

College of Micronesia – FSM
P.O. Box 159
Kolonia, Pohnpei

Course Outline Cover Page

Administration Laws of Arrest,
 Search and Seizure

Course Title

AJ155

Department and Number

Course Description: This course is designed to give participating students an overview and working knowledge of the laws and procedures as they relate to Arrest, Search and Seizure. On completion of this course students will be aware of the requirements of, and be able to affect an arrest or conduct a search in circumstances with or without a warrant. Students will also gain an understanding of the requirements relating to the seizure of property.

Prepared by: Donna Wrembeck

State: Pohnpei

	Hours per week	No. of weeks	Total Hours	Semester Credits
Lecture	3	16	48	3
Laboratory				
Total Semester Credits:				3

Purpose of Course

Degree Requirement
 Degree Elective
 Advanced Certificate
 Certificate
 Remedial
 Other (Workshop)

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Prerequisite Course(s): By admission.

Signature, Chairman, Curriculum Committee

Date Approved by Committee

Signature, President, COM-FSM

Date Approved by the President

I. COURSE OBJECTIVES / LEARNING OUTCOMES

A. General Outcomes

This course will introduce participating students to the statutory and constitutional requirements relating to the arrest of a person, conducting of searches and the seizing of property. Arrests or the taking into custody of a person will be outlined in operational definitions. Arrest procedures will discuss officer safety, arrested persons rights and the use of force. Statutory requirements to complete applications for search and arrest warrants and affidavits will be outlined, as will be issues relating to property and the custody of persons.

Students will be able to fulfill the administrative and legislative requirements in order to conduct the arrest of a person, either through the execution with or without an arrest warrant. This course will provide the necessary skills to conduct such arrests in a manner which considers officer and arrestee safety and while recognizing the personal and statutory rights of an individual being detained.

Additionally, students will possess the necessary skills to conduct lawful and effective searches of persons and premises. Students will be able to deal with property seized as a result of searches conducted in a manner which also fulfills the requirements of law.

B. Specific Student Learning Outcomes

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

- Learning outcome 1: Define what constitutes an arrest
- Learning outcome 2: Identify circumstances and powers in relation to search
- Learning outcome 3: Categorize the circumstances surrounding the seizure of property

II. COURSE CONTENTS

The following topics which will be covered in this course are listed as they relate to the specific student learning outcomes:

- Defining and understanding arrests
- What constitutes detention and being in custody
- United Nations conventions as they relate to arrested persons
- Constitutional issues relating to custody and arrest
- State and National statutory provisions for making an arrest

- Relevant Case / Common Laws relating to arrest and custody
- Circumstances involving arrests with or without warrants
- Legislative and procedural processes relating to arrests
- Circumstances justifying the Use of force when making an arrest
- Rights of a person in custody or under arrest
- Issuing Miranda Warning
- Officer Safety when making an arrest
- Safety and security issues relating to arrested person
- Completion of required Affidavits when seeking an arrest warrant
- Post arrest reporting requirements
- Understanding the need to conduct effective searches of persons and premises
- Criteria to be satisfied to establish probable cause when applying for a search warrant
- Circumstances when a search can be conducted without a search warrant
- Administrative and legislative requirements when applying for a search warrant
- Statutory powers of an officer when conducting a search of a person or premises
- Officers safety when conducting a search
- Post search reporting requirements
- Understanding what property and evidence is
- Property handing processes and requirements
- Recording and reporting on property seized
- Security and safe handling of property and exhibits
- Tendering property and exhibits during a court trial
- Procedures for returning property to lawful owner

III. ASSESSMENT CRITERIA

A variety of assessment methods will be developed to assess the expected learning outcomes for course topics described below:

Learning Outcome 1: Define what constitutes an arrest

- Assessment Criteria
- 1.1 Identify and explain the purpose of an arrest
 - 1.2 Identify and describe the statutory requirements relating to arrest
 - 1.3 Describe the administrative and statutory requirements for making an arrest either with or without warrant
 - 1.4 Explain the lawful use of force when making an arrest
 - 1.5 Describe the arrest process
 - 1.6 Explain the issues relating to the safe and secure custody of a person and the fundamental rights of persons
 - 1.7 Describe post arrest reporting requirements

Assessment Methods: Unit tests involving:
Multiple choice questions
Short answer questions
Research assignment
Practical demonstrations

Learning Outcome 2: Identify circumstances and powers in relation to search

- Assessment Criteria
- 2.1 Define and explain the purpose for conducting searches of persons and premises
 - 2.2 Describe processes and requirements for establishing probable cause when applying for a search warrant
 - 2.3 Describe the administrative and statutory requirements when applying for a search warrant
 - 2.4 Explain the statutory requirements placed upon and powers of an officer or other person conducting a search
 - 2.5 Identify the operational issues to consider when conducting a search
 - 2.6 Describe issues relating to officer safety when conducting a search
 - 2.7 Describe post search reporting requirements

