



# BROWARD COMMUNITY COLLEGE COURSE OUTLINE

**LAST REVIEW: 2004-2005**  
(i.e. 2003-2004)

**NEXT REVIEW: 2009-2010**  
(i.e. 2008-2009)

**STATUS: A**  
(A, I, D)

**COURSE TITLE:** Correctional Probation Legal

**COMMON COURSE NUMBER:** CJD 0790

**CREDIT HOURS:**

**CONTACT HOUR BREAKDOWN**  
(per 16 week term)

**CLOCK HOURS:** 60.0  
(Voc. Course ONLY)

Lecture:                      Lab:

Clinic:                         Other:

**PREREQUISITE(S):**

**COREQUISITE(S):**

**PRE/COREQUISITE(S):**

**COURSE DESCRIPTION:** (600 characters, maximum)

**This course presents the structure and components of the Florida Criminal Justice System and the laws within which a Correctional Probation Officer works.**

## UNIT TITLES

1. Criminal Justice System Components
2. Principles of Corrections
3. Criminal Justice Standards Training Commission
4. Ethical and Professional Behavior
5. State Rules and Regulations
6. Classification of Offenses
7. Elements of a Crime
8. Intent
9. Parties to a Crime



# BROWARD COMMUNITY COLLEGE COURSE OUTLINE

## **Common Course Number: CJD0790**

10. Probable Cause
11. Arrest Laws
12. Violation and Warrant Procedures
13. Search and Seizure Concepts
14. Subpoena
15. Court Rules and Trial Procedures
16. Courtroom Demeanor and Testimony
17. Perjury
18. Evidence Concepts
19. Evidence Rules
20. Civil & Criminal Liability
21. Involuntary Admissions Procedures/Substance Abuse Services
22. Baker Act
23. Florida Sentencing Guidelines
24. Executive Clemency
25. Evidence Handling Procedures
26. Chain of Custody Concepts
27. Legal Terms and Definitions
28. Bribery
29. Obstruction of Justice
30. Constitutional Law
31. Use of Force



**Common Course Number: CJD0790**

**Unit 1 Criminal Justice System Components**

**General Outcome:**

**1.0 The student shall:** comprehend the various components of the Florida criminal justice system and how they relate to specific situations.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 1.1** Identify the three major components of the criminal justice system.
- 1.2** Identify responsibilities of local, county, and state law enforcement agencies
- 1.3** Identify components of the court system.
- 1.4** Identify components of the Florida correctional system.
- 1.5** Identify various types of state correctional facilities.



**Common Course Number: CJD0790**

**Unit 2 Principles of Corrections**

**General Outcome:**

**2.0 The student shall:** comprehend the elements needed for a balanced philosophy of justice. The student will recall why the principles of corrections have had to change in recent years.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 2.1** Identify the four elements necessary for a balanced philosophy.
- 2.2** Define “incapacitation” as removing persons from society so that harm cannot be inflicted upon themselves or others.
- 2.3** Explain that retribution implies persons are accountable for their own acts, and confinement is a way to seek repayment for the debt owed to society for having violated its laws.
- 2.4** Explain that deterrence means that punishment for an act should be so severe that others seeing the punishment will be motivated to avoid the act.
- 2.5** Explain that rehabilitation implies that offenders under supervision and inmates undergo change, so that when they are terminated or released they will be less likely to commit further crimes.
- 2.6** Explain that one of the responsibilities of corrections is to provide inmates with opportunities to change themselves and to provide encouragement for them to change.
- 2.7** Explain that a philosophy of rehabilitation or reform is one reason why there are education, counseling, and vocational training programs in institutions.
- 2.8** Explain that reintegration/resocialization starts from the idea that not only the individual offender must change, but change must also occur within the environment they will return



**Common Course Number: CJD0790**

**Unit 3 Criminal Justice Standards and Training Commission**

**General Outcome:**

**3.0 The student shall:** know the statutory authority, goals and responsibilities of the Criminal Justice Standards and Training Commission.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 3.1** Explain that the initials CJSTC stand for “Criminal Justice Standards and Training Commission.”
- 3.2** Explain that Chapter 943, F.S., governs the Criminal Justice Standards and Training Commission.
- 3.3** Identify the primary goals of the Criminal Justice Standards and Training Commission, to include:
- 3.4** Identify the primary responsibilities of the Criminal Justice Standards and Training Commission as established by statute, to include:
- 3.5** Explain that Section 943.17(c), Florida Statutes, mandates that the Criminal Justice Standards and Training Commission (CJSTC) adopt an examination for graduates of the law enforcement, corrections and correctional probation basic recruit academies, and candidates
- 3.6** Identify that the following persons are eligible to take the examination.
- 3.7** Explain that persons who have completed a CJST Commission approved law enforcement, corrections or correctional probation basic recruit training program or cross training program, must pass the certification examination within four (4) years of the completion date of the basic recruit training course or cross training course.
- 3.8** Explain that if the basic recruit training was completed more than four (4) years prior to the examination date, the training must be completed again before the applicant is eligible to take the certification examination.
- 3.9** Explain that the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, assists the Criminal Justice Standards and Training Commission in the execution, administration, implementation and evaluation of its responsibilities.
- 3.10** Identify grounds for revocation.



