

140612

BASIC COURSE UNIT GUIDE

KD 2

CRIMINAL JUSTICE SYSTEM

This unit guide covers the following performance objectives contained in *Performance Objectives for the POST Basic Course*:

1.7.1	1.10.2
1.7.2	1.10.5
1.8.1	1.10.7
1.9.1	3.37.1
1.9.2	

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THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

This unit of instruction is designed as a *guideline* for performance objective-based law enforcement basic training. It is part of the POST Basic Course guidelines system developed by California law enforcement trainers and criminal justice educators for the California Commission on Peace Officer Standards and Training.

This guide is designed to assist the instructor in developing an appropriate lesson plan to cover the performance objectives which are required as minimum content of the Basic Course.

140612

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UNIT GUIDE 2

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PERFORMANCE OBJECTIVE 1.7.1

Given one of the components of the criminal justice system (i.e., law enforcement, corrections or the courts), the student will identify which of the following positions belong to that component.

- A. Judge
- B. Prosecuting Attorney
- C. Defense Attorney
- D. Probation Officer
- E. Parole Officer
- F. Correctional Officer
- G. Police Officer
- H. Deputy Sheriff
- I. Office of Victim/Witness Services Personnel
- J. State Traffic Officer

CURRICULUM

A. Introduction

1. The criminal justice system consists of three components--law enforcement, judiciary, and corrections. Each component is made up of a number of occupational positions with recognized goals. If the criminal justice system is to meet its goals, however, it must function as a system rather than as a collection of independent organizations.

B. Components

1. Law Enforcement
 - a. Police
 - b. Sheriff
 - c. State Police
 - d. California Highway Patrol
 - e. Marshal
 - f. District Attorney
 - g. Victim/Witness Services
2. Judicial
 - a. Trial Courts
 - b. Appellate Courts

- c. Public Defender
- d. Victim/Witness Services

3. Corrections

- a. California Adult Authority
- b. County Probation Department
- c. Department of Corrections
- d. California Youth Authority
- e. Victim/Witness Services

PERFORMANCE OBJECTIVE 1.7.2

Given a direct question, the student will identify the following major goals of the criminal justice system:

- A. Guaranteeing due process
- B. Crime prevention
- C. Protection of life and property
- D. Apprehension of offenders
- E. Enforcement of law
- F. Equal Justice
- G. Assure victim's rights

CURRICULUM

A. Major Goals of the Criminal Justice System

Ideally, each of the following goals should be considered equally; yet in reality, a particular goal may be considered more important by one component or by an individual at a certain point within the system.

- 1. Guaranteeing due process
- 2. Preventing crime
- 3. Protecting life and property
- 4. Upholding and enforcing the law
- 5. Dispensing equal justice
- 6. Apprehending offenders
- 7. Assuring victim's rights

B. The components of the Criminal Justice System emphasize individual goals in relation to each one's place within the system and in conjunction with functional responsibilities.

- 1. Law enforcement
 - a. Protect life and property
 - b. Prevent crime
 - c. Maintain order
 - d. Arrest violators
 - e. Assure victim's rights

2. Judicial

- a. Provide due process of law
- b. Render fair judgment
- c. Mete out just punishment
- d. Assure victim's rights

3. Corrections

- a. Rehabilitation
- b. Confinement
- c. Supervision of parolees/probationers in the community.
- d. Assure victim's rights

PERFORMANCE OBJECTIVE 1.8.1

Given a direct question, the student will identify the primary law enforcement functions of the following federal and state agencies.

- A. California Highway Patrol (CHP)
- B. Department of Motor Vehicles (DMV)
- C. California Department of Justice, Division of Law Enforcement
- D. Federal Bureau of Investigation (FBI)
- E. Postal Service
- F. Drug Enforcement Administration (DEA)
- G. Secret Service
- H. Immigration Service
- I. Alcohol, Tobacco, and Firearms Division of Treasury Department
- J. Military Police
- K. U.S. Marshal Office

CURRICULUM

A. Introduction

1. Law enforcement is not the function of police and sheriff's agencies alone; a great number of other agencies have law enforcement responsibilities.
2. The complexity of the total law enforcement system and the importance and dignity of being a part of that system is important for you to know. The data herein will serve as an introduction.

B. California Highway Patrol (CHP)

1. Primary purpose is to provide for the safety of motorists on the highways of California.
2. The highway patrol has principal enforcement jurisdiction on the highways in unincorporated areas.
3. May maintain traffic safety section to coordinate traffic safety education programs throughout the state.
4. Aid local agencies in training traffic personnel.
5. Also involved with:
 - a. Accident investigation
 - b. Commercial enforcement
 - c. Commercial scales

- d. School bus inspection
 - e. School bus investigations
 - f. Licensing of smog, light, and brake stations
6. The California Highway Patrol also aids local agencies in relation to criminal activity by apprehending suspects, providing field support when needed, establishing road blocks, etc.
- C. California Department of Motor Vehicles (DMV)
- 1. The DMV is a service agency that performs three major functions:
 - a. Registration of motor vehicles
 - (1) Collection of fees
 - (2) Maintaining registration records
 - b. Testing and licensing of drivers
 - (1) Collect fees
 - (2) Maintain Department Drivers License files (DDL)
 - c. Administration of financial responsibility laws (consumer protection)
 - 2. DMV Investigators investigate:
 - a. Fraudulent documents
 - b. Unlawful ownership transfer
 - c. Altered license plates
 - d. Forged or counterfeit vehicle registration or driver's license.
 - e. Licensing of auto dealers and dismantlers
 - f. Investigation of applicants for auto salesman license
- D. Justice Department
- 1. Attorney General
 - a. Principal law enforcement officer in the state
 - b. Represents State in any civil or criminal action
 - c. Chief ministerial officer of the state court system
 - d. Chief administrative officer of the State Department of Justice

- e. Legal advisor to state agencies
- 2. Bureau of Criminal Identifications (B of I) (Commonly known as CII)
 - a. State repository for fingerprints
 - b. Assigns identification number to every person arrested in state
 - c. Provides lab and criminalistics aid for small departments
 - d. Provides investigative assistance when asked
 - e. Investigates narcotic violations
- 3. Commission on Peace Officer Standards and Training
 - a. Establishes minimum selection and training standards for police candidates in California
 - b. Operates a professional certificate program
 - c. Provides a management counseling service
 - d. Finances police training reimbursement from criminal and traffic fine assessments
- E. Federal Bureau of Investigation (FBI), U. S. Department of Justice
 - 1. Primary investigative agency of the federal government.
 - a. Not a police agency
 - b. An investigative body, assigned to investigate violation of federal laws
 - 2. Investigates violations such as:
 - a. Espionage Laws,
 - b. Sabotage and Internal Security Laws,
 - c. Subversive activities,
 - d. Other federal violations not assigned specifically to another agency,
 - e. Interstate flight to avoid prosecution.
- F. Post Office Department
 - 1. Postal Inspection Service enforces postal laws and regulations
 - a. Including:
 - (1) Schemes to defraud by mail

- (2) Flow of mail
- (3) Burglary and crimes in postal facilities
- (4) Lotteries
- (5) Obscene material sent through the mail
- (6) Extortion through the mail

G. Drug Enforcement Agency, (DEA) a branch of the F.B.I.

- 1. Jurisdiction over dangerous drugs, narcotics and marijuana laws
 - a. Except issuance of tax stamps to doctors - Treasury Department
 - b. Federal agency

H. Secret Service, U. S. Treasury Department

- 1. Protects
 - a. The President and former presidents of the United States
 - b. Vice-President of the United States
 - c. Their families
 - d. President-elect
 - e. Declared presidential candidates
 - f. Declared vice-presidential candidates
- 2. Guards and protects more than 130 foreign embassies in Washington, D.C.
- 3. Protects visiting heads of state
- 4. Investigates violation of counterfeiting laws
- 5. Investigates theft, forgery or alteration of government checks

I. Immigration and Naturalization Service, U. S. Department of Justice

- 1. Border Patrol
 - a. Enforce immigration and naturalization laws
 - b. Patrol borders to prevent illegal entrance of aliens into U. S.

