

EV01 Police Sciences
Session 05 - Criminal Justice System
LD02 - Criminal Justice System

Date Revised: 09/03/19

Course Goal: To teach recruit officers about the criminal justice system.

Learning Objective:

- Identify the freedoms and rights afforded to individuals under the U.S. Constitution, the Bill of Rights, and later amendments. [\[2.1.A\]](#)
- Identify how the U.S. Constitution amendments apply to the actions and conduct of peace officers. [\[2.1.B\]](#)
 - First Amendment [\[2.1.B.1\]](#)
 - Fourth Amendment [\[2.1.B.2\]](#)
 - Fifth Amendment [\[2.1.B.3\]](#)
 - Sixth Amendment [\[2.1.B.4\]](#)
 - Eighth Amendment [\[2.1.B.5\]](#)
 - Fourteenth Amendment [\[2.1.B.6\]](#)
- Discuss the components and primary goals of the criminal justice system [\[2.1.C\]](#)
- List the primary federal, state, and local law enforcement agencies within the criminal justice system [\[2.2.A\]](#)
- Discuss the objectives of the Judicial component of the criminal justice system [\[2.3.A\]](#)
- Discuss the organization of the California court system, including positions commonly recognized as part of the judicial system [\[2.3.B\]](#)
- Discuss the judicial process in criminal cases [\[2.3.C\]](#)
- Discuss the objectives and responsibilities of the corrections component of the criminal justice system [\[2.4.A\]](#)
- Recall the definitions of parole and probation [\[2.4.B\]](#)
- Discuss the differences between parole and probation [\[2.4.C\]](#)

Session Time: 3 Hours

Resources:

- Classroom with tables
- Overhead projector
- Computer with multimedia software and Microsoft PowerPoint
- Handout: SPICE/PePPER Chart

Session Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.

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Outline	Instructor's Notes
<p>Expectations / Learning Method / Areas of Learning</p> <p>I. Intro to the Criminal Justice System [2.1.A]</p> <p>A. Constitutionally Protected Rights</p> <ol style="list-style-type: none"> 1. U.S. Constitution [1] <ol style="list-style-type: none"> a. Written document that embodies the basic laws of a nation or state. b. U.S. and California Constitutions identify powers and duties of the government and the rights that are afforded to all individuals in our country or state. c. U.S. Constitution is highest law of the land which all public officials are bound d. Establishes the basic framework of government. 2. Branches of the government <ol style="list-style-type: none"> a. Executive, Legislative, Judicial b. Each branch is separate and has the power to restrain the other branches. 3. Bill of Rights [2] <ol style="list-style-type: none"> a. Also known as Amendments b. Ratified in 1791 c. Limit the power of federal, state, and local governments 4. Ethics <ol style="list-style-type: none"> a. The criminal justice system gives law enforcement two extraordinary powers: <ol style="list-style-type: none"> 1) Power of arrest 2) Power to use deadly force b. Authority comes from the will and consent of the people who put their trust in law enforcement to use that power with the utmost of care and restraint. 5. Procedural Justice (Voice, Respect, Neutrality, and Trustworthiness) 	<p style="text-align: center;">Review - PowerPoint Slides # 2 - 4</p> <p><u>TTS 2.1.A - 2.1.B.6 (1 hour)</u></p> <p style="text-align: center;">PowerPoint Slides # 5 - 10</p> <ul style="list-style-type: none"> • [1] Address the class or ask a recruit, "What is the U.S. Constitution and what is its function?" • Allow different answers from the class. Guide answers toward how the Constitution relates to law enforcement to cover TTS' in [2.1.A]. • Introduce that the government has power to take certain actions over individuals that is generally everyone's right. <ul style="list-style-type: none"> ○ Possible questions to transition to the Amendments / Bill of Rights <ul style="list-style-type: none"> ▪ Can law enforcement search people's pockets? Cars? Houses? ▪ Can law enforcement make groups leave areas where they are congregating? <p>[2] Run Learning Activity # 1 in conjunction with PowerPoint slides # 11 – 21.</p> <p>Note: See last page for learning activity # 1</p>

