



THE UNIVERSITY OF TEXAS AT EL PASO

Professional and Public Programs

A UNIT OF EXTENDED UNIVERSITY

University of Texas at El Paso

Professional and Public Programs

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### Education & Training Plan

## **Criminal Procedure Specialist Certificate Program with Externship**

Student Full Name: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

**Program includes National Certification & an Externship Opportunity**  
**Mentor Supported**

### **Criminal Procedure Specialist Certificate Program with Externship**

Course Code: UTEPCJPROC

Program Duration: 6 Months

Course Contact Hours: 375

Student Tuition: \$3,999

#### **The Criminal Procedure Specialist**

Criminal procedure specialists focus on the actions or inactions taken by law enforcement, the legal system and the penal system throughout the investigation and adjudication of a crime. Focusing primarily on the protections of the accused as dictated by the Fourth, Fifth and Sixth Amendment to the US Constitution, this course covers the various ways in which the US criminal adjudication system defines the roles of police, prosecutors, grand juries, defendants and victims. At the center of the American criminal justice system lies the criminal court system that serves to ensure our community and our society remain protected from both criminals and the law itself. With its unique procedures and processes, the American criminal courts are designed to ensure we have a fair and balanced system for criminal prosecution that focuses primarily on the rights of the accused.

#### **The Criminal Procedure Specialist Program**

The legitimacy of American criminal jurisprudence lies in the function and fairness of its criminal courts and students will examine exactly how these institutions uphold the most basic of constitutional rights and values in their daily application. The course takes students through the often-controversial and complex procedures balancing individual rights against the protection of everyone as it pertains to search and seizure of individuals or property, due process requirements for the accused and how these requirements have evolved over the last century through landmark cases interpreted by the US Supreme Court that produced Miranda rights, Terry stops and other common-place considerations necessary throughout the criminal process. The program offers students an overview of the criminal justice system and its processes.

## Education and National Certifications

- Students should have or be pursuing a high school diploma or GED.
- There are no state approval and/or state requirements associated with this program.
- There is a National Certification exam available to students who successfully complete this program:
  - **Microsoft Office Specialist (MOS) Certification Exam.**

## Program Objectives

At the conclusion of this program, students will be able to:

- Distinguish between the due process and crime control perspectives including the impact on criminal procedure
- Examine what can be done when constitutional rights are violated including civil, criminal, and non-judicial remedies
- Examine how the Fourth, Fifth, and Sixth Amendments protect individual rights
- Analyze criminal procedure prior to trial describing the roles of prosecutors, grand juries, and defense attorneys
- Analyze criminal procedure from first contact to appeals
- Define terms related to criminal courts and the impact of history on the criminal courts
- Describe how laws are created
- Explain the relationship between laws and the court system
- Analyze the court process from the committing of a crime through post convictions
- Examine how courts operate, specifically the juvenile courts
- Differentiate the people involved in the court system
- Use Microsoft Office

## National Certification

Upon successful completion of this University of Texas at El Paso program, students would be eligible to sit for the Microsoft Office Specialist (MOS) exam. Although there are no state approval, state registration or other state requirements for this program, students who complete this program at University of Texas at El Paso will be prepared and are eligible to sit for this national certification exam. Students who complete this program are encouraged to complete the externship option with their program. Students who complete this program can and do sit for the MOS national certification exams and are qualified, eligible and prepared to do so. University of Texas at El Paso works with each student to complete the exam application and register the student to take their national certification exam.

## Externship / Hands on Training / Practicum

Although not a requirement, once students complete the program, they have the ability to participate in an externship and/or hands on practicum so as to practice the skills necessary to perform the job requirements of a professional in this field. Students will be assisted with completing a resume and/or other requirements necessary to work in this field. All students who complete this program are eligible to participate in an externship and will be placed with a participating organization near their location. University of Texas at El Paso works with national organizations and has the ability to place students in externship opportunities nationwide.

**University of Texas at El Paso contact:** If students have any questions regarding this program including national certification and externships, **they should call Sylvia Monsisvais of University of Texas at El Paso at 915-747-7578 or via email at [samonsisvais@utep.edu](mailto:samonsisvais@utep.edu)**

Note: No refunds can be issued after the start date published in your Financial Award document.



