

**CRIJ 4312, Criminal Procedure (Online)**  
**Fall 2021 CRN 15396**

**Professor:** Dr. Barbara Sims, Department of Criminal Justice  
**Preferred contact method: E-mail:** [basims@utep.edu](mailto:basims@utep.edu)

**Virtual Office Hours:** Contact the instructor at [basims@utep.edu](mailto:basims@utep.edu) to arrange an appointment. I can be flexible when it comes to days and times that will work for students. Make use of office hours for assistance with the clarification of assignment guidelines or to consult with me about your progress in this course. There are times when email communication is not working; at those times, it is best to set up a virtual meeting.

**Class begins August 23, 2021.**

**Class ends December 2, 2021.**

**The final exam period is December 6 – 10, 2021.**

**Grades are due December 15, 2021.**

**CATALOG COURSE DESCRIPTION:** This course presents an overview of the constitutional rules governing the criminal investigation, detention, prosecution and adjudication of persons in the United States with focus on the Fourth, Fifth, and Sixth Amendments to the United States Constitution and the Supreme Court decisions that have interpreted the meaning of these amendments.

**LEARNING OBJECTIVES:** At the end of this course, students should be able to:

1. Describe the U.S. court system and the sources of constitutional rights.
2. Demonstrate knowledge about the criminal justice process and the procedures in place to ensure fundamental due process for criminal defendants.
3. Explain the role of the U.S. Supreme Court as the arbiter of the application of the Fourth, Fifth, Sixth, Eighth, and 14<sup>th</sup> Amendments to the U.S. Constitution.
4. Identify and analyze findings in the scholarly literature.
5. Demonstrate a mastery of writing and critical thinking skills.

**REQUIRED TEXT:** del Carmen, R. V. & Hemmens, C. (2017) *Criminal Procedure*, 10<sup>th</sup> ed. Cengage. Student Edition ISBN: [978-1-305-57736-7](https://www.cengage.com/books/9781305577367).

**ONLINE COURSE OVERVIEW:** Online teaching and learning provides students with flexibility to work and study at times that fit each person's schedule during the day or night, and not to have to

attend class face-to-face (F2F). However, all students must still meet weekly course deadlines. In this course, you will see weekly learning modules that open on Sunday night after midnight (Mountain Time) and close the following Sunday at midnight. The course requires that students engage with the course material across each week and meet the Sunday night deadline (unless otherwise specified via Blackboard (Bb) and/or the course syllabus (see the Course Calendar at the end of the syllabus) for each assignment. You can expect, for example, to be engaged online at least three times EVERY WEEK so that you can complete the assigned readings, review the PPT slides or any other posted course material, and complete either that week's discussion board or some other focused assignment (described below). Remember, each learning module will close and disappear each Sunday at 11:59 p.m. Mountain Time. If you get behind or miss some components, you will NOT be able to go back and finish later/make up the discussion questions, module content, or tests.

### **GRADED ASSIGNMENTS:**

**Discussions Boards** - In the weeks where a discussion board is assigned, that space will open on Sunday at midnight and close the following Sunday at midnight. There is a grading rubric associated with this assignment that is uploaded in Bb for perusal. Please review the rubric carefully and become acquainted with the stated criteria.

**Focus Assignments** – These are brief assignments directly tied to the subject under consideration in any given week where a discussion board is not assigned. In one week, for example, you may see a chapter quiz, and in another week, you may be asked to brief a legal case. Further instructions will be included with the posting of each assignment in the learning module in which these tasks are included.

**Exams** – There are three exams associated with this course that count for 100 points each, a total of 300 points. Each exam will consist of both objective test items (multiple choice, true/false, matching) and subjective questions (short answers and/or essays). The exam will take place during the learning module posted on the course syllabus and in Bb. These are open book/notes exams and will be timed. Please pay close attention to the guidelines and expectations about the exam that will be posted during the learning module (see Bb) associated with the exam. Even though you are free to use all course material when taking an exam, you are still held to an ethical requirement that you will not collaborate with other students in any way about the exam. This includes in the time after you complete the exam when you might be asked by others who have not yet taken the exam about the questions that were included on the exam. Remember, Bb will scramble the questions and will rotate the possible answers (e.g., for multiple choice answers). If you try to collaborate you risk running out of time and being locked out of the exam space. Thus, it is ethically right and more beneficial to you to complete your own work. If it is found out that any collaboration occurred, I will exercise my right and responsibility to address the matter as outlined below in the discussion about academic integrity.

**Critical Reaction Essay** – A critical response essay (or interpretive essay or review) has two missions: to summarize a source's main idea and to respond to the source's main ideas

with reactions based on students' ideas or opinions about the work(s). The second part of the paper, although asking for opinions about the original work, **MUST** be supported by a second, reliable source. Guidelines for this assignment, along with a grading rubric, are posted in Bb.