# BROWARD COMMUNITY COLLEGE

## COURSE OUTLINE

### Common Course Number: CJD0790

**3.11** Explain that an officer who has been issued an in force final injunction against committing acts of domestic violence while possessing any firearm or ammunition, upon conviction, commits a first degree misdemeanor, s. 790.233, F.S. This provision does not apply to an active certified state or local officer, as defined in s. 943.10(14), F.S., who receives or possesses a firearm or ammunition for use in performing official duties, unless possession is otherwise prohibited by the employing agency, s. 790.233, F.S.

**3.12** Explain that Federal public law 104-208, Omnibus Consolidation Appropriations Act of 1997 states that it is unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, receive or possess firearms and ammunition, and prohibits the sale of firearms and ammunition to such individuals. Thus, law enforcement officers and other government officials who have been convicted of a disqualifying misdemeanor **may not** lawfully possess or receive firearms or ammunition for any purpose, including performance of their official duties



**Common Course Number: CJD0790**

**Unit 4 Ethical and Professional Behavior**

**General Outcome:**

**The student shall:** define ethics and professionalism and identify acts that are considered unethical.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 4.1 Define “ethics” as the principles of honor, morality, and accepted rules of conduct that govern an individual or group.
- 4.2 Define “professionalism” as behavior and attitude patterns exhibiting standards and character marked by pride in oneself and one’s career, respect for the people served and commitment to the continued development of skills in the pursuit of excellence.
- 4.3 Explain that a high standard of ethical and moral conduct is an essential ingredient in the development of a professional officer on and off duty.
- 4.4 Identify that, according to s. 112.311(5), F.S., no officer or employee of a state agency or of a county, city or other political subdivision of the state shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties in the public interest.
- 4.5 Define “gratuity” as anything of value intended to benefit the giver more than the receiver, given to a person because of position and authority rather than because of individual or personal qualities.
- 4.6 Identify questions that an officer should consider when deciding whether a gratuity is being offered, to include:
- 4.7 Identify the importance of ethical conduct.
- 4.8 Identify acts that are considered unethical.
- 4.9 Identify the penalties for violation of ethical rules.
- 4.10..Identify behavior that is considered unethical during a mock situation.



**Common Course Number: CJD0790**

**Unit 5 State Rules and Regulations**

**General Outcome:**

**5.0 The student shall:** describe the relationship of statutes and rules, and identify rules that have been adopted and how they apply to corrections statewide. The student will also identify where these rules and regulations can be found.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 5.1** Identify that Florida Statutes outline requirements on areas relevant to corrections.
- 5.2** Explain that the provisions of the Florida Statutes are further expanded by rules in the Florida Administrative Code.
- 5.3** Identify responsibilities of the Department of Corrections.
- 5.4** Identify that Florida Statutes authorize the Department of Corrections to promulgate rules governing the administration of the correctional system and the operation of the Department and that these rules can be found in Chapter 33 of the Florida Administrative Code (F.A.C.).
- 5.5** Identify provisions of Chapter 33, F.A.C., pertaining to employee conduct.
- 5.6** Explain that it is important for the officer to locate and become familiar with the rules and regulations for each office in which he/she works.
- 5.7** Identify that provisions of Chapter 33, Florida Administrative Code, include the following rules relating to Community Corrections:
- 5.8** Identify that provisions of Chapter 33, Florida Administrative Code, include the following rules relating to Community Corrections:



**Common Course Number: CJD0790**

**Unit 6 Classification of Offenses**

**General Outcome:**

**6.0 The student shall:** identify and describe offenses in Florida. The student will also identify the purpose of classifying offenses in Florida.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**6.1** List classification of offenses per Florida Statutes.

**6.2** Define “felony”, in accordance with s. 775.08(1), F.S., as any criminal offense punishable under the laws of this state by death or imprisonment in a state penitentiary

**6.3** Define “misdemeanor”, in accordance with s. 775.08(2), F.S., as any criminal offense punishable under the laws of this state by a term of imprisonment in a county correctional facility, except an extended term, not in excess of one year.