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## **About University of Texas at El Paso!**

### **Our Mission**

The Office of Professional and Public Programs (P3) is a unique learning agent within the University of Texas at El Paso. Its mission is to provide high quality continuing education. This includes non-traditional academic and lifelong learning opportunities for professional development, personal enrichment, and academic growth. It fosters and supports the larger University mission to serve as a gateway to an improved quality of life for people of the Paso del Norte Region.

### **Our Vision**

Professional and Public Programs will be the premier provider of comprehensive, quality, educational, professional and personal enrichment programs in collaboration with UTEP departments and external organizations.



### **University of Texas at El Paso and Pearson Education**

The University of Texas at El Paso's Office of Professional and Continuing Education eLearning programs were developed in partnership with Pearson Education to produce the highest quality, best-in-class content and delivery necessary to enhance the overall student learning experience, boost understanding and ensure retention. Pearson Education is the premier content and learning company in North America offering solutions to the higher education and career training divisions of colleges and universities across the country aimed at driving quality education programs to ensure student success. Please visit us at [www.pearson.com](http://www.pearson.com).

### **About Pearson Education**

Welcome to Pearson. We have a simple mission: to help people make more of their lives through learning. We are the world's leading learning company, with 40,000 employees in more than 80 countries helping people of all ages to make measurable progress in their lives. We provide a range of education products and services to institutions, governments and direct to individual learners, that help people everywhere aim higher and fulfil their true potential. Our commitment to them requires a holistic approach to education. It begins by using research to understand what sort of learning works best, it continues by bringing together people and organizations to develop ideas, and it comes back round by measuring the outcomes of our products.

## **Criminal Procedure Specialist Program Detailed Student Objectives:**

### **INTRODUCTION TO CRIMINAL PROCEDURE**

- Define criminal procedure, rights, and Rights of Relevance
- Identify the sources of rights
- Match key Rights of Relevance to the five Constitutional amendments on which they are based
- Identify the four leading views on the incorporation controversy and provide examples of rights that have been incorporated and those that have not
- Name one reason why the decisions of the Supreme Court and other courts sometimes have little effect on law enforcement
- Define due process and crime control
- Identify key differences between crime control and due process
- Identify key differences between judicial restraint and judicial activism
- Name three levels of the federal court system and explain how cases arrive at the Supreme Court
- Identify the five parts of a court case citation and the various parties to a case, at the trial and appellate levels
- Identify the basis for personal privacy in criminal procedure and how the Patriot Act impacts criminal procedure
- Explain what happens during the pretrial phase, the adjudication phase, and beyond conviction

### **REMEDIES FOR CONSTITUTIONAL VIOLATIONS**

- Define "remedy" and distinguish between two types of remedies
- Explain the concept of the "Color of Law"
- Explain how Section 1983 provides a remedy for deprivation of rights, the defense available to law enforcement officers in Section 1983 lawsuits, and what Bivens claims are
- Distinguish between three types of state torts and the defenses that are available to police officers in state tort lawsuits
- Explain how the criminal law operates as a remedy and distinguish between three types of nonjudicial remedies
- Distinguish between varieties of internal and civilian review
- Explain the exclusionary rule including its history, the arguments for and against it, when it does and does not apply, and the three exceptions to it in criminal proceedings
- Define the Fruit of the Poisonous Tree Doctrine.