J. Alcohol, Tobacco and Firearms Division (ATF), U. S. Treasury Department

- 1. Federal alcohol and tax laws

2. Federal firearms laws
3. Federal gun control laws
4. Import laws

K. Armed Forces Police

1. Department of the Army
 - a. Criminal Investigation Division (CID)
 - b. Military Police Corps (MPC)
2. Navy Department (Including Marine Corps)
 - a. Naval Investigative Service (NIS)
 - b. Shore Patrol (SP)
3. Air Force Department
 - a. Office of Special Investigations (OSI)
 - b. Air Police
4. Each has its own intelligence and investigative agencies
 - a. All agencies are part of the Department of Defense
 - b. Each must adhere to a specific area of jurisdiction. Thus, they must cooperate with appropriate local agencies.

L. U. S. Marshal

1. Duties:
 - a. Transport and guard federal prisoners
 - b. Serve federal warrants of arrest
 - c. Serve federal civil processes
 - d. Provide protection in civil rights matters

M. Appropriate Federal, State, and Local Agencies

The instructor must develop this to fit specific local situations. Examples:

1. Park and recreation rangers
2. Constables
3. City and county marshals

4. School enforcement patrol
5. Traffic enforcement patrol
6. Building police or city or county guards
7. Police station guards
8. U.S. Coast Guard
9. State University/College Police
10. Department of Forestry
11. State Fish and Game wardens

PERFORMANCE OBJECTIVE 1.9.1

Given a direct question, the student will identify the primary responsibilities of the following California courts as they relate to criminal cases: (7-1-92)

A. Trial Courts

1. The **justice courts** have original trial jurisdiction over misdemeanors and infractions. They conduct arraignments and preliminary hearings in felony cases, and they serve judicial districts of less than 40,000 people
2. The **municipal courts** also have original trial jurisdiction over misdemeanors and infractions, and they conduct arraignments and preliminary hearings in felony cases. However, municipal courts serve judicial districts of 40,000 people or more
3. The **superior courts** have unlimited trial jurisdiction over all cases except those assigned by statute to the municipal and justice courts. They try all felony cases, have exclusive jurisdiction over juvenile delinquency and child neglect cases, and hear appeals from the justice and municipal courts. There is a superior court in each of California's 58 counties

B. Appellate Courts

1. The **courts of appeal** have appellate jurisdiction over all cases appealed from the superior courts except in death penalty cases
2. The **State Supreme court** has statewide appellate authority. It has discretionary appellate jurisdiction to hear cases pending or decided by the courts of appeal and must hear direct appeals from the superior courts in death penalty cases. They must also resolve conflicting opinions between courts of appeal. Death penalty appeals to the supreme court are called "automatic" appeals

CURRICULUM

A. Introduction

The U. S. Constitution states: The judicial power of the U. S. shall be vested in one Supreme Court and such inferior courts as the Congress may deem necessary. California judicial structure includes the State Supreme Court, District Court of Appeals, Superior Court, Municipal Court, and Justice Courts. The purpose of the court system is to insure rights of individuals, protect society and settle disputes.

B. Justice Courts

1. Exist in judicial districts of less than 40,000 population.
2. Jurisdiction of minor civil cases, low-grade misdemeanors.
(CUE: Handout)
3. Judges are elected, vacancies filled by appointment by Board of Supervisors

C. Municipal Court

1. Each county is divided into judicial districts by Board of Supervisors
2. Population of 40,000 or more
3. Jurisdiction in certain civil cases and misdemeanors.
4. Judges are elected, vacancies filled by appointment by the Governor

D. Superior Court

1. Authorized by State Constitution
2. General trial court of unlimited jurisdiction
 - a. All cases tried in this court except those which the Legislature says must be tried in the Municipal or Justice Courts
3. Acts as an Appellate Court on decisions of Municipal and Justice Courts
4. Jurisdiction over juveniles
(CUE: Covered in greater detail in 3.41.0)

E. District Courts of Appeal

1. Authorized by State Constitution
2. Designed to relieve the Supreme Court of heavy case load of appellate litigation
3. Jurisdiction
 - a. All appeals from the Superior Court with the exception of cases where the death penalty has been assessed.

F. California Supreme Court

1. Authorized by State Constitution
2. Composition - one Chief Justice and six Associate Justices
 - a. Vacancies filled by executive appointment subject to confirmation by Commission on Qualifications.
3. Duties and Jurisdiction
 - a. Jurisdiction includes appeals in cases of equity, cases involving titles to or possession of real estate, taxation and probate matters and death penalty cases.
 - b. May transfer appeals from District Courts of Appeal to itself
 - c. Automatically accept appeals on death sentence cases

G. Trial Courts for Misdemeanor Crimes

- 1. Misdemeanor crimes assigned to Municipal Court**
- 2. Felony crimes assigned to Supreme Court**

PERFORMANCE OBJECTIVE 1.9.2

Given a definition of one of the following terms, the student will identify the term which matches the definition. (7-1-92)

- A. **Arraignment:** A legal procedure whereby a court informs defendants of the charges against them, ascertains whether defendants are the persons wanted, advises defendants of their legal rights, and asks for their pleas
- B. **Bail:** A security deposited with a competent court or magistrate that assures that the accused will appear for trial when summoned
- C. **Indictment:** A formal charge of a crime based on legal testimony of witnesses and the concurring judgment of the grand jury. If approved by the grand jury, it is presented to the court as a "true bill"
- D. **Preliminary hearing:** The hearing by a judge to determine whether a person charged with a crime should be bound over for trial
- E. **Trial:** A judicial examination and determination of the issues between the parties to an action, whether they be issues of law or of fact

CURRICULUM

A. Bail

Bail is security given by or for a person charged by complaint, indictment, information or other proceeding.

It is a guarantee for his/her appearance in a specified court. At the court's discretion, bail may be increased or denied to ensure the safety of victims or witnesses.

1. Before conviction, if the offense is bailable, the defendant may be admitted to bail.
 - a. For his appearance before the magistrate, on the examination of the charge, before being held to answer.
(CUE: Discuss "Concept of Plea Bargaining")
 - b. To appear at the court to which the magistrate is required to return the depositions and statement upon the defendant being held to answer after examination.
 - c. After indictment, either before the bench warrant is issued for his arrest, or upon any order of the court committing him, or enlarging the amount of bail, or upon his being surrendered by his bail to answer the indictment in the court in which it is found, or to which it may be transferred for trial.
2. After conviction, and upon an appeal

- a. If the appeal is from a judgment imposing a fine only, on the undertaking of bail that he will pay the same, or such part of it as the appellate court may direct, if the judgment is affirmed or modified, or the appeal is dismissed.
- b. If judgment of imprisonment has been given, that he will surrender himself in execution of the judgment, upon its being affirmed or modified, or upon the appeal being dismissed, or that, in case the judgment be reversed, and that the cause be remanded for a new trial, that he will appear in the court to which said cause may be remanded, and submit himself to the orders and process thereof.

3. Bail

- a. Fixed by court at arraignment
- b. Jail uses uniform bail schedule - can call Judge for increase or reduction
- c. Own Recognizance (O.R.)
 - (1) Judges call
 - (2) Citation
 - (3) O. R. at arraignment

4. Right to Bail

- a. Bail must be reasonable. All defendants have a right to be released on bail, (P.C. 1270 excepted).
- b. 1270 P.C. states that defendant charged cannot be released if crime is punishable by death, when the proof of his guilt is evident or the presumption thereof great.
- c. 1275 P.C. - matters to be considered in fixing the amount are:
 - seriousness of offense charged, previous criminal record, and probability of his/her appearing at the trial or hearing.

