



BROWARD COMMUNITY COLLEGE COURSE OUTLINE

LAST REVIEW: 2007-2008

(i.e. 2003-2004)

NEXT REVIEW: 2012-2013

(i.e. 2008-2009)

STATUS: A

(A, I, D)

COURSE TITLE: Correctional Probation Legal

COMMON COURSE NUMBER: CJK 0271

CREDIT HOURS:

CONTACT HOUR BREAKDOWN

(per 16 week term)

CLOCK HOURS: 57

(Voc. Course ONLY)

Lecture: **57**

Lab:

Clinic:

Other:

PREREQUISITE(S):

COREQUISITE(S):

PRE/COREQUISITE(S):

COURSE DESCRIPTION *(750 characters, maximum):*

This course presents the structure and components of the Florida Criminal Justice System and the laws governing the duties of a Correctional Probation.

UNIT TITLES

1. Introduction to Correctional Probation and the Criminal Justice System
2. Chain of Command
3. Criminal Justice Standards Training Commission
4. Ethics and Professionalism
5. State Rules and Regulations
6. Legal Terminology
7. Constitutional Law
8. Probable Cause
9. Parties to a Crime
10. Civil & Criminal Liability
11. Classification of Offenses
12. Subpoena
13. Confidential Information and Public Records
14. Perjury
15. Hearing Procedures
16. Court Rules and Trial Procedures
17. Courtroom Demeanor and Testimony
18. Sentencing Alternatives and Guidelines
19. Use of Force
20. Executive Clemency
21. Restoration of Civil Rights



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EVALUATION:

1. In-class exercises
2. Individual presentations
3. Group presentations
4. Examinations

**** Complete the following only if course is seeking general education status ****

GENERAL EDUCATION Competencies and Skills*:

Please highlight in **green** font all Competencies/Skills from the list below that apply to this course. In the box to the right of the Competency/Skill, enter all specific learning outcome numbers (i.e. 1.1, 2.7, 5.12) that apply.

1. Read with critical comprehension	
2. Speak and listen effectively	
3. Write clearly and coherently	
4. Think creatively, logically, critically, and reflectively (analyze, synthesize, apply, and evaluate)	
5. Demonstrate and apply literacy in its various forms: (highlight in green ALL that apply) (1. technological, 2. informational, 3. mathematical, 4. scientific, 5. cultural, 6. historical, 7. aesthetic and/or 8. environmental)	
6. Apply problem solving techniques to real-world experiences	
7. Apply methods of scientific inquiry	
8. Demonstrate an understanding of the physical and biological environment and how it is impacted by human beings	
9. Demonstrate an understanding of and appreciation for human diversities and commonalities	
10. Collaborate with others to achieve common goals.	
11. Research, synthesize and produce original work	
12. Practice ethical behavior	
13. Demonstrate self-direction and self motivation	
14. Assume responsibility for and understand the impact of personal behaviors on self and society	
15. Contribute to the welfare of the community	

** General Education Competencies and Skills endorsed by '05-'06 General Education Task Force*



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UNITS

Unit 1 Introduction to Correctional Probation and the Criminal Justice System

General Outcome:

1.0 **The student shall:** know the basic concept of correctional probation and comprehend the various components of the Florida criminal justice system.

Specific Measurable Learning Outcomes:

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

- 1.1 Identify three major components of the criminal justice system.
- 1.2 Identify components of the Florida correctional system.
- 1.3 Identify various types of state correctional facilities, to include.

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Unit 2 Chain of Command

General Outcome:

2.0 The student shall: know the definitions, purposes, and important considerations regarding chain of command and organization.

Specific Measurable Learning Outcomes:

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

- 2.1 Define “chain of command” as a connection or link of authority and responsibility that joins one level of an organization to another.
- 2.2 Define “organization” as a group of two or more persons who cooperate to accomplish an objective(s).
- 2.3 Identify purposes of chains of command and organizations.