### **INTRODUCTION TO THE FOURTH AMENDMENT**

- Define Fourth Amendment terminology, including persons, houses, papers, and effects; and identify when a search occurs
- Distinguish between governmental and private actions for purposes of the Fourth Amendment
- Define reasonable expectation of privacy
- Distinguish between seizure of a person and seizure of property
- Distinguish between three standards of justification: Probable cause, reasonable suspicion, and administrative justification
- Identify sources of information that can lead to probable cause
- Define standing

### **SEARCHES AND ARRESTS WITH WARRANTS**

- Describe what the Fourth Amendment permits
- Explain the three warrant components

- Distinguish between an arrest warrant and a search warrant in terms of probable cause and particularity
- Define arrest and distinguish arrests from lesser intrusions such as stops and "nonstops"
- Describe the situations where arrest warrants are required
- Summarize the rules concerning arrests for minor offenses and for arrests for crimes committed outside the presence of a police officer
- Summarize the requirements for serving arrest and search warrants, especially with respect to announcement, damage, use of force, and scope and manner of search
- Summarize the rules concerning warrants for electronic surveillance and the impact of the Patriot Act on electronic surveillance
- Explain other special circumstances regarding arrests and searches with warrants (especially the differences between administrative and anticipatory search warrants)
- Explain the limits on bodily intrusions and the concept of Civil Asset Forfeiture

### **SEARCHES AND ARRESTS WITHOUT WARRANTS**

- List various exceptions to the Fourth Amendment's warrant requirement and describe why they are important
- Summarize the search incident to arrest exception and its requirements
- Summarize the exigent circumstances exception and identify several types of exigencies
- Describe the rationale for the automobile exception and the automobile exception requirements
- Summarize the Supreme Court's view on racial profiling, with particular attention to *Whren v. United States*, and describe two remedies for racial profiling
- Describe two types of warrantless arrests
- Describe the plain view doctrine
- Distinguish plain view from plain touch and smell

### **ACTIONS BASED ON REASONABLE SUSPICION, ADMINISTRATIVE JUSTIFICATION, AND CONSENT**

- Explain stops and frisks, including the requirements for a valid stop and a valid frisk, the Supreme Court's view on the proper duration of stops, and the scope of a proper frisk
- Discuss how the *Terry v. Ohio* decision has led to an expansion of the stop-and-frisk exception to the Fourth Amendment's probable cause requirement
- Identify characteristics exhibited by drug couriers and discuss important Supreme Court decisions concerning drug courier profiling
- Distinguish between an investigative detention and a stop and describe the requirements for a valid investigative detention
- Describe two types of inventory searches and several types of inspections
- Offer several examples of checkpoints and explain when checkpoints become unconstitutional
- Summarize the Supreme Court's view concerning school disciplinary searches and searches of government employee offices
- Summarize the Supreme Court's view on drug and alcohol testing
- Explain the Supreme Court's view on searches of probationers and explain how California's courts have decided differently than the Supreme Court with respect to searches of probationers
- Summarize the requirements for a valid consent search and the rules for obtaining third-party consent
- Explain "knock and talk"

## **INTERROGATIONS AND CONFESSIONS**

- Explain how the Fifth Amendment is relevant to interrogations and confessions and the various circumstances in which a person can be "compelled" within the meaning of the Fifth Amendment
- Distinguish between criminal and non-criminal proceedings for purposes of the Fifth Amendment
- Explain what it means to be a "witness" as well as a "witness against oneself"
- Identify the difference between confession and admission and explain three approaches to confession law
- State when the due process voluntariness approach to interrogations is applicable
- Describe when the Sixth Amendment approach to interrogations is applicable
- Explain the Miranda warnings, when Miranda is applicable, and the public safety exception to Miranda
- Explain how the exclusionary rule operates in the confession context
- Describe why it is important for the police to document confessions

## **IDENTIFICATION PROCEDURES AND THE ROLE OF WITNESSES**

- Identify and describe the various constitutional restrictions on identification procedures
- Identify three types of pretrial identification techniques
- Describe steps to minimize suggestiveness in lineups
- Distinguish between show-ups inside and outside the courtroom
- Describe how identification during trial plays out
- Describe the various forms of witness questioning in a criminal trial
- Describe the impeachment and rehabilitation of witnesses
- Explain how the exclusionary rule operates in the identification context

## **THE PRETRIAL PROCESS**

- Summarize the road to trial
- Describe the initial appearance
- Describe the probable cause hearing and explain when it is required
- Explain the various methods of pretrial release and the criteria courts consider when deciding whether a suspect gets pretrial release
- Summarize the rules concerning the treatment of pretrial detainees
- Explain the preliminary hearing and arraignment
- Summarize the rules concerning discovery and the concept of nonreciprocal discovery
- Describe the prosecution's duty to preserve evidence