**6.4** Define “non-criminal violation” (infraction), in accordance with s. 775.08(3), F.S., as any offense punishable under the laws of this state by no other penalty than a fine, forfeiture, or other civil penalty and does not constitute a crime.

**6.5** Explain that a crime can be a felony or misdemeanor, according to s. 775.08(4), Florida Statutes.

**6.6** Identify the classification of felonies by type of punishment per Florida Statutes ss. 775.082 and 775.083, to include

**6.7** List the classification of misdemeanors by type of punishment per Florida Statutes, to include:

**6.8** Explain that the purpose for classifying felonies and misdemeanors is to identify the degree of seriousness of the crime.

**6.9 Explain that municipalities and counties may enact ordinances which act as local regulations for protection and well-being of citizens and property, and involve the following considerations:**

**6.10** Explain that administrative and regulatory law may impose non-criminal sanctions such as fines, license revocation or suspension, and restitution.

**6.11** Explain that the Legislature has developed laws under s. 775.0841 - 775.0843, F.S., to address the problem of “career criminals.”



**Common Course Number: CJD0790**

**Unit 7 Elements of a Crime**

**General Outcome:**

**7.0 The student shall:** define the concept of elements of a crime.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**7.1** Explain that the two basic elements of criminal liability require proof that:

- a) a crime has been committed; and
- b) the person charged committed the crime

**7.2** Explain that, generally, to prove that a crime has been committed it must be shown that:

- a) an act or omission is specifically prohibited by a criminal statute (legality)
- b) the person committing the act or omission at the time did so knowingly, or intentionally

**7.3** Explain that there are variations in the degree of knowledge or intent which are required to be proven for different crimes.



**Common Course Number: CJD0790**

**Unit 8 Intent**

**General Outcome:**

**8.0 The student shall:** define the concept of intent as it relates to elements of a crime.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 8.1** Define “intent” as purposely doing that which the law declares to be a crime; proving this intent will assist the prosecution
- 8.2** Define “mens rea” as criminal intent, or a mental state of mind that is required which leads to criminal liability for a particular crime.
- 8.3** Identify categories of intent.
- 8.4** Describe causation or the causal relationship between the defendant’s act and the resulting harm, to include
- 8.5** Explain that criminal liability can occur when an act or omission produces results.



**Common Course Number: CJD0790**

**Unit 9 Parties to a Crime**

**General Outcome:**

**9.0 The student shall:** define the concept of parties to a crime as provided within Florida law.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 9.1** Name two possible parties to a crime defined in Florida law.
- 9.2** Explain that a violation of the statute concerning a principal in the first degree is considered either a felony or misdemeanor depending upon the circumstances as stated in Chapter 777, Florida Statutes.
- 9.3** Explain that a principal in the first degree may be charged, convicted, and punished to the same degree as the violator of the related substantive offense.
- 9.4** Identify actions that are listed within s. 777.011, F.S., that would qualify an offender as a principal in the first degree, to include
- 9.5** Explain that to be a principal in the first degree, the defendant does not have to be present when the crime is committed or attempted
- 9.6** Define “accessory after the fact”, per s. 777.03, F.S., as one who maintains or assists a person who is known to have committed a felony or been an accessory thereto, with intent that the offender shall avoid or escape detection, arrest, trial or punishment, other than certain statutorily defined relatives standing in a close legal or blood relationship to the offender.
- 9.7** Explain that a violation of the statute concerning an accessory after the fact is considered a felony according to Florida Statutes.



**Common Course Number: CJD0790**

**Unit 10 Probable Cause**

**General Outcome:**

**10.0 The student shall:** define the concept of probable cause

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 10.1** Identify that probable cause is contingent upon the existence of articulable details
- 10.2** Explain the continuum of the question of evidence of criminal offenses
- 10.3** List possible results that may come from lack of probable cause.



**Common Course Number: CJD0790**

**Unit 11 Arrest Laws**

**General Outcome:**

**11.0 The student shall:** comprehend the Florida laws of arrest and how these laws impact criminal justice.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**11.1** Define “arrest” as legally depriving a person of liberty or freedom to go as one chooses, or taking a person into custody to be held to answer for a crime.

**11.2** Explain that Chapters 947.22 and 948.06, F.S., give correctional probation officers the authority to arrest supervised Florida offenders, with or without a warrant.

**11.3** Identify the elements of a criminal arrest.

**11.4** Explain that all arrests must be made based upon probable cause.

**11.5** Explain that case law opinions have held that circumstances surrounding the custody of a subject may convert a detention into an arrest, even when an officer may not have originally

**11.6** Define “order to show cause” as a written order issued by a judge in lieu of physical arrest, requiring a person accused of violating the conditions of supervision to appear in a designated court or government office at a specified date and time (Florida Review of Criminal Procedures, 3.840).