Please note that the CJ Department at UTEP requires students to use APA citation. You can access an online source for assistance:

[https://owl.purdue.edu/owl/purdue\\_owl.html](https://owl.purdue.edu/owl/purdue_owl.html).

**Access to UTEP'S Writing Center can be found at:** <https://www.utep.edu/uwc/>.

**Access to UTEP's Library can be found at:** <https://www.utep.edu/library/>.

**Class Participation/Attendance Points** - Unlike a traditional, instructor-led course, this course does not require students to show up to class at a specific time. Instead, they must make a consistent effort to actively participate in the online learning environment. The Federal Government's Department of Education requires a certain amount of activity on the part of students in the classroom environment. This rule applies to both residential and online courses. Merely signing into Blackboard, for example, does not reach the level of sufficient "class time" for Federal reporting purposes. Here is a list of activities that do count and that will be used when determining how many of the possible points associated with class participation/attendance will be given out:

- Submitting an assignment (reflection paper; quiz, or some other type of focused assignment);
- Completing a mandated activity (e.g., problem-based exercises, team-building exercises, etc.);
- Taking an exam;
- Participating in online discussion boards; and,
- Initiating contact with an instructor for clarifying any part of the course content.

### **Summary of Graded Assignments:**

Discussion board/focus assignments	10 @ 20 points each	200 points
Exams	3 @ 100 points each	300 points
Critical Reaction Essay		50 points
Class participation/attendance		50 points
	<b>Total points</b>	<b>600 points</b>

**Grading Scale:**

A = 540-600 points

B = 480 – 539 points

C = 420 – 479 points

D = 360 – 419 points

F = 359 or less

I reserve the right to assign plus or minuses, depending on the Criminal Justice Department's or UTEP's grading policy.

Please note that grades are assigned according to the total points earned. There is no rounding or curving or moving a student to the next letter grade if they are one point away, for example. The cutoff points are predetermined as noted above.

**Make-Up Policy:** Late assignments and examinations will not be accepted without the instructor's prior consent. When late work is accepted, the student should expect a grade reduction at the discretion of the instructor. If an assignment is missed, it is the student's responsibility to contact me in advance of the due date if that is a possibility. If not, please contact me within 48 hours beyond the due date of the missed assignment.

**Extra credit work:** There is no extra credit assignment associated with this course.

**UTEP COURSE DROP POLICY:** If unforeseen circumstances happen where a drop is necessary, students are responsible for initiating any course drop. It is the student's responsibility to determine how dropping courses might affect financial aid. Students are limited to dropping no more than six courses over their entire academic career of all courses taken at any public college or University in Texas. Here is some additional information about UTEP's policy:

1. For students who drop a course before the official census date, the course will not appear on the transcript, and doesn't count toward the 6-course drop limit.
2. Dropping a course after the official census date, but before the course drop date will generate a "W" in the course. Although the drop shows on your transcript, a "W" does not lower your GPA. However, a "W" counts against your 6-course drop limit.
3. If the course is dropped after the course drop date, or if the student just stops participating, taking texts, etc., UTEP requires the instructor to issue an "F" in the course that permanently remains on the transcript.
4. UTEP also allows instructors to administratively drop any student because of too many times the student fails to submit assignments,

discussion questions, or because of disciplinary reasons. In this case, the student will be notified of the course drop through their UTEP student email. A “W” or an “F” will be issued. A “W” for these reasons counts against the 6-course drop limit.

**TECHNOLOGICAL PROBLEMS/QUESTIONS:** For all technological, hardware, software problems, lost files, and/or questions with Blackboard, as well as difficulties you are having during an exam, contact **Technology Support Help Desk 24 hours a day, 7 days a week**. Tech support is set up to specifically address technical questions and problems about Blackboard. Professors are not technical support staff.

Phone: 915.747.4357 or toll free: 1-877-382-0491

Email: [helpdesk@utep.edu](mailto:helpdesk@utep.edu) <http://admin.utep.edu/Default.aspx?tabid=74092>

In person meeting: UTEP Library, Room 300

### **Check Your Technology**

1. Computer with a reliable internet connection. Mobile devices are not reliable to access exams and use the discussion board.
2. Blackboard (BB) Learning Management System. The entire course is run through UTEP’s BB system, so students must activate and use their BB accounts regularly. Always log in using your UTEP name and password, and never as a “guest”. (The guest option will kick you out after 15-20 minutes, which is problematic when taking a test because you will not be able to finish your test). All students are responsible for regularly logging in and checking for posted announcements, submitting assignments, participating in discussion boards, and taking tests through BB. Contact UTEP tech support for any questions or concerns regarding navigating in BB or learning how to do something in BB.
3. Browser Information (*See the left side of the menu on the main BB page for hardware, software, and browser checks*) **Firefox** seems to consistently work the best, but other supported Browsers include Chrome, Safari, and Internet Explorer.