## **PROSECUTORS, GRAND JURIES, AND DEFENSE ATTORNEYS**

- Describe the role of the prosecutor
- Offer reasons for non-prosecution and identify several restrictions on bringing charges and unfair and selective prosecution
- Explain the concept of "joinder" and cite examples
- Describe grand juries including their role, their investigative powers, how grand jury members are selected, and the ways in which grand jury proceedings are kept secret
- Summarize the rights of witnesses who testify before grand juries
- Explain how an indictment can be challenged
- Explain the role of the defense attorney
- Identify situations when an accused enjoys representation and describe how a defendant can waive counsel
- Explain what is meant by effective assistance of counsel
- Explain the concept of the "courtroom workgroup"

## **PLEA BARGAINING AND GUILTY PLEAS**

- Explain how the defendant can avoid trial
- Describe different types of plea bargaining
- Compare arguments for and against plea bargaining
- Describe attempts to restrict plea bargaining and the Supreme Court's view on it
- Summarize acceptable inducements by the prosecution and "ad hoc" plea bargaining
- Summarize the effects of plea bargaining on the court, prosecutor, and defendant
- Describe the elements of a guilty plea and how defendants can challenge a guilty plea

## **RIGHTS AT TRIAL, SENTENCING, APPEALS, AND HABEAS CORPUS**

- Explain the right to a speedy trial
- Explain the right to an impartial judge
- Explain the right to an impartial jury
- Summarize the jury make-up and selection process
- Explain the *voir dire* process
- Define the right to a public trial
- Explain what is meant by the defendant's right to be present and the right to live testimony, including hearsay exceptions
- Explain the right to double jeopardy protection
- Explain the right to assert an entrapment defense
- Describe the types and goals of sentencing
- Describe the ways of challenging a conviction through appeals and *habeas corpus*

## **INTRODUCTION TO THE COURTS**

- Explain the relationship between common law and the American legal system
- Define terms related to development of laws
- Define terms related to crime
- Explain why American law is constantly changing
- Explain the impact criminal law has on the courts
- Describe the effects of changing laws on the court system
- Outline elements of crime

## **CRIMES AND DEFENSES**

- Define terms related to crime
- Describe legal defenses
- Describe the events that take place after an arrest
- Describe the adversarial system
- Define terms related to adversarial system
- Summarize due process

## **HISTORY OF THE COURTS**

- Define terms related to the history of juries
- Outline the history of courts from Anglo-Saxon courts to modern day courts
- Define terms related to modern courts
- Describe the difference between federal and state courts
- Explain the difference between trial courts and appellate courts
- Describe court structures

## **PROSECUTION AND DEFENSE**

- Define terms related to prosecutors
- Describe the role of a prosecutor
- Describe prosecutorial discretion
- Explain how prosecutors decide to file charges

- Explain the relationship between a prosecutor and other courtroom participants
- Summarize challenges for prosecutors
- Describe the responsibilities of the prosecutor after a trial concludes
- Define terms related to defense attorneys
- Describe the role of the defense attorney
- Explain the relationship between a defense attorney and the other courtroom participants
- Differentiate between private and public defense attorneys
- Summarize challenges for defense attorneys

### **JUDGES**

- Define terms related to judges
- Describe a judge's responsibilities
- Describe the educational and experiential requirements for becoming a judge
- Outline methods of judicial selection
- Outline methods of judicial training
- Examine the challenges of being a judge

### **JURORS AND OTHER COURTROOM PARTICIPANTS**

- Define terms related to courtroom work groups
- Describe the role of various courtroom participants
- Explain the relationships among courtroom participants

### **CASE ATTRITION AND THE BAIL SYSTEM**

- Define terms related to pretrial activities
- Identify models of the criminal justice process
- Explain the concept of case attrition
- Identify stages of the criminal justice process where case attrition occurs
- Describe the role of police officers in the criminal courts system
- Describe police discretion and its effect on the criminal courts
- Outline the bail system
- Compare types of bail
- Outline the history of bail
- Describe the effects of bail on courtroom work groups
- Explain the Manhattan Bail Project
- Describe challenges within the bail system