**Common Course Number: CJD0790**

**Unit 12 Violation and Warrant Procedures**

**General Outcome:**

**12.0 The student shall:** identify the purpose of a violation report and describe the appropriate procedures to follow when preparing and submitting the report. The student will identify the appropriate procedures to follow when preparing and submitting an affidavit and warrant.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 12.1** Explain that a violation report is submitted to the sentencing court or releasing authority when the behavior of the offender has deteriorated to the point that the offender's status needs re-evaluation.
- 12.2** Identify the time frame for completion of a violation report.
- 12.3** Explain that it is not feasible nor practical to report all violations to the court or releasing authority (i.e., minor or technical violations).
- 12.4** Choose situations which constitute a violation of supervision, given a supervision synopsis
- 12.5** Explain that all alleged violations are to be reviewed by the supervisor.
- 12.6** Identify elements essential to the violation report.
- 12.7** Identify the proper format of the narrative section of the violation report
- 12.8** Explain that a follow-up or continuation report is a document prepared to provide additional and/or updated information to the court or releasing authority.
- 12.9** Identify that a recidivist report utilizes the violation, follow-up and/or continuation report to provide the receiving correctional facility with information regarding an offender when the term of supervision is revoked, in lieu of completing a post-sentence investigation.
- 12.10** Define "warrant" as a document issued by the court or releasing authority which commands the arrest of the person named in it, who is accused of violation of condition(s) of supervision.
- 12.11** Define "affidavit" as a sworn written statement made under oath before a notary or other authorized officer regarding an allegation of violation of condition(s) of supervision.
- 12.12** Explain that an affidavit is required to obtain a warrant.



**Common Course Number: CJD0790**

**Unit 13 Search and Seizure Concepts**

**General Outcome:**

**13.0 The student shall:** The student will know legal concepts relative to search and seizure. The student will comprehend the scope and purpose of search and seizure authority.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**13.1** Define “search” as an effort to seek out and discover evidence and/or contraband in the possession of another

**13.2** Define “seizure” as the act of taking possession of evidence and/or contraband for a violation of law.

**13.3** Define “contraband” as any unauthorized article, or legal articles in excess of the authorized limit.

**13.4** Explain that the Fourth Amendment prohibition against unreasonable searches and seizures is limited (in a correctional facility) in that reasonableness must be assessed in light of security, order, and rehabilitation needs.

**13.5** Identify proper procedures for search and seizure

**13.6** Explain that searches should be performed in a reasonable manner and with discretion.



**Common Course Number: CJD0790**

**Unit 14 Subpoena**

**General Outcome:**

**14.0 The student shall:** define subpoena and subpoena duces tecum and identify the use of subpoenas in criminal proceedings.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**14.1** Define “subpoena” as a court order or writ, commanding attendance in court, at a deposition, before the state attorney, or under an authorized agency’s authority for a specified purpose, under penalty for failure to do so.

**14.2** Define “subpoena duces tecum” as a type of subpoena requiring the person named to “bring with you” documents, papers, or other things specifically listed in the subpoena when appearing in court, at a deposition or before the state attorney, or before an authorized agency.

**14.3** Explain that the clerk of the court issues a subpoena upon request.

**14.4** Identify that, in Florida, a subpoena can be served upon the person or entity named in the subpoena only by a sheriff, deputies, state attorney’s investigators, Florida Department of Law Enforcement agents, or duly-appointed and bonded process servers.

**14.5** Explain that subpoenas may also be issued by administrative, civil and regulatory agencies.

**14.6** Explain that failure to comply with a subpoena is addressed by the court through either civil contempt or criminal contempt proceedings.



**Common Course Number: CJD0790**

**Unit 15 Court Rules and Trial Procedure**

**General Outcome:**

**15.0 The student shall:** identify and explain the rules of the court and basic court trial procedures.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**15.1** Identify steps in a prosecution.

**15.2** Describe the major steps of a jury trial

**15.3** Describe how a mistrial can occur

**15.4** Define “venue” as the circuit or county in which a particular trial may be conducted.

**15.5** Explain that the state’s right to appeal is more limited than the right of the defendant to appeal in a criminal case.



