal Case Presentations Day 2

IMPORTANT:

- *Legal Case Presentations This Week.*

Week 16, 12/12 - 12/16: Finals Week

IMPORTANT:

- *Final Exam (Wednesday, December 14, 2022 from 3:00 PM - 4:50 PM).*