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- a. An approach to policing based on giving people the opportunity to tell their story
 - b. Remaining neutral in the decision-making and behavior, treating people with respect
 - c. Explaining actions in a way that communicates caring for people's concerns to demonstrate trustworthiness.
6. Basic rights and freedoms of the U.S. Constitution and amendments apply to all, regardless of citizenship. By abiding by the principles of procedural justice, peace officers will ensure agreement with all Constitutional Amendments.
7. Six amendments have direct impact on peace officers' actions and conduct.
- [\[2.1.B\]](#)
- a. First Amendment [\[2.1.B.1\]](#)
 - 1) Freedom of religion
 - 2) Freedom of speech
 - 3) Freedom of the press
 - 4) Freedom of assembly
 - 5) Right to petition the government for a redress of grievances
 - b. Fourth Amendment: Freedom from unreasonable searches and seizures
[\[2.1.B.2\]](#)
 - c. Fifth Amendment [\[2.1.B.3\]](#)
 - 1) Freedom from being tried twice for the same crime
 - 2) Freedom from self-incrimination
 - d. Sixth Amendment [\[2.1.B.4\]](#)
 - 1) Right to be told of charges when arrested
 - 2) Right to a speedy trial
 - 3) Right to a public trial by an impartial jury
 - 4) Right to confront witnesses

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- 5) Right to counsel
- e. Eighth Amendment [\[2.1.B.5\]](#)
 - 1) Freedom from excessive bail
 - 2) Freedom from cruel and unusual punishments
- f. Fourteenth Amendment [\[2.1.B.6\]](#)
 - 1) Basic right of a defendant in a judicial proceeding
 - 2) The requisites for trial (due process)
 - 3) Right to equal protection of the laws
- 8. First Amendment: Restrictions on Powers of Congress **[3]**
 - a. Elements
 - 1) Separation of church and state
 - 2) Government cannot endorse any religion
 - 3) All individuals must be allowed to worship, or not worship, as they choose
 - 4) All individuals have the right to freedom of expression of their ideas (i.e., freedom of speech, press, and assembly)
 - 5) Individuals who feel they have been wronged have the right to petition the government to rectify the circumstances
 - b. Provisions: The rights of free speech must be exercised reasonably. Individuals do not have the right to:
 - 1) Shout “fire!” in a crowded auditorium
 - 2) Scream or shout to the point of disturbing the peace
 - 3) Disturb an orderly assembly, a church service, or a session of the court
 - 4) Incite a riot

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- 5) Urge others to commit a crime
- 6) Accost others in a public place with language likely to produce a violent response
- 7) Falsely report the presence of an explosive device (bomb)
9. Fourth Amendment: Searches, Seizures, and Warrants
 - a. Elements
 - 1) Unreasonable searches and seizures are not allowed
 - 2) Search and arrest warrants must show probable cause and must specifically identify items or individuals to be searched or seized
 - b. Provisions
 - 1) Individuals do not have absolute right to privacy; neither does it prohibit all searches
 - 2) During arrest, officers may thoroughly search a person for weapons and/or contraband without a warrant and may seize items as evidence
 - 3) Individual's home may not be used as a place of refuge for criminals
 - 4) On fresh and immediate pursuit, officers may enter homes and force entry without a warrant to make the arrest
10. Fifth Amendment: Criminal Proceedings, Condemnation of Property
 - a. Elements
 - 1) Protection against a second prosecution after acquittal or conviction (double jeopardy)
 - 2) Protection against self-incrimination
 - 3) Due process before legal actions