**Common Course Number: CJD0790**

**Unit 16 Courtroom Demeanor and Testimony**

**General Outcome:**

**16.0 The student shall:** define the responsibilities of an officer with regard to court proceedings, the proper appearance of an officer, the appropriate behavior and techniques that an officer should employ when testifying in court. The student will demonstrate those behaviors/techniques in a moot court setting.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 16.1** Identify responsibilities of an officer when giving testimony.
- 16.2** Explain the importance of depositions.
- 16.3** Explain the importance of personal appearance when testifying.
- 16.4** Describe appropriate demeanor to display during a hearing, trial or grand jury appearance.
- 16.5** Identify appropriate behavior for giving testimony.
- 16.6** Identify different types of objections that may be raised.
- 16.7** Identify rulings a judge may make on any objection.
- 16.8** Describe tactics used by opposing counsel during cross-examination.
- 16.9** Describe techniques the officer may use to overcome cross-examination tactics used by defense counsel.
- 16.10** Demonstrate proper demeanor and methods for effective testimony, via moot court exercises.



**Common Course Number: CJD0790**

**Unit 17 Perjury**

**General Outcome:**

**17.0 The student shall:** comprehend the crime of perjury as provided within Chapter 837, Florida Statutes.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**17.1** Define “perjury”, as stated in Chapter 837, F.S., as making a false statement, not believed to be true, under oath, in an official or unofficial proceeding.

**17.2** Describe “false reports to law enforcement authorities” as knowingly giving false information to any law enforcement officer concerning the alleged commission of a crime.

**17.3** Describe “false official statements” as knowingly making a false statement in writing with intent to mislead a public servant in the performance of official duty.

**17.4** Describe “perjury by contradictory statements” as willfully making, in official proceedings, two or more material statements under oath, when in fact two or more statements contradict each other.

**17.5** Identify that perjury is considered either a misdemeanor or a felony depending upon the circumstances, as stated in Chapter 837, F.S.



**Common Course Number: CJD0790**

**Unit 18 Evidence Concepts**

**General Outcome:**

**The student shall:** comprehend the basic concepts of evidence and how these concepts relate to criminal proceedings.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 18.1** Define “evidence” as anything presented in a court of law to prove or disprove the existence of a fact or issue.
- 18.2** Describe the difference between evidence and proof is that evidence is information which is allowed in court, while proof is the effect produced by this information.
- 18.3** Identify the two major types of evidence.
- 18.4** Identify the three major categories of evidence.
- 18.5** Identify three reasons why evidence is offered in court.
- 18.6** Identify differences between admissible evidence in court and administrative procedures.



**Common Course Number: CJD0790**

**Unit 19 Evidence Rules**

**General Outcome:**

**The student shall:** comprehend the basic rules of evidence and how these rules relate to evidence collection, preservation and submission.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 19.1** Identify major reasons for rules of evidence.
- 19.2** List some general reasons for excluding evidence.
- 19.3** Identify four specific actions that officers must be aware of to ensure admissibility of evidence, to include:
- 19.4** Define “hearsay evidence” as any statement made out of court by someone other than the person testifying at trial or hearing which offers evidence to prove or disprove the truth of the matter asserted.
- 19.5** Explain that the hearsay rule states that hearsay evidence is inadmissible except as provided by s. 90.803, Florida Statutes.
- 19.6** Define “exclusionary rule” as the principle that evidence will be rejected by the court if it has been obtained in an illegal manner.



**Common Course Number: CJD0790**

**Unit 20 Civil and Criminal Liability**

**General Outcome:**

**20.0 The student shall:** define legal terms associated with civil and criminal liability. The student will identify and describe situations that are likely to result in liability suits and various options an officer could use to defend against them.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 20.1** Define “civil liability” as responsibility for a wrongful act committed by one person which injures another person or property; usually involving negligence.
- 20.2** Define “criminal liability” as responsibility for a violation of state or federal criminal law.
- 20.3** Define “tort” as a civil wrong in which the action or inaction of one person causes injury or harm to another in violation of a legal duty imposed by law; not resulting from a contract.
- 20.4** Identify the four elements of negligence.
- 20.5** Identify examples of intentional torts.
- 20.6** Define a tort case as a civil action for money damages and/or injunctive relief in which the plaintiff needs a preponderance of the evidence.
- 20.7** Explain that a tort case and a criminal case may be filed for the same act.
- 20.8** Define “mere negligence” as the failure to use such care as a reasonably prudent person would use under the same or similar circumstances.
- 20.9** Define “gross negligence” as intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.
- 20.10** . Define “intentional negligence” as harm or potential for harm so great that one must have been aware of what is being done.
- 20.11** Identify the three types of damages that can be awarded in a civil suit.
- 20.12** Explain that an officer may use immunity and acting in good faith as defenses against a civil liability charge.
- 20.13** Identify the two elements of a good faith defense.



