

# PREFACE

Students who aspire to work in the criminal justice or court system in any capacity need to be familiar with the provisions of the U.S. Constitution that specifically apply to criminal law and procedure. The Constitution related to American culture when it was written in 1787 and, amazingly, continues to be relevant to American culture today. The framers of the Constitution were concerned about general, unwarranted searches and seizures, while today, Americans debate terrorism, airport searches, and racial profiling by police and other government officials. While the framers did not need to consider iPhones, electronic pagers, and cell phone records when drafting the Constitution, they did worry about protecting politically outspoken citizens from government searches. The Constitution continues to protect Americans from government intrusion into electronic versions of soapbox declarations and broadsheet and pamphlet publications. Although Supreme Court justices have invoked various approaches to interpretation over the years, foremost among them continues to be the attempt to determine the framer's intent in devising the provisions of the Constitution. Yet, as Franklin D. Roosevelt quipped, "The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written." As an attorney who represents criminal clients, I see every day how the Constitution continues to be integral to our court system. Further, recent Supreme Court decisions interpreting the Constitution have been markedly different than previous rulings. Constitutional interpretation is often in flux and always results in controversy.

*Constitutional Law in Criminal Justice* sets forth the provisions of the Constitution that relate most directly to criminal law. Its practical approach encourages students to consider how these provisions affect daily attitudes, capabilities, events, and responses in policing, courtrooms, and federal agencies. The Constitution guides every facet of the investigation of crime and threats to our safety and national security. To further the understanding of these processes, this book examines both the wording of the original constitutional provisions and the central developments in how those provisions have been subsequently interpreted by the Supreme Court and, in some instances, by lower courts.

The fourth edition adds recent landmark Supreme Court cases. Topics include "backdoor searches" of digital communications, updates in the areas of

free speech, second amendment issues, and whether civil and criminal penalties for camping on public land constitute cruel and unusual punishment.

This text also provides open-ended scenarios, entitled “You Be the Judge,” many based on actual cases, for students to consider. Through these scenarios, students will explore the actions they will need to think through and take every day as members of the criminal justice system. These actions and their motives will be scrutinized at many levels, and practitioners need to keep abreast of changes in the law as they are handed down by various courts. Students are asked to consider each scenario from the viewpoint of the prosecution, the defense, and the judge, to further understand the intricacies and difficult decisions inherent in the criminal justice system. While analyzing these cases, students will understand that law is not an exact science, and that in the area of constitutional law in particular, many decisions that courts make about what constitutes acceptable police action or admissible evidence are extremely fact specific. Further scenarios, which can be used for in- or out-of-class activities, quizzes, or exams, are available in the instructor’s manual. Besides the manual, instructors also have access to a test bank and Power-Point lecture slides. These instructional materials are accessible on the book’s product page at [www.AspenPublishing.com/Fryling-ConLaw4](http://www.AspenPublishing.com/Fryling-ConLaw4). Available for students on the website are the text of the Constitutional Amendments and guidance on how to brief a case.

*Constitutional Law in Criminal Justice* explains the concepts of incorporation and the Fourteenth Amendment in terms that are easily grasped by students, enabling them to understand the amendments applicable to the states, what those amendments were intended to achieve, and why they became such important elements in our criminal system. The Fourth, Fifth, and Sixth Amendments are emphasized, but the First and Second Amendments are included as well, with emphasis on how they relate to crime and criminal justice.

After reading *Constitutional Law in Criminal Justice*, students should understand the expectations and requirements that will be placed on them as they endeavor to pursue their careers in compliance with the Constitution’s provisions and their changing application. This effort will require constant diligence and proper documentation of their actions every day, and this text offers the tools for research and analysis that they will need to achieve success. By balancing presentation of the rules handed down by the courts with questions and scenarios challenging students to assess the Constitution’s impact on both criminal and everyday activities, the text integrates students’ professional and personal concerns.

I especially wish to thank my colleagues and students at Mercyhurst University for their constant support throughout my career in teaching and this writing process and for their friendship. My students challenge and amaze me both in and out of the classroom and make my moments in the classroom truly magical. My colleagues and the administration of Mercyhurst University could not be more supportive of my pursuits and they are friends as much as colleagues. I will forever feel compelled to express my gratitude to

my former professors and constant mentors, Frank Hagan and Pete Benekos, who believed in me enough to bring me into this amazing career of teaching. They have been my role models and my very good friends for many years and I am in awe of each of their many accomplishments. I am also forever grateful for the Sisters of Mercy, who created Mercyhurst from a dream that education could be accessible to everyone and built an institution where students could grow, dream, and thrive. May their dream continue for years into the future.

I am also thankful for the legal community in Erie, Pennsylvania. My colleagues, the judges, and everyone who cares about justice and the Constitution are my heroes, and my work with them has helped me to bring the real-life scenarios that are in this textbook to the students who are our future leaders in the criminal justice arena.

I would also like to thank my editor, Irene Elias, and project manager, Patty Wallenburg, for their prompt and efficient attention to the publication process and their patience working with me on this project.

I am grateful every minute of every day for my children, Grace, Madeline, Madison, and Mason, who are my light and my life. I am so very proud of them – they are all outshining me in so many ways and there's nothing I love more than to see them fulfill their dreams. They keep me going on days when life is overwhelming, and my biggest hope and goal is for them to know how very much I love them.

To Mason and every child or young adult who has had to fight childhood leukemia, along with all who love them and have fought along with them, I pray for you all daily. No one should have to fight these battles, and everyone who is affected by cancer in any way is a true warrior. Keep fighting – we're all in this together and you are seen and loved.

Special thanks go to my mother, Janet, and my sister, Robin, who have both been with me from the moment I entered the world. They have given me all of the love and support I could ever ask for, and we are the definition of strong women raising strong daughters. I also am forever grateful and will always miss my grandmother, Grace Sieklucki, who was also a strong woman with a daily presence in my life and the ability to love me through all of the challenges I faced, even after she had left this earth. She was the absolute embodiment of the phrase “unconditional love.”

Finally, thank you to Michael, my husband, who is my sounding board and my best friend, and who supports everything I do with humor, love, an extreme amount of patience, and very good advice when I need it most.