Be sure to “Allow pop-ups” for Blackboard Clear your browser cache.

4. Verify that you have the most updated version of “Java” <http://java.com>.
5. Additional Software you may be Using All word documents should be saved with a “docx” extension identifying it as a Microsoft Word file or compatible with MS Word, Windows Media Player, Quick Time, Adobe Reader, Adobe Flash Player.

**Center for Accommodations and Support Services (CASS):** UTEP students with a permanent or temporary disability can request an accommodation through Accessible Information management System (AIM) by logging into: [cassportal.utep.edu](http://cassportal.utep.edu) using their UTEP credentials. CASS staff develop a plan to determine which accommodations will help you be successful at UTEP. You can contact the CASS staff by phone at 915.747.5148 or via email at [cass@utep.edu](mailto:cass@utep.edu).

**ACADEMIC DISHONESTY:** Academic dishonesty includes cheating on an exam/not taking the test yourself, turning in someone else's assignment from a previous class, and/or plagiarism. Plagiarism is defined as one or more of the following: "(1) use by paraphrase or direct quotation of the published or unpublished work of another person without fully and properly crediting the author with citations or biographical reference; (2) unacknowledged use of work/materials prepared by another person or agency engaged in the selling of term papers or other academic materials; (3) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators."

I take cases of alleged academic dishonesty seriously. For students who are found to have allegedly engaged in any form of academic dishonesty, the case will be referred to the Office of Student Conduct and Conflict Resolution (OSCCR). While the case is being investigated by OSCCR, an "I" (Incomplete) will be assigned until the case is resolved. If the student is found by OSCCR to have engaged in misconduct, sanctions may include a failing grade on the assignment or exam in question, a failing grade in the course, suspension, or dismissal from the University.

**Copy/paste plagiarism:** One of the more widespread problems we see when it comes to breeches in academic integrity is copy/paste plagiarism. Often referred to as Mosaic plagiarism, this occurs when a student borrows phrases from a source without using quotation marks or finds synonyms for the author's language while keeping to the same general structure and meaning of the original. Paraphrasing the work of another person (i.e., scholarly sources) is an art form and must be approached with caution. Please refer to a document on Bb that illustrates what is, and what is not, appropriate paraphrasing. In my estimation, based on about 28 years of classroom teaching, students get themselves in trouble when they procrastinate and find themselves in a crunch for time. Or they question their own writing ability, and are tempted to just type verbatim lines from a source. Even if the source is cited, that is still plagiarism as the student did not "write" anything; rather, he/she merely lifted the writing of another person. Struggle with your writing; flex that muscle and it will get stronger. Seek me out for advance reviews of any assignment that requires the use of source material. Read again the document on Bb and learn to appropriately paraphrase your sources.

**COMMUNICATION:** The instructor will make every attempt to grade student work within one week's time and to respond to student emails within 24 hours (or the following Monday for any emails submitted over the weekend). Please take advantage of Virtual Office hours and make an appointment with the instructor that best meets your schedule should you need any assistance with the course material, assignments, etc. or to discuss your ongoing progress in the course.

Emails sent to me must be sent from your UTEP email address AND include the following information to guarantee a response: (1) At least the course title as the subject; (2) Clear, full sentences explaining your reason for the email and what you need; (3) Do not use text-speak, chat-speak, or any other SMS language as emails written in this manner will be ignored; and (4) your full name. It is expected that you routinely check your UTEP email. This is how I communicate outside of class. If I send an email, it will automatically be assumed that you received and read it (and any documents attached). You are expected to properly manage your inboxes and ensure enough space in your account to successfully receive emails. If I receive a

notice that my emails could not be delivered due to your inbox being full, not enough space on your account, etc., you are still held responsible for the information that I attempted to send you. There is no excuse for not checking your UTEP email.

Please review the “How to Write a Professional Email” document that is posted in Bb. Although this is an upper-level course and it is expected that you do, in fact, write professional emails, it never hurts to make sure we are all on the same page about the matter. I get busy sometimes and it is tempting to write an email in a more relaxed fashion. This is especially true when I am away from a computer and attempting to respond via my cell phone. I will, however, make every effort to ensure that all email communications I send out adhere to professional standards.