# BROWARD COMMUNITY COLLEGE

## COURSE OUTLINE

### **Common Course Number: CJD0790**

- 20.14** Define “sovereign immunity” as the inability to sue the government, except if it waives immunity by law or judicial decision
- 20.15** Define “official immunity” as some officials being immune from liability because of the nature of their work.
- 20.16** Explain that no special duty is owed to protect the public at large, but if an offender is known to be a reasonable foreseeable risk to an individual(s), a special relationship may be developed requiring special action and the release of non-confidential information for the safety of an individual
- 20.17** Explain that a decided case does not necessarily have a direct effect on a jurisdiction if not decided in that jurisdiction, unless it is a United States Supreme Court decision.
- 20.18** Identify potential liability concerns in the field setting
- 20.19..**Identify potential liability concerns in the institutional setting
- 20.20..** Identify the department’s position on civil suits brought against an officer and/or agency
- 20.21..** Define fundamental fairness as the essence of due process
- 20.22..** Explain that officers/agencies are liable, as outlined in the Federal Civil Rights Act in Title 42, U.S.C., Section 1983, for depriving any citizen of the rights, privileges, or immunities secured by the Constitution and laws.
- 20.23..** Identify the elements of a Section 1983 suit
- 20.24** Identify practices that will help an officer avoid legal liability.
- 20.25** Identify and demonstrate the best course of action when given a scenario involving liability.



**Common Course Number: CJD0790**

**Unit 21      Involuntary Admission Procedures/ Substance Abuse Services**

**General Outcome:**

**21.0** The student will know that the Myers Act (s. 396.072, F.S.) which dealt with treatment and services for intoxicated persons was repealed. The student will know that new procedures for involuntary admissions took effect October 1, 1993. The student will know what action can and should be taken toward a person impaired by substance abuse.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**21.1** Identify the Treatment and Rehabilitation of Drug Dependents Act as that legislation dealing with treatment and services of substance abuse impaired persons

**21.2** Identify that a law enforcement officer may implement protective custody measures when a minor or an adult who appears to meet the involuntary admission criteria

**21.3** Explain that a person meets the criteria for involuntary admission if there is a good faith reason to believe the person is substance abuse impaired and, because of such impairment

**21.4** Explain that mere refusal to receive such services does not constitute evidence of lack of judgment with respect to the person's need for such services. (s. 397.675, F.S.)

**21.5** Explain that a person in circumstances which justify protective custody, may consent to be assisted by a law enforcement officer to his home, to a hospital, or to a licensed detoxification or addictions receiving facility, whichever the officer determines is most appropriate. (s. 397.6771, F.S.)

**21.6** Explain that if a person in circumstances which justify protective custody fails or refuses to consent to assistance and a law enforcement officer has determined that a hospital or a licensed detoxification or addictions receiving facility is the most appropriate place for the person, the officer may, after giving due consideration to the expressed wishes of the person:

**21.7** Explain that once a person is taken into protective custody, it is the responsibility of the law enforcement officer to notify:



# BROWARD COMMUNITY COLLEGE COURSE OUTLINE

## **Common Course Number: CJD0790**

- 21.8** Explain that a detention for protective custody is not to be considered an arrest for any purpose and no entry or other record may be made to indicate that the person has been detained or charged with a crime. (s. 397.6772(1)(b), F.S.)
- 21.9** Explain that the officer in charge of the detention facility must notify the nearest appropriate licensed service provider within the first 8 hours after detention that the person has been detained. (s. 397.6772, F.S.)
- 21.10** Explain it is the duty of the detention facility to arrange, as necessary, for transportation of the person to an appropriate licensed service provider with an available bed.
- 21.11** Explain that persons taken into protective custody must be assessed by the attending physician within the 72-hour period and without unnecessary delay to determine the need for further services. (s. 397.6772, F.S.)
- 21.12** ..Explain that a law enforcement officer acting in good faith may not be held criminally or civilly liable for false imprisonment when taking a person into protective custody for substance abuse impairment. (s. 397.6775, F.S.)
- 21.13**.. Explain that a mouth swab must be taken in order to submit a DNA sample to the Florida Department of Law Enforcement in accordance with s. 943.325, F.S.



**Course Number: CJD0790**

**Unit 22 Baker Act**

**General Outcome:**

**22.0 The student shall:** know what the Baker Act is and the responsibilities of officers in relation to the Baker Act.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**22.1** Explain that the Florida Mental Health Act is also known as the Baker Act and is outlined in Chapter 394, Florida Statutes.

**22.2** Define “mental illness” as an impairment of the emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with a person’s ability to meet the ordinary demands of living.

**22.3** Explain that the Baker Act provides for emergency service and temporary detention for evaluation and voluntary or involuntary short-term community inpatient treatment.

**22.4** Define “receiving facility” as any public or private facility designated by the Department of Children and Families to receive and hold involuntary patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment; the term does not include a county jail. (s.394.455(26), F.S.)

