



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

LAST REVIEW: 2006-2007

(i.e. 2003-2004)

NEXT REVIEW: 2011-2012

(i.e. 2008-2009)

STATUS: A

(A, I, D)

COURSE TITLE: Constitutional Law

COMMON COURSE NUMBER: CJL 1062

CREDIT HOURS: 3

CLOCK HOURS:

(Voc. Course ONLY)

CONTACT HOUR BREAKDOWN

(per 16 week term)

Lecture: 48

Lab:

Clinic:

Other:

PREREQUISITE(S): None

COREQUISITE(S): None

PRE/COREQUISITE(S):

COURSE DESCRIPTION *(750 characters, maximum):* A study of the U.S. Constitution and Bill of Rights. Major focus on current constitutional issues and the need/goal to ensure individual liberties while promoting public order and security. Special emphasis on constitutional rights of citizens, including the criminally accused, and the constitutional limits placed on police / government power.

General Education Requirements – Associate of Arts Degree (AA), meets Area(s): Area

General Education Requirements – Associate in Science Degree (AS), meets Area(s): Area

General Education Requirements – Associate in Applied Science Degree (AAS), meets Area(s): Area

UNIT TITLES

1. Historical Background
2. Freedom of Speech / Religion
3. Arrest and Detention - Limits on Police Powers
4. Search and Seizure - Limits on Police Power
5. Interrogations and Confessions - Miranda
6. Trial Rights - Sixth Amendment
7. Punishment - Eighth Amendment
8. Privacy Rights
9. The Fourteenth Amendment & Civil Rights



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

ASSESSMENT:

Please provide a brief description (250 characters maximum) that details how students will be assessed on the course outcomes.

1. Quizzes, Tests, and/or Final Exam (cumulative/comprehensive);
2. Selected faculty may assess homework, projects, class participation/attendance, and/or extra credit projects.

**** Complete the following only if course is seeking general education status ****

GENERAL EDUCATION Competencies and Skills *:

Please highlight in green font all Competencies/Skills from the list below that apply to this course. In the box to the right of the Competency/Skill, enter all specific learning outcome numbers (i.e. 1.1, 2.7, 5.12) that apply.

1. Read with critical comprehension	
2. Speak and listen effectively	
3. Speak and listen effectively	
4. Think creatively, logically, critically, and reflectively (analyze, synthesize, apply, and evaluate)	
5. Demonstrate and apply literacy in its various forms: (highlight in green ALL that apply) (1. technological, 2. informational, 3. mathematical, 4. scientific, 5. cultural, 6. historical, 7. aesthetic and/or 8. environmental)	
6. Apply problem solving techniques to real-world experiences	
7. Apply methods of scientific inquiry	
8. Demonstrate an understanding of the physical and biological environment and how it is impacted by human beings	
9. Demonstrate an understanding of and appreciation for human diversities and commonalities	
10. Collaborate with others to achieve common goals.	
11. Research, synthesize and produce original work	
12. Practice ethical behavior	
13. Demonstrate self-direction and self motivation	
14. Assume responsibility for and understand the impact of personal behaviors on self and society	
15. Contribute to the welfare of the community	

** General Education Competencies and Skills endorsed by '05-'06 General Education Task Force*



Common Course Number: CJL 1062

UNITS

Unit 1 Historical Background (Brief Overview)

General Outcome:

1.0 The student shall be able to demonstrate an understanding of the history of the adoption and ratification of the Constitution, the historical basis for the ideals expressed in the Constitution, and the role of the judiciary in constitutional interpretation.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 1.1 Describe the weaknesses of the government in the years 1781-1787, and how the attempt to address those weaknesses shaped the Constitution.
- 1.2 Recount the struggle to ratify the Constitution, including the efforts to include a Bill of Rights.
- 1.3 Analyze the national government structure created by the Constitution, including the system of checks and balances established between the powers of the President, Congress and the Judiciary.
- 1.4 Analyze the constitutional relationship between the national government and the states, including the concepts of expressed powers granted to the national government, reserved powers retained by the states, and the Supremacy Clause.
- 1.5 Describe a state's obligation to other states as created in the Constitution, including criminal extradition and the "Full Faith and Credit" clause.
- 1.6 Identify Marbury v Madison as the case which established right of judicial review and relate the background of the case.
- 1.7 Discuss the concept of judicial interpretation as a response to changing social and political conditions (concept of Constitution as "living document").



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

- 1.8 Define concepts of judicial restraint and judicial activism and analyze the debate as to which is the proper role of the judiciary.