Classroom Netiquette: It is expected that each student will work with me and their peer students in a civil and collegial manner in the virtual classroom. Disrespect directed toward either me or other students will not be tolerated. Nor will inappropriate language or disparaging comments be allowed. If any of these behaviors occur, the student will be given a warning and asked not to repeat such behavior. If the problem continues, the student may be removed from the course. If this unlikely situation does occur, we will follow the UTEP guidelines for how to handle the grade the student will receive in the course if the time for dropping a course without receiving a grade has passed.

**DIVERSITY STATEMENT:** Your experience in this course is important to me and I am committed to an inclusive learning environment. All members of our community should enjoy an environment free from any form of harassment, discrimination, or sexual misconduct. We acknowledge that our intellectual community is enriched when we embrace diversity along many dimensions, including race, ethnicity, gender and gender identity, sexuality, religion, and class. I encourage each of you to engage in what may be difficult and uncomfortable conversations with respect for your classmates and for me.

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## Course Calendar\*

### Module 1: Week of 8/23 – 8/29

- Watch the “Welcome, Introduction to CRIJ4312 video in Bb.
- Review the course syllabus and all other posted material in Bb (see the Start Here page.)
- Take the syllabus quiz (will count as class participation/attendance points).
- Read Chapter 1, The Court System, Sources of Rights, and Fundamental Principles.
- Review PPT slides.

### Module 2: Week of 8/30 – 9/5

- Read Chapter 2, Overview of the Criminal Justice Process
- Review PPT slides.
- Complete the focus assignment.

### Module 3: Week of 9/6 – 9/12 – Labor Day Holiday is 9/6

- Read Chapter 3, Probable Cause and Reasonable Suspicion
- Review PPT slides.
- Complete the discussion board.
- Notify Dr. Sims your selected topic for the Critical Reaction Essay via a Word document uploaded in Bb.

### Module 4: Week of 9/13 – 9/19

- Read Chapter 4, The Exclusionary Rule
- Review the PPT slides.
- Complete the focus assignment.
- Begin to prepare for Exam 1.

### Module 5: Week of 9/20 – 9/26

**Complete Exam 1 no later than Sunday, midnight (9/26).  
This exam covers Chapters 1, 2, 3, and 4.**

### Module 6: Week of 9/27 – 10/3

- Read Chapter 5, Stop and Frisk and Stationhouse Detention.
- Review PPT slides.
- Complete the discussion board.
- Begin to identify the original source for the Critical Reaction Essay.

### Module 7: Week of 10/4 – 10/10

- Read Chapter 6, Arrests and Use of Force.
- Review PPT slides.
- Complete the focus assignment.

- Begin to analyze the original source for the Critical Reaction Essay.

**Module 8: Week of 10/11 – 10/17**

- Read Chapter 7, Searches and Seizures of Things.
- Review PPT slides.
- Complete the discussion board.
- Begin to identify and review the second source for the Critical Reaction Essay.

**Module 9: Week of 10/18 – 10/24**

- Read Chapter 9, Plain View, Open Fields, Abandonment, and Border Searches.
- Review PPT slides.
- Complete the focus assignment.

**Module 10: Week of 10/25 – 10/31 – Last day to drop/withdraw from a course in order to receive a grade of W!**

**Complete Exam 2 no later than Sunday, midnight (11/7).  
This exam covers Chapters 5, 6, 7, and 9.**

**Module 11: Week of 11/1 – 11/7**

- Read Chapter 11, Confessions and Admissions: *Miranda v. Arizona*.
- Review PPT slides.
- Complete the discussion board.
- Begin to prepare for Exam 2.

**Module 12: Week of 11/8 – 11/14**

- Read Chapter 12, Basic Constitutional Rights of the Accused During Trial.
- Review PPT slides.
- Complete the focus assignment.
- Write the first draft of the Critical Reaction Essay.

**Module 13: Week of 11/15 – 11/21**

- Read Chapters 13 and 15, Sentencing, The Death Penalty, and Other Forms of Punishment and Electronic Surveillance and the War on Terror.
- Review PPT slides for both chapters.
- Complete the discussion board.
- Begin to prepare for Exam 3.

**Module 14: Week of 11/22 – 11/28 – Thanksgiving Holiday is 11/25 and 11/26**

**Complete Exam 3 no later than Sunday midnight, 11/28.  
This exam covers Chapters 11, 12, 13, and 15.**

**Module 15: Week of 11/29 – 12/2 – Last day of class is 12/2**

**Complete and submit the final draft of the Critical Reaction Essay no later than midnight, 12/2 (Thursday).**

**Module 16: Final Exam Period – 12/6 – 12/10**

**Complete the cumulative final no later than midnight, 12/10 (Friday).**

**\*I reserve the right to make changes to this course calendar in the event of unforeseen circumstances.**