**22.5** Identify that a person may be taken to a receiving facility for involuntary examination if there is reason to believe that the person is mentally ill and because of that mental illness:

**22.6** List those people or agencies that may initiate an involuntary examination.

**22.7** Explain that an individual may be detained at a receiving facility for involuntary examination for up to 72 hours.

**22.8** Identify that firearms are prohibited from the grounds and premises of a receiving facility, that firearms must remain in a motor vehicle and the vehicle must be locked if unattended.

**22.9** Explain that law enforcement personnel should be contacted and enlisted to assist in returning a patient to a receiving or treatment facility only if the patient is under a criminal charge or meets the criteria for involuntary examination.



# BROWARD COMMUNITY COLLEGE COURSE OUTLINE

**Common Course Number: CJD0790**

**22.10** Explain that a correctional probation officer working in a correctional institution has the responsibility of referring an inmate exhibiting behavior that may indicate mental illness to the appropriate medical personnel.



**Common Course Number: CJD0790**

**Unit 23 Florida Sentencing Guidelines**

**General Outcome:**

**23.0 The student shall:** know that the Florida Sentencing Guidelines represents the state's structured policy with respect to the sentencing of non-capital felony offenders and an overview of the distinct versions of the guidelines currently in operation in Florida. The student will know that Chapter 921, F. S., addresses laws relating to court sentences.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**23.1** Identify the purposes of sentencing guidelines.

**23.2** Explain that Florida Sentencing Guidelines first became effective on October 1, 1983. Prior to that time, courts sentenced in accordance with the provisions of law which permitted a wide range of judicial discretion in the sentencing decision, to include:

**23.3** Explain that prior to the guidelines, parole was a discretionary early release policy which had a significant impact upon both the percentage and the actual amount of time served

**23.4** Explain that the Florida legislature abolished the sentencing guidelines and the Florida Sentencing Commission during the 1997 legislative session. The guidelines were replaced by the Criminal Punishment Code, which became effective October 1, 1998. The Legislature transferred the Criminal Punishment Code to the State Attorney's Offices effective October 1, 2001.



**Common Course Number: CJD0790**

**Unit 24 Executive Clemency**

**General Outcome:**

**24.0 The student shall:** define executive clemency and identify the types of executive clemency that can be granted.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 24.1** Identify that executive clemency is governed by Chapter 940, F.S.
- 24.2** State that executive clemency can be granted by the Governor with the approval of State that executive clemency can be granted by the Governor with the approval of three (3) cabinet members.
- 24.3** Identify types of executive clemency
- 24.4** Identify that, according to s. 940.05, F.S., any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship enjoyed prior to conviction if:
- 24.5** Indicate that a full pardon forgives guilt and restores all rights except the right to possess a firearm
- 24.6** Identify the steps involved in the executive clemency process.
- 24.7** Identify the procedure for restoration of civil rights upon termination of supervision, to include:
- 24.8** Identify that conditional commutation may result in an officer supervising the individual as if on probation or community control.
- 24.9** Identify reasons inmates may be referred to the Office of Executive Clemency.



**Common Course Number: CJD0790**

**Unit 25 Evidence Handling Procedures**

**General Outcome:**

**25.0 The student shall:** describe the importance of proper handling and methods of collecting, preserving, marking, and transporting evidence. The student will apply the various methods of handling evidence when given various situations.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 25.1** Define “relevant evidence” as anything that logically tends to prove or disprove a fact at issue in a judicial case or controversy. (s. 90.401, F.S.)
- 25.2** Identify areas having the most impact on evidence.
- 25.3** Identify four important considerations when handling evidence
- 25.4** Explain that evidence is marked by the recovering officer to establish and maintain the chain of custody.
- 25.5** Explain that the chain of custody identifies who handled evidence and why to preserve the integrity of the evidence for court presentation
- 25.6** Identify responsibilities of the officer as they relate to evidence. Identify procedures for collecting, preserving, marking, and transporting evidence.
- 25.7** Identify procedures for collecting, preserving, marking, and transporting evidence
- 25.8** Demonstrate the correct method for collecting, preserving, marking and transporting various types of evidence



**Common Course Number: CJD0790**

**Unit 26 Chain of Custody Concepts**

**General Outcome:**

**26.0 The student shall:** know the importance of the chain of custody as it relates to evidence. The student will comprehend the methods used to protect the chain.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**26.1** Define “chain of custody” as the witnessed, written record of all individuals who have maintained unbroken control over the evidence since its acquisition.

**26.2** Explain that the importance of chain of custody, as it relates to court presentations, is that it establishes proof that the evidence collected at the crime scene is the same being presented in court.