Common Course Number: CJL 1062

Unit 2 . Freedom of Speech / Religion

General Outcome:

- 2.0 The student shall be able to demonstrate an understanding of past and current issues related to freedom of speech and religion, understand when and how the government may limit a person's speech and religious practices, and analyze recent and/or upcoming First Amendment court cases.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 2.1 Discuss the important role of free speech and a free press in our democratic system.
- 2.2 Describe when and how the government may limit freedom of speech.
- 2.3 Define the "content-neutral" rule (rule that government limit placed on speech may not be based on content of speech).
- 2.4 Understand the test to determine when government "time, place and manner" restrictions on speech are constitutional.
- 2.5 Understand what qualifies as a "significant purpose" in determining whether government limitation on speech is constitutional.
- 2.6 Analyze free speech cases using constitutional tests established by the US Supreme Court.
- 2.7 Understand what forms of speech are not protected by the First Amendment (clear and present danger test, fighting words, obscenity, slander, etc.).
- 2.8 Discuss difference between regulating a person's religious belief vs. a religious practice.



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

- 2.9 Understand test to determine when government regulation of religious practice is constitutional (secular purpose, important government goal, etc.)

- 2.10 Analyze freedom of religion cases and issues using Constitutional tests established by the US Supreme Court.



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

Common Course Number: CJL 1062

Unit 3 Arrest & Detention - Fourth Amendment

General Outcome:

3.0 The student shall be able to demonstrate an understanding of police powers related to the detention and arrest of individuals, with special emphasis on the constitutional limits placed on the police.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 3.1 Define the 3 general classifications of police-citizen encounters (contact, Terry-stop, arrest) and know the tests used to determine the constitutionality of police acts during a police-citizen encounter.
- 3.2 Explain the significance of the Supreme Court case Terry v. Ohio and understand what actions might constitute "reasonable suspicion" justifying a police "Terry-stop" of a potential suspect.
- 3.3 Explain the concept of "articulable" reasonable suspicion.
- 3.4 Understand what police officers are allowed to do and what actions would be unconstitutional during a Terry-stop.
- 3.5 Understand that police search powers are limited during a Terry-stop and explain when a frisk of the suspect is allowed.
- 3.6 Explain that a "contact" with an individual must be consensual and explain what police actions would be unconstitutional during a contact.
- 3.7 Define "probable cause" as the standard of proof requirement for making an arrest and understand the "reasonable person / more likely than not" test to determine if probable cause exists.
- 3.8 Discuss police arrest powers both with and without a warrant and understand that the power to make an arrest may be impacted by the nature of the crime (misdemeanor vs. felony).
- 3.9 Understand the police responsibility to satisfy the "announcement requirement" when making an arrest.



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

Common Course Number: CJL 1062

- 3.10 Discuss limits on police powers when making an arrest in a private home.
- 3.11 Analyze recent / upcoming cases and issues using current constitutional tests involving police detentions and arrests.



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

Common Course Number: CJL 1062

Unit 4 Search and Seizure - Fourth Amendment

General Outcome:

- 4.0 The student shall be able to demonstrate an understanding of police powers related to searches of property and persons, with special emphasis on the constitutional limits placed on the police.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 4.1 Understand the Fourth Amendment requirement that all police searches be reasonable.
- 4.2 Explain that the Fourth Amendment limits police search powers whenever there is a "reasonable expectation of privacy."
- 4.3 Analyze case scenarios to determine when a reasonable expectation of privacy exists.
- 4.4 Discuss the Exclusionary Rule (evidence seized by the police in violation of the Constitution is excluded from being admitted at trial) and arguments in favor and opposed to the rule.
- 4.5 Explain the Good Faith Exception to the Exclusionary Rule and when the exception applies.
- 4.6 Discuss the "probable cause" requirement to obtain search warrants.
- 4.7 Explain the limits placed on the scope of police searches (no searching for an "elephant in a matchbox" rule).
- 4.8 Describe the different circumstances when police may do searches without warrants (consent, vehicle exception, plain view exception, pursuant to arrest, etc.)
- 4.9 Analyze different case scenarios to determine if police actions during searches were constitutional.



BROWARD COMMUNITY COLLEGE

COURSE OUTLINE

Common Course Number: CJL 1062

Unit 5 Interrogations and Confessions - Miranda

General Outcome:

- 1.0 The student shall be able to demonstrate an understanding of the constitutional limitations placed on police officers when conducting interrogations of suspects and understand what makes a confession admissible or inadmissible in court.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 5.1 Discuss the impact of the Fifth Amendment on the admissibility of confessions (no forced self-incrimination).
- 5.2 Understand the "voluntary requirement" for confessions and what police actions might lead a court to determine that a confession is involuntary.
- 5.3 Explain the facts and significance of the Supreme Court case Miranda vs. Arizona, list the Miranda warnings and explain their relationship to existing constitutional rights.
- 5.4 Define "custodial interrogation" for purposes of Miranda and understand when officers are required to inform someone of his Miranda rights.
- 5.5 Describe the circumstances under which the waiver of Miranda rights would be acceptable in court ("voluntary and intelligent" requirement).
- 5.6 Discuss a suspect's rights regarding the Miranda waiver and the revocation of the waiver.
- 5.7 Analyze several Miranda scenarios to determine the admissibility of confessions and the constitutionality of police actions.