Assessment Methods: Unit tests involving:
Multiple choice questions
Short answer questions
Written assignment
Practical demonstrations

Learning outcome 3: Categorize the circumstances surrounding the seizure of property

- Assessment Criteria
- 3.1 Explain exhibit / property handing processes and requirements
 - 3.2 Describe recording and reporting processes as they relate to seized property
 - 3.3 Explain property / exhibit security requirements
 - 3.4 Identify administrative and statutory requirements for tendering property / exhibits as evidence
 - 3.5 Describe processes relating to returning property

Assessment Methods: Unit tests involving:
Multiple choice questions
Short answer questions
Research assignment

IV. TEXTBOOKS

The following textbook will be used for this course:

Schmallegger, Frank. *Criminal Justice: a Brief Introduction* (6th Edition), Prentice Hall, 2005, ISBN 0130887293. \$50.00

V. REQUIRED COURSE MATERIALS

The following supplies and equipment will be required for this course.

The Instructor will require the following equipment:

- a. Classroom with whiteboard or chalkboard – (supplied by College)
- b. A copy of the Textbook: Schmallegger, Frank. *Criminal Justice: a Brief Introduction* (6th Edition), Prentice Hall, 2005, ISBN 0130887293. - (\$50)
- c. A copy of *Blacks Law Dictionary (8th Edition) Standard Edition*, Garner, Bryan A. – (\$70)
- d. A copy of the student workbook as developed for this course - (Costs of development and printing)
- e. A copy of the Pohnpei State Division of Police and Security *Manual of Operations* – supplied (with permission) by Police State Division of Police and Security
- f. A copy of the approved selected readings book prepared by the Instructor (Refer to *VI - Reference Materials*) - (Costs relating to printing)
- g. A copy of FSM National Constitution and relevant State Constitution
- h. A copy of Pohnpei State Statutory provisions
- i. Appropriate handouts notes as developed by the instructor for this course - (Costs related to development and printing)

Students will require the following resources:

- a. A copy of the Textbook: Schmallegger, Frank. *Criminal Justice: a Brief Introduction* (6th Edition), Prentice Hall, 2005, ISBN 0130887293. - (\$50) ,
- b. A copy of the student workbook – (cost of printing)
- c. A copy of the Selected readings book – (cost of printing)
- d. College ruled note sheet, pencil or pen

VI. REFERENCE MATERIALS

Selected readings will be obtained from the following texts to supplement the Student's Textbook. A book of selected readings will be compiled by the instructor. Additional selected readings (to those listed below) may be identified from other reference texts in due course during the development of the course curriculum.

Fyfe, Skolnick. *Above the Law: Police and the excessive use of force*, ISBN 0029291534

Pacific Region Policing Initiative. *Regional Refresher Workshop Book One – Students Workbook*, Australian Government, Suva Fiji, 2004

Berger, Ronald J., *Crime, Justice and Society – An Introduction to Criminology* (2nd Edition), ISBN 1588262588

Pohnpei State Division of Police and Security, *Manual of Operations*, Pohnpei, 2006.

VII. INSTRUCTIONAL COSTS

No additional equipment or materials will be required for this course which will incur further instructional costs.

Practical exercises as they relate to arrest and search procedures will be conducted within a classroom setting, using equipment currently existing within that room.

VIII. METHODS OF INSTRUCTION

The following approaches to instruction will be adopted:

1. Computer aided lectures
2. Lecture and Class discussions
3. Scenario exercises
4. Group discussions
5. Practical exercises
6. Problem solving exercises (group and individual)
7. Written examinations

8. Assignment exercises
9. Completion of Workbook assessments

IX. EVALUATION

Percentage and letter grades will constitute written assignments, lesson quizzes, unit tests, practical demonstrations, a mid-term cumulative examination, and a final cumulative examination. When borderline cases present themselves the instructor may take into account class participation and exceptional attendance if appropriate.

Final Grade for this course will be based on meeting the course requirements at the following percentage rates:

90%-100%	A
80% - 89%	B
70-79%	C
60-69%	D
0-59%	F

X. ATTENDANCE POLICY

The student's attendance in this class will strictly adhere to the College of Micronesia – Pohnpei Campus attendance policy. Copies of the policy will be given to the students in writing on the first day of class.

XI. ACADEMIC HONESTY POLICY

Students will be required to acknowledge and adhere to the College of Micronesia Academic Honesty Policy. Students found guilty of academic dishonesty, cheating, plagiarism, and facilitating academic dishonesty will be liable to dismissal or suspension from the College. A copy of the policy will be given to students in writing on the first day of class.