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Unit 3 Criminal Justice Standards Training Commission

General Outcome:

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 Identify the primary goals of the CJSTC.
- 3.3 Identify the primary responsibilities of the CJSTC as established by Chapter 943, F.S.
- 3.4 Explain that rule 11B-27.002, FAC, requires that within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall
 - a) successfully complete the program
 - b) achieve a passing score on the applicable State Officer Certification Examination
 - c) gain employment as an officer
 - d) Identify grounds for revocation.
- 3.5 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, Section 790.233, F.S. This provision does not apply to an active certified state or local officer, as defined in Section 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, Section 790.233, F.S.
- 3.6 Explain that Federal Public Law 104-208, Omnibus Consolidated 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.



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Unit 4 Ethics and Professionalism

General Outcome:

The student shall: define ethics and professionalism and identify acts that are considered unethical. The student shall also define common terms associated with ethics and professionalism and identify behaviors that are considered professional

Specific Measurable Learning Outcomes:

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

- 4.1 State the Department of Corrections' Code of Conduct.
- 4.2 Define "ethics" as the principles of integrity, loyalty, honesty, morality, and accepted rules of conduct that govern an individual or group.
- 4.3 Explain that an officer's conduct on and off duty should be in a manner that commands the respect of those the officer works with, those the officer supervises, and the general public.
- 4.4 Explain that unethical conduct by individual officers is viewed by the public as a reflection on the entire profession and department.
- 4.5 Identify behavior that is considered unethical.
- 4.6 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.
- 4.7 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.
- 4.8 Explain that a bribe involves unlawful compensation or reward for past, present, or future performance of a public servant.
- 4.9 Define "obstruction of justice" as actions or lack of actions which impair or prohibit an officer from executing a legal process or duty.
- 4.10 Identify the penalties for unethical behavior.
- 4.11 Explain that employees of the department should not knowingly engage in a personal relationship with an inmate or offender supervised by the department, unless a marital or family relationship exists. (Section 944.35, F.S.)



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- 4.12 Explain that any employee of the department who engages in sexual misconduct with an inmate or offender supervised by the department in the community without committing the crime of sexual battery commits a felony of the third degree.
- 4.13 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.
- 4.14 Demonstrate the ability to identify behavior that is ethical and unethical in a mock situation.
- 4.15 Demonstrate the ability to identify behavior that is professional and unprofessional in a mock situation.



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Unit 5 State Rules and Regulations

General Outcome:

5.0 The student shall: describe the relationship of statutes and rules 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 provisions of the Florida Statutes relevant to the Department of Corrections are further expanded by rules in Chapter 33 of the Florida Administrative Code (F.A.C.).
- 5.3 Identify provisions of Chapter 33, F.A.C., pertaining to employee conduct.
- 5.4 Identify that provisions of Chapter 33.302, F.A.C., include rules relating to Community Corrections.
- 5.5 Demonstrate the ability to identify behavior that violates a rule or law (statute) during a mock situation.



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Unit 6 Legal Terminology

General Outcome:

6.0 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:

6.1 Define the following legal terms:

- a) abscond - to depart secretly or suddenly to avoid arrest, prosecution, or service of process (*BLD*)
- b) admission - a confession, statement or acknowledgment made by a party which could be offered against that party in court (Section 90.803(18), F.S.)
- c) accessory after the fact - 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 (Section 777.03, F.S.)
- d) affidavit - a sworn, written statement
- e) appeal - the taking of a case to a higher court for correction, modification or endorsement of a judgment or ruling of a lower court
- f) arraignment - the initial step in a criminal prosecution whereby the defendant is brought before the court to hear the charges and to enter a plea (*BLD*)
- g) arrest – to 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
- h) bail - the process to procure release of an individual charged with an offense ensuring future attendance in court and compelling the individual to remain within jurisdiction of the court
- i) bailiff - a court officer who maintains order during court proceedings (*BLD*)
- j) burden of proof - a party's duty to prove a disputed assertion or charge (*BLD*)



