

Criminal prosecution and competencies

[Law](#), [Crime](#)



Through movies, we get the impression that police officers have all the right to arrest someone and bring him to court. But the underlying fact in this is that there are some things that must be done before a trial can be reached. For instance, an offender is arrested for committing a crime. There are steps in a criminal prosecution which leads to sentencing. During the arrest, the offender is handcuffed and taken to jail. The offender is then taken for booking wherein his photograph and fingerprints will be taken and he will be searched. A strip-search may be necessary at some point.

Then, the police will ask about the offender's personal information such as name, address, date of birth and social security number (American Hunt Saboteurs Association, n. d.). The next step would be arraignment, which signals the court appearance for a felony or misdemeanor. During this process, the charges to be filed and the penalty applicable once convicted, and the Constitutional rights are recited to the defendant (Nichols, n. d.). The offender also pleads guilty or not guilty during arraignment, after which the pretrial, readiness hearing and trial dates are set.

If the offender does not plead guilty, the next step would be the pretrial hearing. This is the time for both parties to file pretrial motions or issues. Then there would be the discovery. Discovery refers to the information needed for the parties to prepare the case. The next step is motions, wherein both parties can present testimonies or arguments. The readiness hearing will follow. This hearing is mainly held to find out if both parties are ready to proceed (City of Oak, 2003). After these steps, the trial follows.

For an offender who pleads not guilty, he will be tried and convicted by either a judge or a jury (American Hunt Saboteurs Association, n. d.). The <https://assignbuster.com/criminal-prosecution-and-competencies/>

judge or the jury decides upon the verdict. This leads to the final step, which is the sentencing. In some areas in the United States, sentencing can be delivered in an expedite manner, or the defendant can return to be sentenced. Before a judge or a jury can put down a sentence, the judge must first hear the sides of the prosecution, victims or their representatives, the defendant and the defense attorney (City of Oak, 2003).

Foundational and Decisional Competencies Foundational competencies, which are sometimes called Work Readiness Competencies, refer to competencies which serve as foundation for success whether in the workplace or school. Having foundational skills is very essential especially for workers to be able to learn new industry-specific skills. Foundational competencies are considered fundamental in occupations and industries (State of Minnesota, 2009). Foundational competencies transcend many other forms of competencies, such as ethical competencies, personal effectiveness, work place competencies and so on.

Individual and cultural diversity and professional development are also classified as foundational. Take academic competencies as example. The critical competencies that people have learned in an academic setting such as communication, reading and writing, and basic computer skills are necessary in order to succeed in one's chosen career. Academic competencies are the foundation for other competencies such as occupation and industry specific competencies. Decisional competencies, on the other hand, are categorized under workplace competencies. Possessing excellent decision-making skills is critical in both work place and school.

Decisional competencies aid an individual in functioning “ in an organizational setting” (Long Island University, n. d.). Foundational and decisional competencies can be related in criminal cases, especially ones wherein the defendant suffers from a mental disorder. Foundational competencies can include the defendant’s basic knowledge of the charges and the adversary system as a whole. They also include the ability to “ disclose relevant information to counsel. ” Decisional competencies, on the other hand, would include one’s ability to understand legal alternatives and choose among these when necessary (Skeem, et.

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