B. Arraignment

Before trial, the defendant is brought to Municipal Court and advised of the nature of the charges against him, his right to counsel at all stages of the proceedings, his right to a trial by the Court or by a jury and his right to plead guilty or not guilty to the charges.

- 1. If the defendant is not mentally capable of entering a plea due to being intoxicated, under the influence of a drug, because of hysteria, etc., the judge may set the arraignment over 24 hours.
 - a. If the defendant is still not capable of entering a plea and understanding his legal rights, the judge may at his option enter an automatic not guilty plea, set a jury trial and appoint counsel for the defendant.

2. The defendant may be represented by counsel at a misdemeanor arraignment and may have a plea entered in absentia. (NOT FELONIES)
3. When possible, conducted by the judge who issued the warrant.
4. Sometimes arraigned out of court such as a hospital, jail, or other place when necessary due to condition of the defendant.
5. If the defendant pleads "guilty":
 - a. Judge asks prosecutor to advise defendant of the aggravation of the case. Office's arrest report is basis of what prosecutor reports.
 - b. If report is not clear, judge may set case over 24 hours and subpoena the officer to testify in person.
6. If the defendant pleads "not guilty":
 - a. Trial date is set by the Court and subpoenas are issued to the officer(s) and all witnesses.
 - b. Asks defendant whether he/she desires a jury trial.
 - c. Informs defendant of pertinent constitutional rights.
7. After arraignment the defendant, if non-bailable, is confined in the county jail pending the preliminary hearing.
 - a. Taken to the county jail in custody of the sheriff on a court order. Order called a "commitment." Custody of prisoner transfers from the chief of police (city jail) to the sheriff (county jail).

C. The Preliminary Hearing

1. Purpose of the preliminary hearing
 - a. A device for screening cases before they go to trial in Superior Court. Its purpose is to determine if there is reasonable ground to believe
 - (1) A crime has been committed
 - (2) The defendant appears to be guilty thereof.
2. Where preliminary hearings are held
 - a. Municipal Courts
 - b. May be assigned to any of the Municipal Courts by the presiding judge of the Municipal Courts.
3. Waiving right to preliminary hearing

- a. If the defendant is represented by an attorney, he/she may enter a plea of guilty and have the case bound over to Superior Court for sentencing.
4. The evidence at the preliminary hearing must be enough to determine "sufficient cause"
 - a. If the judge hearing the case finds there is sufficient cause to believe the crime to have been committed and the defendant guilty thereof, the case is "bound over" to Superior Court for trial.
 - b. Defendant is recommended to the custody of the sheriff or released on bail.
5. Preparing the "information"
 - a. If the defendant is "bound over" to Superior Court, the District Attorney's office files an information in Superior Court. This is very similar to the Complaint filed in Municipal Court and sets forth the allegations of the charge.

D. Trial Hearing

1. Not guilty plea
 - a. Sets stage for trial
 - b. Must be within 60 days of arraignment
 - (1) Defense can consent to later date
 - (2) With good cause, can extend without consent of defense

E. Sentencing

1. Within 21 days
 - a. Can be waived
2. State prison
3. County jail
 - a. Reduced to misdemeanor
 - b. Probation terms

F. The Indictment Procedure

1. Indictment defined
 - a. An accusation in writing, presented by the Grand Jury to a competent court, charging a person with a public offense.

2. Formation of a Grand Jury

- a. Under California law, it is composed of 19 persons selected from within the county. They may inquire into all public offenses committed or triable within the county and present them to the court by indictment.
- b. Also have power to investigate.

3. Examination of witnesses by Grand Jury

- a. Examination is held in private sessions. They may seek the advice of a Superior Court at any time.

4. Voting on the indictment

- a. Requires twelve votes out of nineteen.
- b. Court trial jury requires unanimous vote.

5. Filing indictment

- a. Indictment is filed in Superior Court by the District Attorney.
- b. Superior Court Judge issues warrant of arrest and it is delivered to the law enforcement agency involved in the case.
- c. Defendant is arrested and arraigned in Superior Court on the charge.

6. When an information or indictment is filed in Superior Court, the trial may proceed

- a. Superior Court is the trial court for all felony cases. (Unless they are federal cases.)
- b. Has appellate jurisdiction over Municipal Courts.
- c. Next state court above the Superior Court is the Appellate Court, then the Supreme Court of California and then the Supreme Court of the United States.
- d. All death sentences imposed by the Superior Court receive an automatic appeal in Supreme Court of California where they are reviewed and either affirmed or reversed.

G. Appeals Process

1. Types of Writs

- a. Mandamus

The name of a writ which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial

officer, or to an inferior court, commending the performance of a particular act therein specified, and belonging to his/her public, official, or ministerial duty, or directing the restoration of the complainant to rights and privileges of which he has been illegally deprived. (65 L.R.A. 92).

The writ of mandamus is either preemptory or alternative, accordingly, as it requires the defendant absolutely to obey its behest, or gives him an opportunity to show cause to the contrary. It is the usual practice to issue the alternative writ. This commands the defendant to do the particular act, or else to appear and show cause against it at a time and day named. If he neglects to obey the writ, and either makes default in his appearance or fails to show good cause against the application, the preemptory mandamus issues, which commands him absolutely and without qualification to do the act.

b. Mandate

A term which, it is said, is employed in statutes in the well recognized sense in which it has been understood at common law. It has been described as a writ issued out of a higher court to compel a lower court to perform any duty imposed on it by law, hence somewhat similar to mandamus.

c. Certiorari

A writ issued by a higher court directing an inferior court to send up to the former some pending proceeding, or all the records and proceedings in a cause before verdict, with its certificate to the correctness and completeness of the record, for review or trial (Black's Law Dictionary).

d. Error

A writ issued from a court of appellate jurisdiction, directed to the judge or judges of a court of record, requiring them to remit to the appellate court the record of an action before them in which a final judgment has been entered, in order that examination may be made of certain errors alleged to have been committed, and that the judgment may be reversed, corrected or affirmed, as the case may require (110 N.E. 821-823).

e. Prohibition

In practice, the name of a writ issued by a superior court, directed to the judge and parties of a suit in an inferior court, commanding them to cease from the prosecution of the same, upon a suggestion that the cause originally, or some collateral matter arising therein, does not belong to that jurisdiction, but to the cognizance of some other court (262 S.W. 215-20).

f. Audita Querela

A remedial writ which sets aside execution of the judgment because of some injustice performed by the party obtaining same and which could not be pleaded at the time of the trial. An arrest of judgment.

g. Coram Nobis or Vobis

The purpose of which is to correct a judgment in the court in which it was rendered. Issued to correct errors of fact only.

h. Probable Cause

A writ in criminal prosecution operates as an order to stay execution pending an appeal.

H. California Department of Corrections (C.D.C.)

1. Brief history of corrections in California
2. Goals
3. General operations
 - a. Institution
 - b. Parole
 - c. Community service
4. Types and locations of C.D.C.
 - a. Medical
 - (1) Northern reception center - Vacaville
 - (2) Southern reception center - Chino
 - b. Adult male (11 Institutions)
 - (1) Maximum
 - (2) Medium
 - (3) Minimum
 - c. Adult female - Frontera
 - d. Narcotic (CRC) - Corona
 - e. California Correctional Center - Susanville
 - f. Sierra Conservation Center
 - (1) 19 Conservation Camps

5. Correctional system functions

a. Intake

(1) Diagnostic testing

(2) Placement

(3) Recommendation to court - 90 day observation

b. Custody

c. Security

d. Rehabilitation

PERFORMANCE OBJECTIVE 1.10.2

Given a direct question, the student will identify the following general conditions of parole imposed by the State of California. (7-1-92)

- A. A parolee or his/her residence may be searched without a warrant by: (1) an agent of the Department of Corrections, (2) a law enforcement officer who obtains prior authorization from an agent of the Department of Corrections, or (3) a law enforcement officer who has "reasonable suspicion" to believe that the parolee has engaged in criminal activity
- B. A parolee must notify his/her parole officer: (1) before changing his/her place of residence, and (2) within 72 hours of any change in employment
- C. A parolee will not own, use, have access to, or control a firearm, ammunition, knife, weapon, or facsimile thereof (except kitchen knives, at the parolee's residence, and knives related to the parolee's employment while at work or traveling to and from work)
- D. A parolee's parole may be revoked for engaging in any conduct prohibited by law (even without a conviction) or for violating any of the conditions of parole

CURRICULUM

- A. California Board of Prison Terms Responsibilities, Organization, Functions, and Social Impact

- 1. Parole Process

- a. Determinant sentence

The parole process is post-prison and, therefore, an extension of prison incarceration

- b. Eligibility

- (1) Statutory requirements
- (2) Type of sentence
- (3) Institutional recommendations
- (4) Board of Prison Term policy
(CUE: Ask students to define parole)

- c. Types of Parole

- (1) Agreement by inmate
- (2) Special conditions related to offense
- (3) Actual document signed

- a) copy given to parolee
- d. Impossible to realistically expect complete obedience.