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- k) child - any person under the age of 18 years (Section 827.01(2), F.S.)
- l) clerk of court - a court officer responsible for filing papers, issuing process, and keeping records of court proceedings as generally specified by rule or statute (*BLD*)
- m) confession - a statement made by a person charged with a crime, acknowledging one's own guilt for the offense charged, which, as a minimal requirement for being admitted into evidence, must have been provided voluntarily
- n) confiscate - appropriate property taken or seized for a violation of law, to the use of the government
- o) contraband - goods, property, or other items possessed in violation of the law
- p) corpus delicti ("the body of the offense") - proof that a crime has been committed
- q) court reporter - a person who records testimony, stenographically or by electronic or other means, and when requested prepares a transcript (*BLD*)
- r) cross examination - the questioning of a witness at a trial or hearing by the party opposed to the party who called the witness to testify with the purpose of discrediting the witness (*BLD*)
- s) custody - the retention, care, or keeping of something or someone
- t) deadly force - force that is likely to cause death or great bodily harm (Section 776.06, F.S.)
- u) defendant - the party charged with a crime or party sued in a civil action
- v) defense attorney - a lawyer who represents a defendant in a civil or criminal case (*BLD*)
- w) deposition - a form of pre-trial discovery in which the witness is placed under oath and must answer questions asked by an attorney; may be transcribed for use in impeaching the witness at trial or in special cases, to perpetuate testimony
- x) direct examination - the first questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify (*BLD*)
- y) discovery - the act or process of finding or learning something that was previously unknown; compulsory disclosure, at a party's request, of information that relates to the litigation (*BLD*)
- z) disposition - the final settlement of a matter with reference to decisions announced by court



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- aa) due process - the legal protection which observes rules for the protection and enforcement of individual rights and liberties, among which are notice of charges, opportunity to appear and be heard, and right to effective counsel and a fair and impartial jury
- bb) evidence - testimony, writings, or material objects offered in proof of an alleged fact or proposition
- cc) exclusionary rule - the principle that evidence will be rejected by the court if it has been obtained in an illegal manner
- dd) ex post facto - a law that impermissibly applies retroactively, especially in a way that negatively affects a person's rights, as by criminalizing an action that was legal when it was committed; ex post facto criminal laws are prohibited by the U.S. Constitution (*BLD*)
- ee) felony - any criminal offense punishable by death or imprisonment in a state penitentiary in excess of one year (Section 775.08(1), F.S.)
- ff) forfeiture - the loss of some right or property as a penalty for some illegal act
- gg) grand jury - an investigative body of persons whose duty it is, upon hearing the evidence for the prosecution, to decide whether a sufficient case has been developed upon which to hold an accused for trial
- hh) hearing - a judicial session usually open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying (*BLD*)
- ii) hearsay - testimony given by a witness who relates not what he or she knows personally, but what others have said, and that is therefore dependent on the credibility of someone other than the witness (*BLD*)
- jj) hearsay evidence - 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
- kk) indictment - a formal criminal charge issued by a grand jury
- ll) informant - an undisclosed person who confidentially discloses material information of a law violation, thereby supplying a lead to law enforcement officers for their investigation of a crime
- mm) information - a formal criminal charge filed by the state attorney
- nn) inmate - means any person committed to the custody of the Department of Corrections (Section 945.42(6))
- oo) intent - the state of mind accompanying an act, especially a forbidden act (*BLD*)



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- pp) interrogate - accumulating evidence from suspects by questioning
- qq) judge - a public official appointed or elected to hear and decide legal matters in court
(BLD)
- rr) jurisdiction - the scope over which an authority extends
- ss) jury - a body of citizens sworn to deliver a true verdict upon evidence submitted to them in a trial
- tt) mens rea – (“guilty mind”) criminal intent, or a mental state of mind that is required, which leads to criminal liability for a particular crime
- uu) Miranda Rights – constitutional rights of an individual being arrested to remain silent to avoid self-incrimination, to have an attorney present during questioning, and to have an attorney appointed if the suspect cannot afford one
- vv) misdemeanor - any criminal offense punishable by a term of imprisonment in a county correctional facility (jail) not in excess of one year; does not include any violation of municipal or county ordinance (Section 775.08(2), F.S.)
- ww) modus operandi - a method of operating or doing things (MO); term used by police and criminal investigators to describe the particular method or pattern of a criminal’s activity
- xx) nolle contendere/nolo (“no contest”) - a plea in a criminal case in which the defendant does not admit nor deny the charges; this plea has the same or similar legal effect as pleading guilty
- yy) nolle prosequi/nolle – (“unwilling to prosecute”) a legal notice that a law suit or prosecution has been dismissed (BLD)
- zz) noncriminal violation (infraction) - 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 (Section 775.08(3), F.S.)
- aaa) ordinance - designating the enactments of the legislative bodies of a municipal corporation such as zoning, building, and safety
- bbb) parties to the crime - individuals who share or take part with another in a venture with shared risks
- ccc) perjury - making a false statement, not believed to be true, under oath, in an official or unofficial proceeding, (Chapter 837, F.S.)
- ddd) probable cause - a reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime; under the Fourth Amendment, probable cause, which amounts to more than a bare suspicion but less than evidence that would justify a conviction, must be shown before an arrest warrant or search warrant may be issued (BLD)