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<ul style="list-style-type: none">b. Provisions<ul style="list-style-type: none">1) Individuals may not be tried for the same offense twice2) Individuals cannot be compelled to testify against themselves at a criminal case3) Individuals must be afforded due process of law before they can be deprived of life, liberty, or property11. Sixth Amendment: Mode of Trial and Criminal Proceedings<ul style="list-style-type: none">a. Elements: Individuals accused of a crime have right to<ul style="list-style-type: none">1) Speedy and public trial by a jury2) Be informed of the accusations against them3) Confront their accusers4) Subpoena witnesses for their defense5) Have legal counselb. Provisions: Any violation of the rights noted in this amendment may result in<ul style="list-style-type: none">1) Exclusion of evidence2) Dismissal of the case and/or3) Criminal liability to the officer or the officer's agency12. Eighth Amendment: Bails, Fines, and Punishments<ul style="list-style-type: none">a. Elements<ul style="list-style-type: none">1) Excessive bails and fines are not allowed2) Punishment must be reasonable based on the crimeb. Provisions<ul style="list-style-type: none">1) Defendants have a right to bail before conviction to permit the unhampered preparation of a defense2) Bail serves to prevent the	
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<p>infliction of punishment prior to conviction</p> <ol style="list-style-type: none">3) The courts have established limitations on what is acceptable punishment, thereby defining “cruel and unusual” punishment4) Punishments of torture (such as drawing and quartering, disemboweling alive, beheading, public dissecting, and burning alive) and all others in the same line of unnecessary cruelty are forbidden by this amendment <p>13. Fourteenth Amendment: Citizenship, Due Process, and Equal Protection</p> <ol style="list-style-type: none">a. Elements: No state may<ol style="list-style-type: none">1) Limit privileges or immunities of U.S. citizens2) Deny due process of the law to any person3) Deny equal protection of the law to any personb. Provisions<ol style="list-style-type: none">1) Individuals cannot be denied life, freedom, or their property without a course of legal proceedings by the government justifying the action2) Due process of the law begins at the point of the initial investigation3) States may provide further rights not defined by the U.S Constitution <p>A. Criminal Justice System [2.1.C]</p> <ol style="list-style-type: none">1. Criminal Justice System made up of three components [4]<ol style="list-style-type: none">a. Law Enforcementb. Judicial	<ul style="list-style-type: none">• [4] Ask: What are the three components of the criminal justice system?• [5] Ask: What do you think are primary goals of the criminal justice system?
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<ul style="list-style-type: none">c. Corrections2. Seven Primary Goals [5]<ul style="list-style-type: none">a. Guarantee Due Processb. Prevent Crimec. Protect Life and Propertyd. Uphold and enforce the lawe. Dispense Equal Justicef. Apprehend Offendersg. Assure Victim's RightsII. Law Enforcement Agencies [2.2.A]<ul style="list-style-type: none">A. Federal<ul style="list-style-type: none">1. U. S. Department of Homeland Security2. Federal Bureau of Investigation (FBI)3. Drug Enforcement Administration (DEA)4. U. S. Marshal Service5. Immigration and Customs Enforcement (ICE)6. Alcohol, Tobacco, and Firearms Division (ATF)7. Secret Service (SS)8. U.S. Postal Inspectors (USPS)9. Armed Forces PoliceB. State<ul style="list-style-type: none">1. Youth and Adult Correctional Agency2. California Highway Patrol (CHP)3. Department of Alcoholic Beverage Control (ABC)4. Department of Fish and Game (F&G)5. Department of Forestry and Fire Protection (DOF)6. Department of Justice (DOJ)7. Department of Insurance (DOI)8. Department of Motor Vehicles (DMV)9. Department of Parks and Recreation (DPR)10. Franchise Tax Board (FTB)11. Office of State Fire Marshal (SFM)12. University/College Police Departments13. Department of Health Services (CDHS)C. Local<ul style="list-style-type: none">1. Airport Police	<p><u>TTS [2.2.A]</u></p> <p>Run Learning Activity # 2 in conjunction with PowerPoint slides # 22 – 45.</p> <p>Note: See last page for learning activity # 2</p>
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<ul style="list-style-type: none">2. County Marshals3. Housing Police4. Municipal Police5. School District Police6. Sheriffs' Departments7. Transportation Police8. Port Authority Police <p>III. Judicial System</p> <ul style="list-style-type: none">A. Objectives [2.3.A]<ul style="list-style-type: none">1. Providing due process of the law2. Rendering fair judgments3. Dispensing just punishment4. Assuring victim's rightsB. California Court System Organization [2.3.B]<ul style="list-style-type: none">14. Lower<ul style="list-style-type: none">a. Trial Courtsb. Receive evidence and consider cases involving criminal activity or civil disputes15. Higher<ul style="list-style-type: none">a. Appellate Courtsb. Hear appeals from lower trial courts16. Positions and Responsibilities<ul style="list-style-type: none">a. Judges- Administer justice in a fair and impartial manner by applying the facts of the lawb. Prosecuting Attorneys<ul style="list-style-type: none">1) Prosecutes individuals accused of criminal activities2) Protects public rights and privilegesc. Defense Attorneys<ul style="list-style-type: none">1) Defends the accused2) Defends the rights and privileges of citizensB. Judicial Process in Criminal Cases [2.3.C]<ul style="list-style-type: none">1. Arrest: Taking a person into custody in a case in the manner authorized by law2. Arraignment: The legal procedure where the court informs defendants of<ul style="list-style-type: none">a. The nature of the charges against	
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<p>them</p> <ul style="list-style-type: none">b. Their eligibility for bailc. Their constitutional rights to<ul style="list-style-type: none">1) Counsel at all stages of the judicial process2) Plead guilty or not guilty to the charges, and3) A trial by court or by a jury <p>3. Right to Bail- A defendant's constitutional right to reasonable bail to permit the unhampered preparation of a defense before trial</p> <p>4. Bail- A security deposited with a competent court or magistrate to ensure that the accused person will appear for trial when summoned</p> <p>5. Preliminary Hearing- A screening procedure used in felony cases to determine if there is enough evidence to hold a defendant for trial</p> <p>6. Indictment</p> <ul style="list-style-type: none">a. An accusation in writing formally charging a person with a crime or public offenseb. Many states, including California, also use the grand jury indictment process to bring serious felony criminal cases to trial<ul style="list-style-type: none">1) Grand jury's responsibility to determine if there is sufficient cause to believe that a person has committed a crime and should be made to stand trial2) Grand jury indictment is filed with the superior court by the district attorney. The court then issues a warrant and the offender is arrested. The defendant is then held for arraignment in superior court <p>7. Trial- A formal, judicial examination and</p>	
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<p>determination of issues (law or fact) between parties</p> <ol style="list-style-type: none">8. Sentencing- A judgment that is formally pronounced by the court upon the defendant after conviction in a criminal prosecution9. Grand Jury- A body of a set number of citizens from within a county<ol style="list-style-type: none">a. Sworn to receive complaints and accusations in criminal casesb. Responsible for determining if there is sufficient cause to believe that an individual has committed a crime and should be made to stand trial <p>II. Corrections, Parole, and Probation</p> <p>A. Corrections</p> <ol style="list-style-type: none">1. Objectives [2.4.A]<ol style="list-style-type: none">a. Confining prisonersb. Rehabilitating prisonersc. Supervising parolees and probationers in the communityd. Assuring victim's rights2. The California Department of Corrections and Rehabilitation (CDCR) of the State of California is responsible for the oversight of both major components of the state's correctional system for convicted felons:<ol style="list-style-type: none">a. Responsible for the incarceration of convicted adults (generally 18 years or older)b. The Board of Prison Terms (BOPT) is responsible for the administration of parole conditions of prisoners (18 years or older) released from CDC institutionsc. The CDCR is responsible for the incarceration of convicted youthful offenders (generally ages 13 years to 25 years of age)d. The Youthful Offender Parole Board	
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(YOPB) is responsible for the administration of parole conditions of wards (13 years to 25 years of age) released from the custody of CDCR - Juvenile Division