PERFORMANCE OBJECTIVE 1.10.5

Given a direct question, the student will identify the following general conditions of probation which are commonly imposed. (7-1-92)

- A. A probationer will not use alcohol or other intoxicants
- B. A probationer will not associate with "undesirables"
- C. A probationer will not possess firearms or other weapons
- D. A probationer will maintain contact with his/her probation officer
- E. A probationer may be subject to court imposed search conditions

CURRICULUM

A. Adult Probations

1. County function
2. Referral generally made after conviction or guilty plea.
3. Most of adult probation law is found in the Penal Code, specifically section 1203 and subsections as follows:
 - a. 1203 (a) - Probation -- the suspension of the imposition or execution of sentence and the order of conditional and revocable release in the community.
 - b. 1203 (b) - Mandatory for court to refer felony convictions to probation to determine who is eligible for probation.
 - c. 1203 (c) - Requires probation officer to discuss report with defendant.
 - d. 1203 (d) - Misdemeanor referral at court's discretion.
 - e. 1203 (e) - Cases not eligible for probation may be referred to probation at court's discretion.
 - f. 1203.06 - Probation prohibited in certain cases.
4. Final decision as to granting probation remains with the judge.
5. Pre-sentencing Report - 1203.10 P.C. - On cases referred, the probation officer inquires into background, character, family, offense and makes a recommendation to the referring court.
6. Pre-plea Report - 131.3 & 131.5 - Code of Civil Procedure. The court at its discretion can make a referral to probation prior to conviction.
7. 1203.1 P.C. - Condition of Probation
 - a. Felony - cannot exceed maximum prison term if sent to prison.

- b. Misdemeanor - Cannot exceed three years.
 - c. Conditions - Reasonable, proper and fitting so that justice may be done and rehabilitation of the offender achieved.
 - (1) Jail as a condition of probation
 - (2) Fine
 - (3) Restitution
 - (4) Bond
 - (5) Work projects
 - (6) Drug testing
 - (7) Search clause
 - (8) Report to probation officer and follow directions given.
 - d. Special types of probations - Division - 2000 P.C. Special Drug Programs, Alcohol Division, Special domestic violence cases.
8. Probation is not an absolute right to which a convicted person is entitled, but an act of grace and clemency on the part of the court; it exists by reason of statutes creating it.
- a. People vs. Cortez 1962
 - b. People vs. Matranga 1969
9. Probation is granted in lieu of execution of sentence or imposition of sentence. Exception: State prison commitment suspended cases for felonies. People vs. Jordan 1964.
- D. Juvenile Probation
- 1. Governed by Welfare and Institutions Code
 - 2. Juvenile court - superior court jurisdiction
 - a. Original jurisdiction to 18 years old
 - b. Continued jurisdiction to 21 - 23 years old
 - 3. Involves intake process
 - a. Stresses the discretionary decision-making concept.
 - b. Probation uses both subjective and objective material.
 - c. Discuss W & I 628 Investigation; release of minor.

4. If petition is filed, the court process is quite similar to the adult except - no jury; no bail.
 - a. If court finds charges to be true - probation does a social study with recommendation for a rehabilitation program for minor.
5. Juvenile types of probation:
 - a. Informal probation
 - b. 6 months probation by court
 - c. Wardship
 - d. Placement
 - (1) county facilities
 - (2) private facilities
 - (3) foster homes
 - e. California Youth Authority
6. General conditions
 - a. Obey all laws
 - b. Mind parents
 - c. Attend school
 - d. Follow orders of probation officer
 - e. Conditions designed to fit particular minor

PERFORMANCE OBJECTIVE 1.10.7

Given a direct question, the student will identify the following similarities and differences between parole and probation: (7-1-92)

- A. A primary role of parole and probation is to protect the community from the future criminal acts of people who have been convicted of a crime
- B. Parole officers and probation officers are peace officers and may be armed
- C. Parole is a reduction in the parolee's sentence (after he/she has served time in state prison), while probation is a suspension of the probationer's incarceration (before he/she has served time)
- D. The Parole Division is a 24-hour-a-day operation and a parolee's status can be checked at any time, while the availability of information about probationer's during nonbusiness hours varies from county to county
- E. The conditions of parole are imposed by an administrative body, either the Department of Corrections or the Community Release Board, while the conditions of probation are imposed by the court in the county where the offense occurred
- F. In contrast to parole, there are two types of probation: **summary** probation - an unsupervised probation period where the rules and conditions are determined by the imposing judge and **formal** probation - a supervised probation period with a formalized set of rules and conditions under which the probationer is compelled to comply

CURRICULUM

PERFORMANCE OBJECTIVE 3.37.1

Given a direct question, the student will identify the following rights protected by the U.S. Constitution.

(7-1-92)

- A. Freedom of religion
- B. Freedom of speech
- C. Freedom of the press
- D. Freedom of assembly
- E. Right to petition the government for a redress of grievances
- F. Freedom from unreasonable searches and seizures
- G. Right to be told of charges when arrested
- H. Freedom from being tried twice for the same crime
- I. Freedom from self-incrimination
- J. Right to due process before being deprived of life, liberty, or property
- K. Right to a speedy trial
- L. Right to a public trial by an impartial jury
- M. Right to confront witnesses
- N. Right to subpoena witnesses
- O. Right to counsel
- P. Freedom from excessive bail
- Q. Freedom from cruel and unusual punishments
- R. Right to equal protection of the laws

CURRICULUM

- A. The Bill of Rights - As It Concerns Law Enforcement
 - 1. The Founding Fathers stated very clearly the belief that "all men are created equal and are endowed with certain inalienable rights".
 - 2. At a later date, under the Constitution and its Amendments, the rights were provided in more detail. The first ten Amendments to the Constitution are referred to as the Bill of Rights.
 - 3. Later, additional amendments were added as needed. Law enforcement officers must understand and protect these rights in all aspects of law enforcement.
 - 4. These basic rights apply to all persons in the United States regardless of citizenship.
- B. 1st Amendment - Restrictions on Powers of Congress
 - 1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances."
 - 2. The meaning of this Amendment is quite clear. It means that a person can worship freely; or not worship at all, if so inclined; and that all other

religious groups have the same rights . . .

3. However, there are limits! The rights to free speech must be exercised reasonably. It does not mean a person is free to stand outside somebody's bedroom window at 2:00 a.m. and shout and sing, to the point of disturbing the public peace. Nor may a person shout "fire" in a crowded auditorium; nor disrupt an orderly assembly, a church service, nor a session of the court by heckling, speaking out, or shouting.
4. A person cannot incite to riot, or urge or counsel others to commit a crime or breach of the peace; nor accost others in a public place with vile or obscene language.
5. The "press" may report the news accurately; but may still be liable for slander or libel if this privilege is abused.

NOTE: *Zurcher v. Stanford Press* 436 U.S. 547.