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- eee) prosecution - a criminal proceeding in which an accused person is tried (*BLD*)
- fff) reasonable doubt - doubt based on reason which arises from evidence or lack of evidence
- ggg) restitution - the restoring of monetary or non-monetary property to a victim for damage or loss caused directly or indirectly by the defendant
- hhh) search - looking for or seeking out that which is otherwise concealed from view as an examination of an individual's person and/or property
 - iii) seizure - the act of taking possession of property, things, or persons, including evidence and contraband
 - jjj) sentencing authority- refers to the entity that has the statutory or constitutional authority to place an offender on a form of community supervision with the Department of Corrections. For Florida offenders, it is a Florida circuit court or the Florida Parole Commission.
- kkk) state attorney/prosecutor - a public official appointed or elected to represent the state in criminal cases in a particular judicial district (*BLD*)
 - lll) subpoena - a command to appear at a certain time and place to give testimony upon a certain matter
- mmm) subpoena duces tecum - 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
- nnn) suppression of evidence- preventing evidence from being used in a legal proceeding by demonstrating that it was either gathered illegally or that it is irrelevant
- ooo) toll - to temporarily suspend or place supervision on hold
- ppp) vacate - to nullify or cancel; make void; invalidate (*BLD*)
- qqq) venue - the circuit or county in which a particular trial may be conducted
 - rrr) voir dire ("to speak the truth") - a preliminary examination of a witness or prospective juror in order to determine competency to speak the truth or qualifications to serve as a juror
- sss) witness - one who observes an incident or has knowledge of facts or information
- ttt) writ - a court's written order, in the name of a state or other competent legal authority, commanding the addressee to do or refrain from doing some specified act.



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Unit 7 Constitutional Law

General Outcome:

7.0 The student shall: know the basic provisions of the U.S. Constitution and comprehend the 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:

- 7.1 Explain the reasons why officers should be aware of the U.S. Constitution and, particularly, the rights of the people.
- 7.2 Identify the purpose of the Amendments of 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.
- 7.3 Explain that the 1st through 10th Amendments are considered to be the "Bill of Rights," briefly summarized as follows:
 - a) 1st Amendment - freedom of religion, speech, press, and assembly
 - b) 2nd Amendment - right to bear arms
 - c) 3rd Amendment - prohibiting quartering of soldiers in private homes
 - d) 4th Amendment - right to be secure against unreasonable searches and seizures; probable cause
 - e) 5th Amendment - indictment for capital crime; protection from double jeopardy; not required to testify against oneself; not be deprived of life, liberty, or property without due process of law
 - f) 6th Amendment - right to speedy and public trial, impartial jury, counsel, confront witnesses, and be informed of the nature of the charges.
 - g) 7th Amendment - right, at common law, of trial by jury
 - h) 8th Amendment - protection from excessive bails, fines, and cruel and unusual punishments
 - i) 9th Amendment - retention, by the people, of general rights
 - j) 10th Amendment - state's rights preserved



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- k) Explain that the 14th 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.