B. Parole and Probation [2.4.B]

1. Parole

- a. A conditional release from a state prison which allows an individual to serve the remainder of a sentence.
- b. Imposed by an administrative board at a parole hearing dependent upon:
 - 1) Statutory requirements
 - 2) Type of sentence being served
 - 3) Institutional recommendations
- c. Revocable by parole agent or administrative board review

2. Probation

- a. The suspension of the imposition or execution of a sentence and the order (by the court) of conditional and revocable release in(to) the community PC1203
- b. A sentencing option for an individual convicted of a criminal offense
- c. Imposed at the court's discretion in the county where the offense occurred
- d. Revocable by probation officer recommendation or court enactment

3. Conditions [2.4.C]

- a. Parolees must
 - 1) Comply with all instructions of their parole officers
 - 2) Not travel more than 50 miles from their residence without prior approval from their parole officers

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- 3) Not be absent from their county of residence for more than 48 hours or leave the State of California without prior written approval from their parole officers
 - 4) Inform their parole officers within 72 hours of any change of employment, employment location, or termination of employment
 - 5) Not engage in conduct prohibited by law; must inform their parole officers if they are arrested for a felony or misdemeanor crime
 - 6) Not own, use, have access to, or have under their control any:
 - a) Firearm, ammunition, or items listed in PC section of weapons
 - b) Knife with a blade longer than two inches
 - 7) The officer must know about the parole conditions before the search.
 - 8) An officer may conduct a parole search without reasonable suspicion but cannot conduct a parole search for arbitrary, capricious or harassment reasons
- b. Probationers are commonly required to
- 1) Comply with all instructions of and maintain contact with their probation officer
 - 2) Not use alcohol or other intoxicants
 - 3) Not associate with certain specified individuals