C. 4th Amendment

1. Seizures, Searches and Warrants

"The right of the people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

2. The Fourth Amendment is explicit; however, there are exceptions

- a. Under the Fourth Amendment, a person's home is a castle; but it may not be used as a place of refuge for criminals.

NOTE: *Peo. v. Pace* (1979) 92 CalApp.3rd 199.

- b. On fresh and immediate pursuit, an officer may follow a criminal who has taken refuge in a house or building to make the arrest.

NOTE: *U.S. v. Chadwick* (1977) 433 U.S. 1.

- c. The courts have held that when a person is legally arrested, that person and effects may be searched by an officer and any weapon or contraband may be seized and used as evidence.

U.S. v. Schreis (8th Cir.) 582F2d 1166.

D. 5th Amendment - Criminal Proceedings and Condemnation of Property

1. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just

compensation." Proposed September 25, 1789; ratified December 15, 1791.

E. 6th Amendment - Mode of Trial in Criminal Proceedings

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." Proposed September 25, 1789; ratified December 15, 1791.

F. 8th Amendment

1. Bails, Fines, Punishments

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Proposed September 25, 1789; ratified December 15, 1791.

2. It should be noted that suspects can be informed of these rights, but be careful not to name any particular bail agent. This would be a conflict of interest.

G. 14th Amendment - Citizenship, Representation, Equal Protection

1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State whereby they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

SUPPORTING MATERIAL

AND

REFERENCES

This section is set up as reference information for use by training institutions. These materials can be used for instruction, remediation, additional reading, viewing, or for planning local blocks of instruction. This list is not an endorsement of any author, publisher, producer, or presentation. Each training institution should establish its own list of reference materials.

**TOPICAL LIST OF SUPPORTING MATERIALS AND
REFERENCES INCLUDED IN THIS SECTION**

Goals of Police

Twenty Management Principles

California Correctional Institutions for Adults

Juvenile Court Process

Department of Corrections

Major Goals of Criminal Justice System

GOALS OF POLICE

Principle #1 Discussion Points: (II.B.2.a)

An established goal of the police still remains the elimination of crime and disorder. That is the desired end product. Police engage in three major functions to achieve this primary goal. The function of the first priority is prevention. When the police fail in this first function, the second function is activated—that of deterrence, or what the textbooks call repression. The third function is the apprehension of offenders and the gathering of evidence for prosecution.

The police themselves cannot prevent crime. True prevention of crime is to generate in society a desire to do the right thing, to live by ethical standards of conduct. The police cannot take over the parents' job, the minister's job, and the school's job in this respect. The police play a major role as the catalytic agent in society to assist the process of "feeding back" to the rest of society information on what is happening in terms of crime and disorder. No one else can perform this function but the police. No one else is in contact with crime and disorder in its totality. No one else has the machinery, perception or access to the basic facts as do the police.

The police cannot prevent the development of criminality in any individual. However, through a feedback process, information on crime can be passed to social institutions which may hopefully generate programs to prevent criminality of individuals in the future.

When there is a failure to prevent crime, the police perform the next function of deterrence--attempting to be as obvious as possible and creating the impression of omnipresence. This is one of the reasons police drive distinctively marked vehicles; this is why police wear distinctive uniforms; this is why police attempt to be overt rather than covert in as many operations as possible.

The police helicopter is predicated largely on this second function of deterrence. Deterrence plucks the conscience strings of the guilt ridden. The criminal who wants to do something but chickens out because of the omnipresent "chopper" is a good example of this deterrence function.

Now, when police fail to deter, they must invoke the third function, that of apprehension and the gathering of evidence. The police serve as the first entryway into the criminal justice system, followed by the prosecutor, the courts, appellate courts, then institutional commitment, probation, or parole. We know from the rate of recidivism that the effectiveness of rehabilitation in this system is minimal. However, the system has value because it tends to reinforce the societal prohibitions against doing certain things and thus serves to deter prospective offenders. But police activities directed toward apprehension and gathering of evidence are of minimal value in preventing crime—the primary police goal.

The losing game of apprehension absorbs a major share of police resources. The resultant return in preventing crime and disorder is relatively small considering the vast investment. The function of deterrence absorbs a very small share of police resources, yet the return in crime prevention is better, dollar-for-dollar, than for apprehension. The function of prevention—the function best directed toward achieving the primary police objective—receives even less in the way of resources.

The information now gathered by police is directed wholly toward prosecution of a suspect or future apprehension of that same suspect. Police gather virtually no information for relaying to society, saying, "This is what is happening, and it is happening under these circumstances." This unarticulated but necessary mission for developing better methods of interfacing with society's institutions must be fulfilled. We must provide them with relevant, demographic data in crime that will spur them to actions which will result in an achievement of the primary goal of preventing crime and disorder.

Principle #2 Discussion Points (II.B.2.b)

Arthur Niederhoffer, a 20-year New York police lieutenant, wrote a book entitled, Behind the Shield. In it he makes observations which are not very comforting to policemen. He believes that the American police tend to hide behind a self-pity syndrome; they tend to become paranoid and withdrawn. If his thesis is correct, if policemen believe that people don't support them, that they operate in a wholly hostile environment, then there would be little hope.

The police must not allow themselves to be caught up in this "Niederhoffer syndrome." There are only two policemen for every 1,000 people in Los Angeles and five for every 1,000 in New York. These police could not even exist in a totally hostile community.

One of the important roles of police-community relations is to establish and maintain ties with all segments of the community so that the police can develop broad-based support. Association with such groups will help individual policemen recognize the very real public support for the police which exists in every community regardless of its ethnic makeup.

Principle #3 Discussion Points (II.B.2.c)

One hundred and thirty years ago Abraham Lincoln, then a young legislator, made the following statement:

"I hope I am over-wary; but if I am not, there is now an ill omen amongst us. I mean the increasing disrespect for law which pervades the country. Accounts of outrages committed by mobs from the everyday news of the times.

Let every American, every lover of liberty, swear never to violate in the least particular, the laws of the country and never to tolerate their violation by others. Let every man remember that to violate the law is to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the baby...on her lap. Let it be taught in schools, and in colleges. Let it be written in primers and spelling books. Let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And in short, let reverence for the law become the political religion of the nation."

This truth has not changed over the intervening years.

It is the job of every police officer to seek the willing cooperation of individuals on his/her beat in helping to attain the police objectives of the absence of crime and disorder. In the same tradition, it is the responsibility of every police officer to seek the voluntary observance of laws in his community. A police officer's mission is to "turn on" that community, regardless of ethnic makeup, to get the police job done.

There is a principle of "leverage" in economics. By this principle, a small amount of money is manipulated to do the work of a much larger amount. Police must operate by this principle. Through the cooperation of the community, one policeman can be as many in achieving the police mission. If police officers come from the academy thinking that they are going to save the world, they will be a total failure. We need a vision of the old-time cop-on-the-beat who never seemed to work hard because the community told him/her things about crime and questionable activities. He/she had the help of the community and was able to get the job done. That is the only way to get the police mission accomplished.

Principle #4 Discussion Points (II.B.2.d)

Professional, competent, emotionally secure police officers do not approach situations with a "bristle." They actively solicit the cooperation of the individual or group where the public peace is

endangered. An officer with the ability to firmly but pleasantly solicit the cooperation of individuals or groups can frequently accomplish, through their cooperation, what might take scores of officers to accomplish through the use of a "hard" approach to the situation.

In areas where there has been a pattern of using strong physical force to achieve police objectives, a concurrent pattern of resistance develops within the individual or group. The result is resistance and a lack of cooperation on the part of the law violator and the subsequent necessity for resorting to force on the part of the police. The use of force is thus self-perpetuating.

Principle #5 Discussion Points (II.B.2.e.)

The police officer's boss is not his sergeant or the chief. The police officer does not work for the white people or the black people; he doesn't represent the "establishment." The police officer is a servant of the law.