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Unit 8 Probable Cause

General Outcome:

8.0 The student shall: comprehend the concept of probable cause.

Specific Measurable Learning Outcomes:

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

- 8.1 Identify that probable cause is contingent upon the existence of articulable details constituting:
- a) arrest purposes – facts that would lead a reasonably prudent officer, based upon his or her training and experience, to believe that a crime has been or is being committed; or
 - b) search and seizure purposes – facts and circumstances, which would persuade a reasonably prudent officer, based upon his or her training and experience, that the items sought are connected with criminal activity and will be found in the place to be searched
- 8.2 Explain the continuum of the question of evidence of criminal offenses as:
- c) mere suspicion
 - d) reasonable suspicion
 - e) probable cause
 - f) beyond a reasonable doubt
- 8.3 List possible results that may come from lack of probable cause, to include:
- g) dismissal of the charge
 - h) suppression of evidence
 - i) civil suit for damages against the officer/agency
 - j) criminal charges against the officer
 - k) departmental discipline against the officer



Common Course Number:

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 principal in the first degree may be charged, convicted, and punished to the same degree as the violator of the related substantive offenses.
- 9.3 Identify actions listed within Section 777.011, F.S., that would qualify an offender as a principal in the first degree.
- 9.4 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.



Common Course Number: CJK0271

Unit 10 Civil and Criminal Liability

General Outcome:

10.0 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:

- 10.1 Define “civil liability” as responsibility for a wrongful act committed by one person that injures another person or property; usually involving negligence.
- 10.2 Define “criminal liability” as responsibility for a violation of state or federal criminal law.
- 10.3 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.
- 10.4 Identify four elements of negligence.
- 10.5 Identify examples of intentional torts.
- 10.6 Explain that a tort case and a criminal case may be filed for the same act.
- 10.7 Define “mere negligence” as the failure to use such care as a reasonably prudent person would use under the same or similar circumstances.
- 10.8 Define “gross negligence” as conduct so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct. (Section 768.72 (2)(b), F.S.)
- 10.9 Define “intentional misconduct” as when a person has actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage. (Section 768.72 (2)(a), F.S.)
- 10.10 Identify three types of damages that can be awarded in a civil suit.
- 10.11 Explain that an officer may use immunity and acting in good faith as defenses.
- 10.12 identify two elements of a good faith defense.
- 10.13 Define “official immunity” as personal immunity accorded to a public official from liability to anyone injured by actions that are consequences of exerting official authority.



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- 10.14 Identify potential liability concerns.
- 10.15 Identify the department's position on civil suits brought against an officer and/or agency.
- 10.16 Define "color of law" as a person using authority given to him or her by local, state, or federal government agency.
- 10.17 Identify practices that will help an officer avoid legal liability.
- 10.18 Demonstrate the best course of action when given a scenario involving liability.



Common Course Number: CKJ 0271

Unit 11 Classification of Offenses

General Outcome:

11.0 The student shall: identify and describe offenses in Florida. The student shall 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:

- 11.1 Identify felonies by penalties and/or fines according to Chapter 775, F.S., to include:
- a. capital felony – death or life imprisonment with no chance of parole
 - b. life felony – for offenses committed:
 - prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30; up to \$15,000 fine
 - on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years; up to \$15,000
 - on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment
 - c. felony of the first degree – by a term of imprisonment not exceeding 30 years or, when specified by statute, not exceeding life imprisonment; up to \$10,000 fine
 - d. felony of the second degree – by a term of imprisonment not exceeding 15 years; up to \$10,000 fine
 - e. felony of the third degree – by a term of imprisonment not exceeding 5 years; up to \$5,000 fine
- 11.2 List and identify the classification of misdemeanors by type of punishment according to Chapter 775, F.S.
- 11.3 Explain that the purpose for classifying felonies and misdemeanors is to identify the degree of seriousness of the crime.
- 11.4 Explain that laws relating to habitual offenders are defined in Section 775.084,F.S.



Common Course Number: CJK0271

Unit 12 Subpoena

General Outcome:

12.0 The student shall: identify the authorities who can issue and serve a subpoena. The student shall also know the penalty for not responding to a subpoena.