**26.3** Identify the components of the “chain.

**26.4** Identify information needed to establish the chain.

**26.5** Explain that it is important to properly store physical evidence to protect admissibility

**26.6** Identify safeguards for maintaining the chain of custody



**Common Course Number: CJD0790**

**Unit 27      Legal Terms and Definitions**

**General Outcome:**

**27.0 The student shall:** know the definitions for legal terms related to the various tasks performed on the job.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**27.1** List legal terms related to the duties of a correctional probation officer.

**27.2** Define legal terms related to the duties of a correctional probation officer.



**Common Course Number: CJD0790**

**Unit 28      Bribery**

**General Outcome:**

**28.0 The student shall:** comprehend the laws relating to the crime of bribery as provided in Chapter 838, Florida Statutes.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**28.1** Define “bribery” as corruptly giving, offering, or promising to any public servant, or, if a public servant, to corruptly request, solicit, accept or agree to accept any pecuniary or other benefit with an intent or purpose to influence the public servant

**28.2..** Explain that bribery is a felony

**28.3..** Explain that bribery is a felony

**28.4..** Identify the factors that would be included in the statutory meaning of “corruptly

**28.5..** Explain that corruption by threat against a public servant is considered a felony

**28.6..** Explain that a bribe involves unlawful compensation or reward for past, present, or future performance of a public servant.

**28.7..** Describe bribery in athletic contests

**28.8..** Explain that “commercial bribe receiving” and “commercial bribery” are prohibited by s.838.15 and 838.16, F.S., respectively.



**Common Course Number: CJD0790**

**Unit 29                      Obstruction of Justice**

**General Outcome:**

**29.0 The student shall:** comprehend the actions that may be considered obstruction of justice as provided in Chapter 843, Florida Statutes.

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

- 29.1..** Define “obstruction of justice” as actions or lack of actions which impair or prohibit an officer from executing a legal process or duty.
- 29.2..** Explain that resisting an officer is considered either a misdemeanor or felony depending on the circumstances as listed in s. 843.01 and .02, and s. 784.07, F.S.
- 29.3..** Identify actions that are considered to be obstructing justice under Chapter 843, F.S
- 29.4..** List actions relating to escape of an individual in custody which are considered to be obstructing justice.
- 29.5..** Explain that it is a felony to use two-way radio communications to facilitate or further the commission of a felony crime.



**Common Course Number: CJD0790**

**Unit 30 Constitutional Law**

**General Outcome:**

**30.0 The student shall:** know the basic provisions of the U.S. Constitution and comprehend the law enforcement officer's responsibility to defend and comply with the U.S. Constitution

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**30.1..** Explain the reasons why officers should be aware of the U.S. Constitution and, particularly, the rights of the people,

**30.2..** Explain the purposes of the Articles of the Constitution.

**30.3..** Explain that a Florida Constitution exists and that it is generally parallel to the United States Constitution

**304..** Identify the purpose of the Amendments to the U.S. Constitution as the establishment of the rights of the people of the United States and place limitations on government to not infringe on these rights.

**30.5..** Explain that the 1<sup>st</sup> through 10<sup>th</sup> Amendments are considered to be the "Bill of Rights," briefly summarized as follows:

**30.6** Explain that the 14<sup>th</sup> Amendment protects against the denial of life, liberty or property without due process by the State and has been used by the U. S. Supreme Court to extend federal rights to state matters.



**Common Course Number: CJD0790**

**Unit 31 Use of Force**

**General Outcome:**

**31.0 The student shall:** know types of force, purposes of its use and Florida Statutes that pertain to it. The student will comprehend the liabilities and effects associated with the use of force and the effects of the use of force. The student will know the definition of deadly force .

**Specific Measurable Learning Outcomes:**

**Upon successful completion of this unit, the student shall be able to:**

**31.1..** Name the purposes of the use of force

**31.2..** Explain the basic provisions contained within Chapter 776, F.S., pertaining to use of force.

**31.3..** Define each type force that may be used in making an arrest.

**31.4** Define “reasonable force” as it relates to making an arrest as the use of any force which the officer reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.

**31.5..** Explain that the use of force should be applied only to the degree that it reasonably appears necessary.

**31.6..** Explain the liabilities that are attached to the officer and agency through the use of force.

**31.7..** Identify factors to consider when assessing the need to use force.

**31.8..** Name mental aspects of the use of force

**31.9..**Identify the types of non-deadly force that may be used by a law enforcement officer

**31.10...**List factors an officer must consider when determining whether or not to use deadly force

**31.11..** Describe situations that may affect a decision to use or not to use deadly force.

**31.12..** Relate the type of force that may be appropriate in various arrests situations, to include:

**31.13..** Explain that s. 776.085, F.S., provides for a legal defense to a civil action for damages filed by a convicted forcible felon.