Ten years ago the late Thurgood Marshall, then chief counsel for the NAACP and later an Associate Justice of the Supreme Court of the United States, made the following statement during a speech to police officers at Michigan State University: "If there is a bad law on the books that says that a Negro cannot eat at the same store counter you can, you go ahead and enforce that law. If it is a bad law, we will take care of the law; but if you enforce any of your personal prejudices, we will take care of you."

It is not the job of a police officer to determine what the legislators say constitutes a crime. It is not the mission of the police to judge whether any law is good, bad, too harsh, or too lenient. Laws are made by legislators and are an imperfect reflection of society's morals. Laws are subject to change. However, when the law is established, it is the job of the police officer to enforce that law impartially.

The fifth principle further states: Public favor is sought by individual service, friendship to all members of society, the ready exercise of courtesy and friendly good humor, and by individual sacrifice. There are many examples of police officers sacrificing even their lives in the line of duty. If a robbery-in-progress call comes through, it may be a crummy liquor store and the police officer who responds to the call may not even like the owner. But, he/she would go in and give up his/her life in a gun battle to protect that merchant. Any officer, driving down the street at 4 a.m. in the middle of a ghetto area, would not hesitate to dash into a burning building to rescue the occupants. Every year the police department gives out medals for this type of valor. Yet the same police officer might not be friendly to the citizen he/she would risk his/her life for because that citizen is different in some way.

The police must develop this thing called friendship for all members of society. If you were to call the department, the man who answered might respond, "Robbery, Smith." You might receive the same stereotyped, staccato response at the "desk." The result is a reputation of cold efficiency. Members of minority groups will believe police personnel are cold to them because of prejudice; others would call it plain discourtesy. It is vitally important to maintain friendly, good-humored relations with each citizen.

A British bobby was watching the burning of the Union Jack at an English university. It is not a crime in Great Britain to burn the flag. Instead of responding with anger, he said, "Blimey, can you imagine it takes a college education to do that?" He approached that situation with friendly good humor. A prime element of any community relations program is friendliness of each officer to each member of society.

Principle #6 Discussion Points (II.B.2.f.)

The police in some areas of the country have been under fire recently because of purported cases of excessive use of force in quelling demonstrations. When this happens, the police end up being the central figure in the disturbance. Above all else, the police must remain neutral in any confrontation. The police represent only the law.

During the course of a demonstration on a state college campus, certain laws were violated and it was, therefore, necessary to place about 200 people under arrest. The police officers were trained in weaponless defense. The 200 arrests were made in front of television cameras, and not one flailing baton appeared. The police did their job and there were no resulting charges of over-reaction. The police did not become the central figure.

With calm leadership the police can talk their way around many incidents through advice, warning, persuasion. If police have to use force, that is their job, but only after the alternatives have been tried.

Principle #7 Discussion Points (II.B.2.g)

Charles Reith, in his book, The Blind Eye of History, delineated his belief that any civilization that depends on using its own military forces to control its people is doomed to failure. History bears out this theory. Britain was in the position of needing some force to repress disorder in the early 1800's. Finally, in 1829, Parliament passed an act establishing the British police system, the first full-time professional police department. However, Parliament was fearful of a police organization because of possible infringement on individual rights. Out of this fear, the idea was spawned that it was every citizen's obligation to help police his society, but certain citizens would be assigned to do this work on a full-time basis. They would help all citizens do their job.

Principle #8 Discussion Points (II.B.2.h.)

Police officers do not judge guilt; they do not punish; they do not act as executioners. Police officers represent the law. If the law says a man should go to jail for a certain act, the police arrest the man, gather the evidence, and do not take upon themselves any adjudication of correction.

The quality we look for here is equanimity. The professional police officer does not demonstrate involvement in his work to the public. The officer does not demonstrate anger to the offender; he/she does not go into a rage when verbally abused. The officer keeps his/her cool.

Principle #9 Discussion Points (II.B.2.i.)

If you approach the typical police officer in a radio car and ask what he/she has to do to keep his/her job, the response might be: "I should write 'X' number of citations every week; I have to turn in 'X' number of field interview cards; I should make 'X' number of arrests each month." On the other hand, imagine you are the chief police and are called to City Hall and told you are going to be fired unless you could prove you are doing a good job. Are you going to tell City Hall how many traffic citations have been written and how many arrests have been made during your tenure? No, you are going to tell him that during your tenure, crime was reduced by X-percent and the number of traffic accidents has been reduced.

The higher echelon of police administration knows their job is to stop crime; but there is a real danger that officers on the street may think of their jobs as a "numbers game" to provide a quantity of tickets or arrests. There is a failure here. The failure is not with the police officers. They are really responding to the kind of pressures that are put on them by police management. It is easier to judge officers by the quantity of tickets they write than it is to judge them on their

effect on traffic flow. It is easier to judge officers by the number of arrests they make than it is to judge them on the quality of their work stopping crime. Because the "numbers game" is easier, there is a real temptation to resort to it.

The challenge of police management is to communicate the true nature of the police mission to the officer in the radio car on the street. Management has to sell the police officer a piece of geography and say, "This is your district. Your job is to stop crime and disorder here. We don't want burglaries or stickups or street fights. If you have to arrest someone for violating any law, do it. You have been trained to stop crime. Do it in your area, and get the community to help you."

It should be pointed out to the students that each component can have other effects on each other in addition to the ones given in the presentation data: This includes:

1. Law enforcement on Corrections:
 - a. Arrest probation and parole violators for violation of conditions of their agreement rather than a new criminal offense.
2. Judicial on Corrections:
 - a. Stiffer sentences, fewer probation referrals, more diagnostic studies.
3. Corrections on Law Enforcement:
 - a. Increase paroles through a reduction in criteria for release, thus increasing the possibility of increased criminal activity.

Each instructor may wish to give other examples not included here or ask the students to think of these examples and others before presentation of this information.

Instructor should review both Penal Code Section 1203 and Welfare and Institutions Code regarding detention and court process.



TWENTY MANAGEMENT PRINCIPLES

1. REVERENCE FOR THE LAW

The main thrust of a peace officer's duties consists of an attempt to enforce the law. In our application of the law, we must do it within the legal spirit so clearly set forth by the framers of the Bill of Rights which was an original part of our Constitution. That Bill had as its purpose elevating the rights of each citizen to a position co-equal with the state which might accuse him. Its purpose was to provide for an enforcement of the law with fundamental fairness and equity. Because of the Bill of rights, the dignity of the individual person in America was placed in an almost sacred position of importance.

A peace officer's enforcement should not be done in grudging adherence to the legal rights of the accused, but in a sincere spirit of seeing that every accused person is given all of his rights as far as it is within the powers of the police.

In the discharge of our enforcement of criminal statutes, the peace officer must scrupulously avoid any conduct which would make him a violator of the law. The solution of a crime, or the arrest of a lawbreaker, can never justify the peace officer committing a felony as an expedient for the enforcement of the law.

We peace officers should do our utmost to foster a reverence for the law. We can start best by displaying a reverence for the legal rights of our fellow citizens and a reverence for the law itself.

2. CRIME PREVENTION TOP PRIORITY

The basic mission for which the police exist is to prevent crime and disorder as an alternative to repression by military force and severity of legal punishment. When the police fail to deter crime, it becomes important to apprehend the person responsible for the crime and gather all evidence that might be used in a subsequent trial.

3. PUBLIC APPROBATION OF POLICE

The ability of the police to perform their duties is dependent upon approval of police existence, action, behavior, and the ability of the police to secure and maintain public respect.

4. VOLUNTARY LAW OBSERVANCE

The police must secure the willing cooperation of the public in voluntary observance of the law in order to be able to secure and maintain the respect and approval of the public.

5. PUBLIC COOPERATION

As the use of physical force and compulsion in achieving police objectives increase, the degree of public cooperation that can voluntarily be secured diminishes proportionately.

6. IMPARTIAL FRIENDLY ENFORCEMENT

The police seek and preserve public favor, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law without regard to the justice or injustice of the substance of individual laws; by readily offering individual service and friendship to all members of society without regard to their race or social standing; by the readily offering

individual service and friendship to all members of society without regard to their race or social standing; by the ready exercise of courtesy and friendly good humor; and by readily offering individual sacrifice in protecting and preserving life.

