CONSTITUTIONAL CRIMINAL PROCEDURE: SPRING 2022
CRI7262.01
PROFESSOR JESSICA C. BROWN
(she/her/hers)
VERMONT LAW SCHOOL
WATERMAN HALL 205
802-831-1101; jbrown@vermontlaw.edu

REQUIRED TEXTS:
• CRIMINAL PROCEDURE: INVESTIGATING CRIME (7TH ed. 2020 West Academic Publishing) Joshua Dressler, George C. Thomas III, Daniel S. Medwed (“Casebook” in the syllabus)
• UNDERSTANDING CRIMINAL PROCEDURE (8TH ed. 2021 Carolina Academic Press) Joshua Dressler, Alan C. Michaels, Ric Simmons (“UCP” in the syllabus)
• CANVAS: “CANVAS” will be indicated on the syllabus when materials and/or an assignment are linked/uploaded on the Canvas course page for this class.

CLASS TIME AND OFFICE HOURS:
Class meets on Tuesdays and Thursdays from 11:20am to 12:35pm in Oakes 208. We will start and end on time. An attendance roster will be passed once class begins.

I will be available in the classroom for at least 15 minutes before and after class (if no other class is using the room). In addition, please feel free to stop by my office any time that is convenient for you – if I am there, I will make time for you. You may also contact me by email to schedule an in-person or virtual appointment.
COURSE REQUIREMENTS:
Lively classroom discussion will be prompted and encouraged. Please keep in mind that some areas of discussing criminal law and procedure are particularly sensitive and comments should be thoughtful and considerate.

1. All members of the VLS community, including professors, are expected to treat each other with respect. I want to promote an environment that avoids words/remarks or actions that show bias or prejudice based on age, disability, ethnicity, gender, national origin, native language, race, religion, sex, sexual orientation, or socioeconomic status. I also want us to be able to engage in honest discourse. If you have any concerns about anything said or done in class, by me or by one of your colleagues, please talk to me about your concerns.

2. Classroom attendance is required. Students are expected to abide by the VLS attendance policy as set out in Academic Regulations Section II(A) of the student handbook. An absence will only be considered excused when confirmed by either the Registrar’s Office and/or Dean Brennan. If you need to be excused from class, please contact the Registrar’s Office or Dean Brennan, in advance of class – they will notify me if you have been excused. If you need to miss class at the last minute, i.e., due to illness or in an emergency, please contact me by email, in advance (if you are able), as well as notifying the Registrar’s Office or Dean Brennan so that they can subsequently determine if the absence will be excused. When an absence occurs, any work due is still expected to be submitted prior to the class, unless illness or an emergency prevents you from being able to do so. More than one unexcused absence will garner my attention. In addition to the potential consequences outlined in the Student Handbook, excessive absences will affect the Professionalism points in your final grade.

3. I may modify pre-class assignments during the semester as current events, time, and interest necessitate. I will post any additional class materials on Canvas. I will notify you of any changes to the syllabus in class, via Canvas, and/or via your VLS email so please check both regularly.

4. You are not permitted to use your phone or access the internet during class unless specifically requested/directed to do so for an in-class assignment.

5. There will be three (3) short “Reflection” assignments during the semester that, together, will be worth 15% of your final grade (five (5) points each). Reflection assignments will require you to answer question prompts listed in the syllabus.
If there is more than one question/promp for a Reflection assignment, you may answer all of the questions/prompts or you may opt to focus on just one question/prompt. Reflection assignments should be a minimum of 400 words and no longer than one page. The only way you will not earn the full five points for each Reflection is if you fail to complete a Reflection (zero points), submit a Reflection after the deadline (partial credit), or fail to follow instructions and/or make only a perfunctory effort (partial or zero credit).

Fifteen percent (15%) of your final grade will be based on professionalism, including: attendance, punctuality, preparedness, and participation.

You will have two (2) assessments during the semester that will include one or more essay questions addressing issues/rules we have covered to that point. One assessment will cover 4th Amendment issues and one assessment will cover 5th Amendment issues. These two assessments will be worth 30% of your final grade (fifteen (15) points each).

There will be a final exam that may address any material we cover during the semester. The final exam will be worth 40% of your final grade (forty (40) points).

6. If you have a disability and would like to request an accommodation, please review the VLS Disability Policy at

https://www.vermontlaw.edu/community/students/academic-success/accommodations

On that webpage, there is an on-line form to complete and upload with your supporting documentation. If you have questions, please make an appointment with the Vice Dean for Students. Please note that requests made within two weeks of an examination may not be granted in time. Please make your request as soon as possible.
CLASSROOM EXPECTATIONS AND VALUES:

1. Show sensitivity to the subject matter and to each other;

2. Remember that we have all had different/unique life experiences and none of us knows everything about anyone else’s life experiences and we should avoid assumptions;

3. Be open to new ideas – the goal is not to chill or limit discussion but to remain considerate and professional even during disagreements;

4. Help create an environment in which it is okay to admit not knowing or understanding something and in which it is safe to make a mistake;

5. Be willing and unafraid to express concern if something is said that is troubling to you;

6. Be resilient – lawyers are problem-solvers – if you have a problem, try to figure out a way to solve it;

7. Take risks – speak up in class, ask questions in class;

8. Be respectful of others – make space for others to speak; listen without interrupting;

9. Come to class prepared to engage with the material and with each other.
COURSE OUTCOMES:

The goal of this course is that, by the end, students who engage with the material and actively participate in class will be able to:

1. Analyze the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendments to the U.S. Constitution and the protections these Amendments afford;

2. Critically read and discuss the most important U.S. Supreme Court cases interpreting the meaning of the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments;

3. Discuss and balance competing policy objectives and purposes relevant to police practices and investigatory techniques under the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments (e.g., preserving individual liberties v. preserving order in society);

4. Critically analyze whether the cases, and the implementation of the rules in the cases and in the modern-day Criminal Legal System, achieve these purposes and whether they achieve these purposes equitably throughout our society;

5. Some of the practice skills needed to handle criminal cases (that are readily transferrable to other types of cases);

6. The policy choices that are evident in the implementation of Constitutional protections in the investigation and prosecution of crime;

7. How to demonstrate professionalism by discussing topics involving the investigation, policing, and prosecution of crimes in a respectful and ethical fashion, recognizing the extreme sensitivity of many areas of criminal law and procedure.