Common Course Number: CJL 1062

Unit 6 Trial Rights - Sixth Amendment

General Outcome:

- 6.0 The student shall be able to demonstrate an understanding of the different constitutional rights accorded a criminal defendant at trial, including the rights to trial by jury, public trial, speedy trial and the assistance of counsel.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 6.1 Describe a person's right to the assistance of counsel, including when the right attaches and the responsibility of the state to provide counsel if the suspect cannot afford to hire an attorney.
- 6.2 Discuss the differing roles of the prosecutor and the defense counsel in a criminal case and the prosecutorial obligation to share evidence ("Access to Evidence" doctrine).
- 6.3 Understand the purpose behind the "speedy trial" right and know when the right attaches.
- 6.4 Discuss the purpose behind the right to a public trial and understand how that right may impact a fair judicial process in a high publicity case.
- 6.5 Explain a judge's options to ensure a fair trial in high publicity cases (ex: gag orders, change of venue, jury sequestration).
- 6.6 Understand the right to trial by jury, including the jury selection process and when and why potential jurors may be excluded from serving in a particular trial.



**BROWARD COMMUNITY COLLEGE
COURSE OUTLINE**



Common Course Number: CJL 1062

Unit 7 Criminal Punishment - Eighth Amendment

General Outcome:

- 7.0 The student shall be able to demonstrate an understanding of the Eighth Amendment prohibition against cruel and unusual punishment, what standard is used to determine whether a punishment is cruel and unusual and to discuss the death penalty as practiced in the United States.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 7.1 Explain that the Eighth Amendment prohibits cruel and unusual punishment.
- 7.2 Describe what standard is used by the courts to determine whether a punishment is cruel and unusual (common practices, public opinion).
- 7.3 Understand that the Eighth Amendment relates to both the imposition of sentence (proportional punishment) as well as conditions of confinement (ex: prison overcrowding).
- 7.4 Understand the concept of "status" crimes (punishing a person's status, rather than actions; ex: making it a crime to be a drug addict) and whether such crimes violate the Eighth Amendment.
- 7.5 Discuss the death penalty as practiced in the United States, including Supreme Court decisions limiting the use of the death penalty and creating special procedural safeguards before a death penalty may be imposed.
- 7.6 Understand the controversy regarding the death penalty and explain the moral, psychological and economic issues related to the death penalty as practiced in the United States.



Common Course Number: CJL 1062

Unit 8 Privacy Rights

General Outcome:

- 8.0** The student shall be able to demonstrate an understanding of the historical development of the constitutional right to privacy and discuss Supreme Court cases related to privacy issues such as marital and sexual relations, abortion and the right to refuse medical treatment / right to die.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 8.1** Analyze the issue of whether the right to privacy is implied by the Bill of Rights or is a creation of judicial activists.
- 8.2** Understand the importance of Griswald v. Connecticut as the case which established an implied constitutional "zone of privacy."
- 8.3** Discuss the right to privacy as it relates to marital and sexual relations, including Supreme Court cases extending the right to privacy to protect interracial marriage, use of birth control and homosexual activity.
- 8.4** Discuss current right to privacy issues related to marital and sexual relations, such as whether gay marriage should be protected as a privacy right.
- 8.5** Understand Supreme Court cases related to abortion rights, including limits on state powers to regulate abortion, a parent's decision-making right or the right to be informed when a minor seeks an abortion, a father's decision-making right or the right to be informed when a woman seeks to abort his acknowledged unborn fetus and whether the government must provide abortions to those who can't afford to get an abortion.
- 8.6** Discuss the right to die as a privacy right, including the right to refuse medical treatment and the decision-making process for an incompetent person or minor child.
- 8.7** Discuss doctor-assisted suicide for the terminally ill and/or permanently disabled as a potential constitutional right to privacy issue.



Common Course Number: CJL 1062

Unit 9 The Fourteenth Amendment & Civil Rights

General Outcome:

- 9.0** The student shall be able to demonstrate an understanding of the historical background behind the 14th Amendment (recognizing that as a post-Civil War Amendment its purpose was to limit state power), the vast increase in the Amendment's scope, and understand its use for civil rights legislation.

Specific Measurable Learning Outcomes:

Upon successful completion of this unit, the student shall be able to:

- 9.1 Discuss the due process clause of the 14th Amendment and how it has enabled the Supreme Court to apply the Bill of Rights to the states.
- 9.2 Discuss the impact of the Privileges and Immunities Clause.
- 9.3 Analyze the manner in which the 14th Amendment has been used to promote civil rights legislation.
- 9.4 Understand the concept of "protected class" (such as race, gender, national origin, etc.) in anti-discrimination laws.
- 9.5 Discuss legal and social issues related to the concept of "affirmative action."
- 9.6 Discuss the legal basis for "sexual harassment" claims in the work place.