7. MINIMUM USE OF FORCE

The police should use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient to achieve police objectives; and police should use only the reasonable amount of physical force which is necessary on any particular occasion for achieving a police objective.

8. PUBLIC ARE THE POLICE

The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interest of community welfare.

9. POLICE POWER

The police should always direct their actions strictly toward their functions and never appear to usurp the powers of the judiciary by avenging individuals or the state, or authoritatively judging guilt or punishing the guilty.

10. TEST OF POLICE EFFECTIVENESS

The test of police effectiveness is the absence of crime and the presence of public order. It is not the evidence of police action in dealing with crime and disorder.

11. PEOPLE WORKING WITH POLICE

The task of crime prevention cannot be accomplished by the police alone. This task necessarily requires the willing cooperation of both the police and the public working together toward a common goal.

12. PEOPLE WORKING WITH PEOPLE

Since the police cannot be expected to be on every residential or business block, every hour of the day, a process must be developed whereby each person becomes concerned with the welfare and safety of his neighborhood. When people are working with other people in their neighborhood, they can effectively reduce crime.

13. MANAGERS WORKING WITH POLICE

Only line police officers perform the tasks for which police were created. They are the operating professionals. Supervisors and managers exist to define problems, to establish objectives, and to assist line police officers in the accomplishment of the police mission.

The evaluation of a manager should be based on the improvement and excellence of his subordinates in the achievement of organizational goals. The life's blood of good management is thoroughly systematic, two-way circulation of information, feelings, and perceptions through out the organization.

14. POLICE WORKING WITH POLICE

For many reasons some specialization of work is necessary. Specialization should be created only when vitally necessary. When specialization is created, organization should be adjusted to ensure that the specialists and generalists who serve the same citizens work closely together on the common problems in as informal an organizational structure as possible. This will tend to ensure a unity of effort, resources, and the effective service to a common goal.

15. POLICE WORKING WITH CRIMINAL JUSTICE SYSTEM

It must be recognized that the police and the people alone cannot successfully resolve the problems of crime. The Criminal Justice System as a whole, in order to properly serve the public, must operate as a total system with all of its various elements working together. The close cooperation of the police with prosecutors, courts and correctional officers is necessary in order to ensure the development of a safe community.

16. MANAGEMENT BY OBJECTIVES

In order to effectively deal with the most important problems, objectives must be established. The establishment of objectives and the means used to ensure that they are reached must include the participation of those involved in the task. The setting of an objective has very little meaning without the participation of those involved.

17. MANAGEMENT BY PARTICIPATION

Since employees are greatly influenced by decisions that are made and objectives that are established, it is important for them to be able to provide input into the methods utilized to reach these decisions. Employees should be encouraged to make recommendations which might lead to an improvement in the delivery of police services and assist in the furtherance of the Department meeting its objectives.

18. TERRITORIAL IMPERATIVE

Police work is one of the most personal of all personal services. It deals with human beings in life and death situations. The police officers and the people they serve must be as close as possible, and where possible must know one another. Such closeness can generate the police-citizen cooperation necessary for the involvement of the whole community in community protection. Organization of assignments should ensure that the same police and the same citizens have an opportunity to continuously work for the protection of a specific community. Strength through interacting together and working together on common problems can be enhanced through officers and the people feeling at home with one another in an atmosphere of mutual cooperation.

This may be described as a utilization of the "Territorial Imperative."

19. OPENNESS AND HONESTY

For police-public cooperation there must be respect of the police by the public. This is best ensured by optimum openness of the Department in its operations. A general feeling and reality of openness must pervade the police organization. Above all the police officer must be consistently open, honest, and trustful in all matters. A combination of honesty and openness will effectively develop respect in the community for the police and make it possible for citizens to come to them with problems and information. Where this trust does not exist because of a lack of honesty or openness, the channels of communication between the police and the public are clogged and the police must desperately struggle on alone.

20. POLICE/PRESS RELATIONSHIPS

One of the first and most fundamental considerations of this nation's founders in drafting the Bill of Rights was to provide for a free press as an essential element of the First Amendment to the Constitution. They recognized that a well-informed citizenry is vital to the effective functioning of a democracy. Police operations profoundly affect the public and therefore arouse substantial public interest. Likewise, public interest and public cooperation bear significantly on the successful accomplishment of any police mission. The police should make every reasonable effort to serve the needs of the media in informing the public about crime and other police problems. This should be done with an attitude of openness and frankness whenever possible. The media should have access to personnel, at the lowest level in a department, who are fully informed about the subject of a press inquiry. The media should be told all that can be told that will not impinge on a person's right to a fair trial, seriously impede a criminal investigation, imperil a human life, or seriously endanger the security of the people. In such cases, the minimum information should be given which will not impinge on the four areas and we should merely state that nothing more can be said.

In all other matters in our relationship with the media in dealing with current news, every member of the Department should make every reasonable effort consistent with accomplishing the police task in providing the media representatives with full and accurate material.

CALIFORNIA CORRECTIONAL INSTITUTIONS FOR ADULTS

California Conservation Center, Susanville—About 310 miles northwest of San Francisco via Reno; medium-minimum security, 1,200 inmates; special training for inmates slated for later assignment to an outlying 80-man conservation camp; dormitory housing.

Folsom State Prison, Folsom—About 20 miles east of Sacramento on Highway 50; state's second oldest prison; cell housing; maximum security; 2,400 inmates.

California Medical Facility, Vacaville—On Highway 80 between San Francisco and Sacramento; psychiatric programming for 1,400 inmates; state's northern reception center, cells and dormitories.

Deuel Vocational Institution, Tracy—Highway 50 about 50 miles east of Oakland; medium security; for younger offenders and hard-to-manage juveniles; 1,640 inmates; cell housing emphasis on academic and vocational training.

San Quentin State Prison, near San Rafael—A half hour drive from San Francisco via Highway 101, state's oldest and largest prison; medium-close security; 3,900 inmates; cell housing.

Sierra Conservation Center—Near Sonoma and west of Yosemite Park; medium-minimum security; 1,200 inmates; pre-camp training; dormitory housing.

Correctional Training Facility, Soledad—Just off Highway 101 about 25 miles south of Salinas; a three-unit medium-minimum security institution; 3,400 inmates, each unit a separate program but joint use of central services; cells and dormitories.

California Men's Colony—On Highway 1 near San Luis Obispo; a two-part institution; minimum security unit for old men; medium security facility divided into for 600-man sections under a separate program administrators; total of 3,700 inmates; cells and dormitories.

California Correctional Institution, Tehachapi—About 50 miles southwest of Bakersfield via Highway 466; a two-unit medium-minimum security institution for 1,400 inmates, heavy emphasis on group living; dormitory housing.

California Institution for Men, Chino—About 60 miles east of Los Angeles; minimum security; 1,300 inmates; unarmed perimeter; location of state's southern reception center.

Southern Conservation Center, Chino—Medium-minimum security; 550 inmates; pre-camp training; dormitory housing.

California Institution for Women, near Chino—State's only facility for women felons; reception center, psychiatric unit; housing in individual rooms, cottage style design; 900 inmates.

California Rehabilitation Center, Corona—Inpatient treatment for narcotic addicts in the state's civil commitment program; 2,400 residents includes 325 women; heavy emphasis on group counseling; dormitory housing.