### **PLEA BARGAINS**

- Define terms related to plea bargaining
- Identify types of plea bargaining
- Outline the history of plea bargaining
- Describe the process of plea bargaining
- Describe the influence of plea bargaining on courtroom work groups
- Articulate pros and cons of plea bargaining

### **JURY TRIALS**

- Outline the history of trial by jury
- Outline the trial process
- Define terms related to the trial
- Identify pretrial activities
- Describe the process of jury selection
- Describe opening statements
- Explain how different types of evidence are used at trial



- Describe closing statements
- Describe jury instructions
- Describe the process of jury decision-making
- Describe the returning of the verdict

### **COURT-ORDERED PUNISHMENT**

- Define terms related to sentencing
- Describe the role of discretion in sentencing
- Describe the differences among the five philosophies on punishment
- Identify types of possible sanctions
- Compare possible sanctions with the five punishment philosophies

### **SENTENCING**

- Define terms related to sentencing
- Describe presentence reports
- Explain sentencing hearings
- Identify legal factors in sentencing
- Identify extralegal factors in sentencing
- Describe organizational factors in sentencing

### **SOCIAL POLICY AND THE FUTURE**

- Articulate the concept of appeals
- Describe the power of judicial review
- Explain how court hierarchy affects the process of appeals
- Define terms related to the appellate process
- Outline the appellate process
- Define terms related to juvenile courts
- Outline the history of juvenile courts
- Explain juvenile court jurisdiction
- Identify the procedures of juvenile courts
- Describe challenges of the juvenile courts

**Note: This program can be completed in 6 months. However, students will have online access to this program for a 24-month period.**

## **MICROSOFT OFFICE Module**

- Use an integrated software package, specifically the applications included in the Microsoft Office suite
- Demonstrate marketable skills for enhanced employment opportunities
- Describe proper computer techniques for designing and producing various types of documents
- Demonstrate the common commands & techniques used in Windows desktop
- List the meaning of basic PC acronyms like MHz, MB, KB, HD and RAM
- Use WordPad and MSWord to create various types of documents
- Create headings and titles with Word Art
- Create and format spreadsheets, including the use of mathematical formulas
- Demonstrate a working knowledge of computer database functions, including putting, processing, querying and outputting data
- Define computer terminology in definition matching quizzes
- Use the Windows Paint program to alter graphics
- Use a presentation application to create a presentation with both text and graphics
- Copy data from one MS Office application to another application in the suite
- Use e-mail and the Internet to send Word and Excel file attachments
- Demonstrate how to use the Windows Taskbar and Windows Tooltips
- Explain how copyright laws pertain to data and graphics posted on the Internet
- Take the college computer competency test after course completion
- Follow oral and written directions and complete assignments when working under time limitations

**Note:** Although the Microsoft Office Module is not required to successfully complete this program, students interested in pursuing free Microsoft MOS certification may want to consider completing this Microsoft Office Module at no additional cost.

### **System Requirements:**

#### **Windows Users:**

- Windows 8, 7, XP or Vista
- 56K modem or higher
- Soundcard & Speakers
- Firefox, Chrome or Microsoft Internet Explorer

#### **Mac OS User:**

- Mac OS X or higher (in classic mode)
- 56K modem or higher
- Soundcard & Speakers
- Apple Safari

#### **iPad Users:**

- Due to Flash limitations, eLearning programs are NOT compatible with iPads

#### **Screen Resolution:**

- We recommend setting your screen resolution to 1024 x 768 pixels.

#### **Browser Requirements:**

- System will support the two latest releases of each browser. When using older versions of a browser, users risk running into problems with the course software.
- Windows Users: Mozilla Firefox, Google Chrome, Microsoft Internet Explorer
- Mac OS Users: Safari, Google Chrome, Mozilla Firefox

#### **Suggested Plug-ins:**

- Flash Player
- Real Player
- Adobe Reader
- Java