

Intro to Criminal Procedures

Facilitator Guide

Session Overview

Intro & Learning Objectives	05m
Lecture – Criminal Procedures	45m
End of Session / Break	10m

Total Session Time: 1 hour

Main Topics of Session:

- *Defining “Criminal Procedures”*
- *Sources of Criminal Procedures*
- *Difference between Substantive Law and Procedural Law*
- *Benefits of Following the Rules of Crim Pro*

Facilitators Needed: 1(CP)

Location: Classroom

Materials Needed:

- *PowerPoint – Intro to Criminal Procedures*

Students Should Already Have:

[THUMB DRIVE]

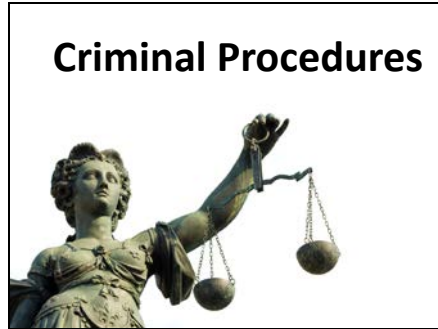
- *HANDOUT[p] - Sources of Criminal Procedures*



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Slide 1



Learning Objectives

- Define what “Criminal Procedures” are.
- List the sources of Criminal Procedures.
- Explain the benefits of following the rules of Criminal Procedures.
- Compare and Contrast Substantive Law and Procedural Law.

Slide 2

Where Do They Come From?

Criminal Procedures:

A network of laws and rules that establish the standards and limitations to be employed by the government and its agents. It addresses a variety of issues to include search and seizure, powers of arrest, interrogation, prosecutorial limitations, as well as bail and sentencing.

- *Instructor should give the learner insight as to why criminal procedure is important.*
- Criminal Procedures are the ways in which police officers lawfully do their job to ensure successful prosecution of offenders.
- This is one of the most argued and debated area of instruction because there are many ways to conduct a lawful investigation.
- Procedures and case law are road maps for the police to standardize and guide our police authority. Policing in a free society is not easy.
- Think of Crim Pro as the “rules of engagement.”



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Slide 3

<i>Two Kinds of Crim Pro</i>	
<u>Substantive Law</u>	<u>Procedural Law</u>
– legislated acts	– legislated acts
– establish the acts and mental states necessary to commit a crime	– establish the procedures to be employed in governmental affairs
– RCW 9A.52.030	– RCW 10.31.100

- Substantive Law is best described as the laws and elements of the crimes being taught in criminal Law.
- Procedural Law is best described by using a scenario to compare the two.

Example: As a police officer you respond to an assault. The suspect is in his residence. The victim greets you outside with a bloody nose. You know you are investigating an assault (Substantive Law “the rolodex of crimes in your head.”) but how do you investigate and detain the suspect? “What do you do and what are your limitations while investigating (this is procedural law.)

- *Have the class look up RCW 9A.52.030 and RCW 10.31.100. Engage in a brief discussion on both.*

Slide 4

<i>What's the Significance?</i>	
• Enhances the ability to successfully prosecute criminals	• Reduces likelihood of internal discipline
• Reduces criminal liability to the officer	• Enhances public cooperation in those “critical times”
• Reduces civil liability to the officer	• Protects the rights of all citizens

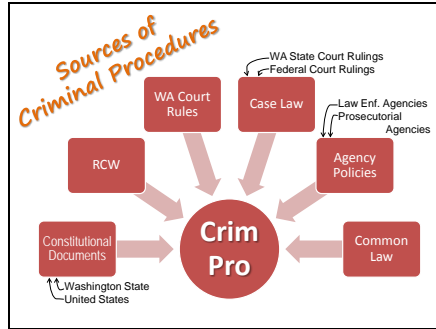
- *Q & A each bullet point in slide emphasizing the importance of knowing and applying procedures lawfully and reasonably.*



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Slide 5



- Criminal procedures come from many different sources and that as a police officer you have to know your police authority in regards to each source.
- Examples may include: Federal search law VS Washington State case law regarding search. Another example is that there is no "Carroll Doctrine" in Washington State, as opposed to California or other states where courts are applying the 4th amendment VS Washington State's Article 1 section 7.
(State v. Ringer 100 Wn.2d 686 (1983))



STUDY MATERIAL - HANDOUT[p] - Sources of Criminal Procedures

This handout is available on the student thumb drive under this module and session.



BREAK/END OF SESSION