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<ul style="list-style-type: none">4) Not possess firearms or other weaponsc. Probationers may be required to<ul style="list-style-type: none">1) Serve time in jail as an alternative to prison2) Pay a fine3) Make restitution4) Secure a bond5) Participate on work projects6) Submit to drug testingSubmit to warrantless searches at any time without reasonable suspicion of criminal activity on the part of the probationer	
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Learning Activity # 1

- Utilize PowerPoint Slides # 11 – 21
- Divide the class into learning teams of 6 to 8 recruits
- **Assign** each learning team an amendment
- Have each group **research** their amendment through the LD's
- Have each group **present** their findings on their assigned amendment

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Learning Activity # 2

Purpose: To give the students an understanding of the judicial system and how it relates to law enforcement. Utilize the CAPRA model.

Description: Provide the following scenario to the class or the instructor can develop their own scenario: (PowerPoint slides # 22 – 23)

Officers responded to a radio call of a kidnap in progress. The victim, a 12 year old boy, was riding his bike when a 45 year old male (suspect), grabbed him and attempted to push him into his vehicle. When the boy screamed, witnesses came to his aid and scared off the male suspect.

Officers conducted a search of the area and observed the suspect attempting to drive out of the area. The officers stopped the vehicle and detained the suspect. During a field show up, the victim and witnesses positively identified the suspect as the person who attempted to kidnap the victim.

A criminal history check of the suspect revealed that he was a sex registrant who had a history of lewd and lascivious acts against children. The suspect was subsequently arrested for attempted kidnapping.

1. The below instructions will allow the instructor to take the suspect through the criminal justice system from the time of arrest until the interest of justice has been served.
2. Due to time constraints, do not assign the categories to the different learning teams. Instead, the instructor will lead a facilitated discussion coupled with PowerPoint slides and discuss:
 - a. Victim(s)
 - b. Defendant(s)
 - c. Law Enforcement / Jail
 - d. Court System
 - 1) Judicial system objectives
 - 2) California Court System
 - 3) Federal Court System
 - e. Judicial Process
 - f. District Attorney
 - g. Judge / Bailiff
 - h. Jury
 - i. Corrections (Corrections objectives)
 - j. Parole and Probation
3. **Ask / Identify** who is the victim and defendant / suspect based on the story. (PPS 23)
4. Suspects can be arrested by a number of law enforcement agencies. **Ask** what are different departments for local, state, and federal agencies. [2.2.A] (PPS 28)
5. After arrest, suspects are brought to city jails, to await court. (PPS 29)

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6. **Ask** What do you think are the goals of the criminal justice system? Allow recruits to provide answers and fill in any remaining answers in TTS [2.3.A].
7. **Explain** how the suspect will go through the California court system with the aid of (PPS 30 – 34). [TTS 2.3.B]
8. **Explain** how the suspect could go through the criminal judicial process with the aid of (PPS 35 - 40). [TTS 2.3.C]
9. After the suspect goes through the criminal judicial system, they are found guilty or not guilty. If guilty, they go to corrections.
10. **Ask** What are objectives of corrections? [TTS 2.4.A]
11. **Explain** probation and parole as well as the difference between the two. [TTS 2.4.A & 2.4.B] (PPS 41 - 42)
 - a. **Pass out** SPICE/PePPER chart and explain search/seizure with parole/probation
 - b. Recognize the scope and necessary conditions for Probation/Parole searches
 - 1) Legal search anytime
 - 2) Notification issues with respect to probation and parole searches:
 - a) Probation: notification required if the search conditions do not specifically authorize a search by any law enforcement officer or any peace officer. Notification is still required if the search condition states “upon request or whenever requested.”
 - b) Parole: notification is requested by the CDC but is not legally required prior to a police search.
 - c. Tie in / remind of constitutional requirements while dealing with search/seizure

Resources needed:

- Classroom
- Projector
- PowerPoint Presentation

Handouts:

- SPICE & PePPER Chart

Time required: 1 Hour, 15 Minutes