The major goals of the criminal justice system

- **Guaranteeing due process of law**
- **Preventing crime**
- **Protecting life and property**
- **Apprehending offenders**
- **Upholding and enforcing the law**
- **Dispensing equal justice**

Major goals of individual components of the criminal justice system

- **Law Enforcement**

 - Prevent crime***

 - Protect life and property***

 - Maintain order***

 - Arrest violators***

- **Judicial**

 - Render fair judgment***

 - Mete out just punishment***

 - Provide due process of law***

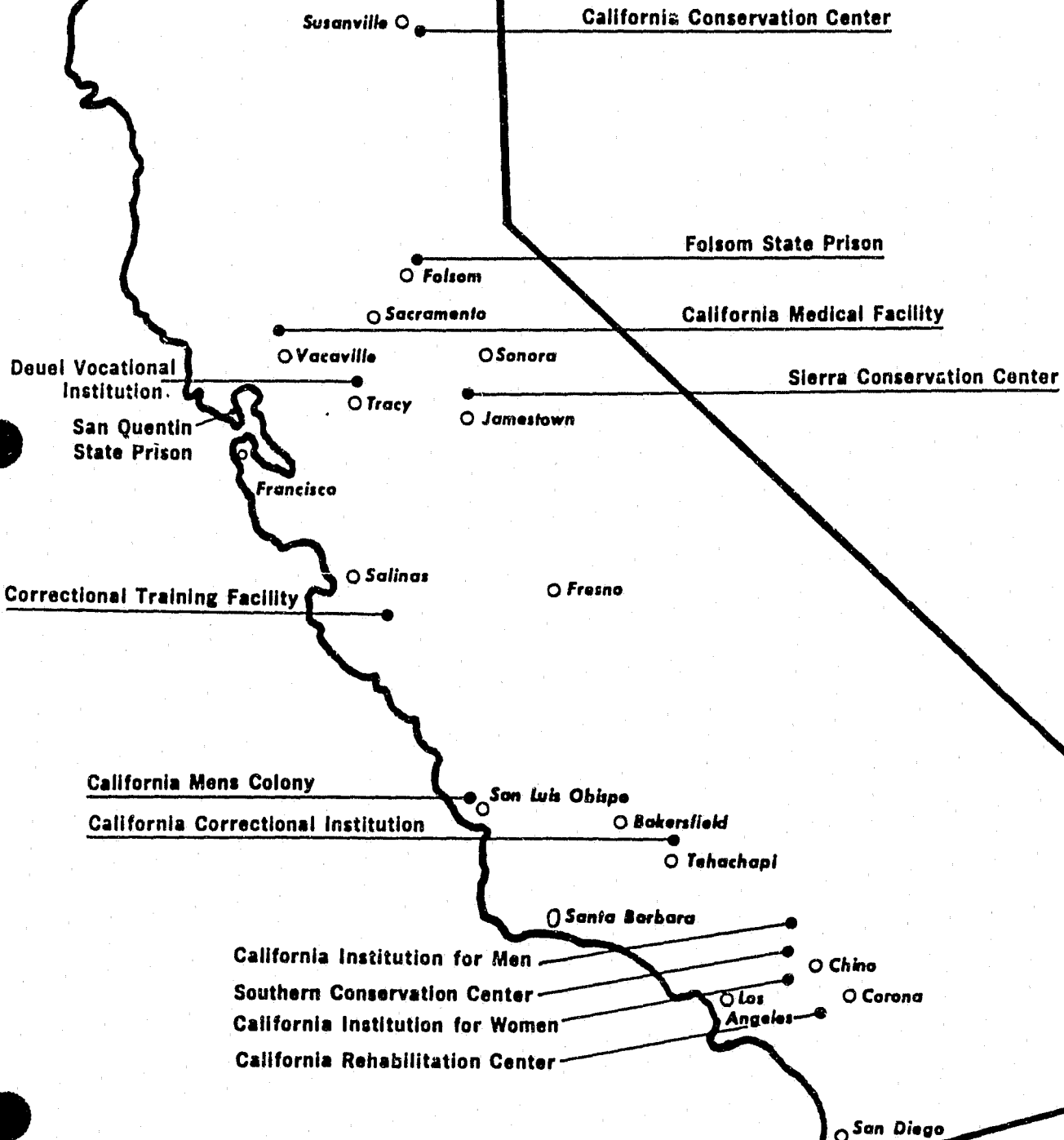
- **Corrections**

 - Rehabilitate as possible***

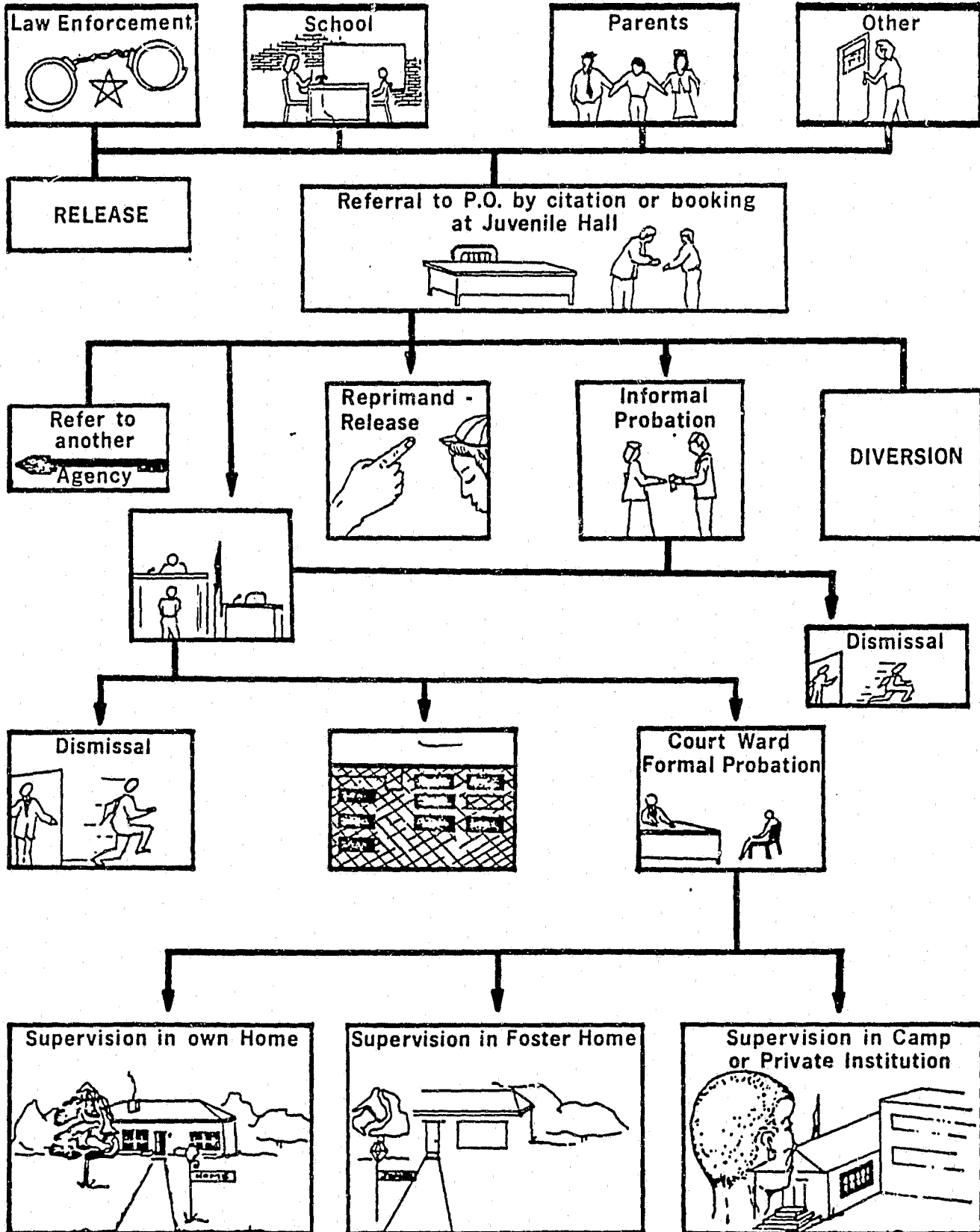
 - Keep offenders off the streets***

 - Provide humane treatment***

Institutions Department of Corrections



JUVENILE COURT PROCESS



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