Specific Measurable Learning Outcomes:

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

- 12.1 Explain who can issue a subpoena, to include:
- b) judge
 - c) state attorney (assistant state attorney)
 - d) defense attorney
 - e) parole commissioner or duly authorized representative
- 12.2 Identify who can serve a subpoena, to include:
- a) sheriff (deputy)
 - b) state attorney investigators
 - c) Florida Department of Law Enforcement special agents
 - d) duly appointed and bonded process server
- 12.3 Explain that failure to comply with a subpoena is addressed by the court through either civil contempt or criminal contempt proceedings.

Explain the special action(s) required of a subpoena, to include:

- a) appear in person
- b) be available by telecommunications methods
- c) provide required records



Common Course Number: CJK0271

Unit 13 Confidential Information and Public Records

General Outcome:

13.0 The student shall: know the statutory authority that defines confidential information and dissemination of public information.

Specific Measurable Learning Outcomes:

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

- 13.1 Identify aspects of state and federal law that relate to information a requesting agency is authorized to be given about an offender (“need to know” v. “right to know”).
- 13.2 Explain that Section 945.10, F.S. specifies Department of Corrections’ records or information that are confidential and exempt.
- 13.3 Identify that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits the disclosure of medical information without the authority of a subpoena.
- 13.4 Define “redacting information” as the removal of an offender’s confidential information when releasing requested information to an authorized agency/person.



Common Course Number: CJK0271

Unit 14 Perjury

General Outcome:

14.0 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:

- 14.1 Describe “false reports to law enforcement authorities” as knowingly giving false information to any law enforcement officer concerning the alleged commission of any crime.
- 14.2 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.
- 14.3 Describe “perjury by contradictory statements” as willingly making, in official proceedings, two or more material statements under oath, when in fact two or more statements contradict each other.
- 14.4 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: CJK0271

Unit 15 Hearing Procedures

General Outcome:

15.0 The student shall: know the different participants involved in court proceedings and how to prepare a case for a hearing. The student shall also identify the process and different types of hearings.

Specific Measurable Learning Outcomes:

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

- 15.1 List the various participants involved in court proceedings.
- 15.2 Explain that the officer will not provide any legal advice.
- 15.3 Identify the different types of hearings.
- 15.4 Identify the procedure for an offender receiving a hearing notice.
- 15.5 Explain the process of preparing a case for a hearing.
- 15.6 Identify the appropriate authority to consult when preparing for a hearing.



Common Course Number: CJK0271

Unit 16 Court Rules and Trial Procedures

General Outcome:

16.0The student shall: know how a case is prepared for a trial and understand the basic elements of a trial.

Specific Measurable Learning Outcomes:

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

- 16.1 Identify courtroom personnel.
- 16.2 Identify the major elements of a jury trial.
- 16.3 Explain that the identity of the defendant must be positively verified when preparing a case for a trial.
- 16.4 Explain that the hearing or deposition date, time, and place must be confirmed when preparing a case for court proceedings.



Common Course Number: CJK0271

Unit 17 Courtroom Demeanor and Testimony

General Outcome:

17.0 The student shall: comprehend the responsibilities of an officer with regard to court proceedings, proper appearance, and appropriate behavior and techniques to employ when testifying in court. The student will demonstrate those behaviors/techniques in a mock court setting.

Specific Measurable Learning Outcomes:

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

- 17.1 Identify the pre-trial/hearing responsibilities of an officer when preparing to give testimony.
- 17.2 Identify different types of legal proceedings that an officer may be required to attend and/or present testimony.
- 17.3 Explain different types of questioning an officer may experience in legal proceedings.
- 17.4 Identify appropriate behavior when responding to questions by attorneys in a legal proceeding.
- 17.5 Identify the appropriate professional attitude and appearance to display during court proceedings.
- 17.6 Demonstrate proper demeanor and methods for effective testimony in mock court exercises.



Common Course Number: CJK0271

Unit 18 Sentencing Alternatives and Guidelines

General Outcome:

18.0 The student shall: know that Chapter 921, F.S., addresses laws related to court sentences and the purposes of the sentencing guidelines. The student shall also know the basic concept of the Florida Criminal Punishment Code.

Specific Measurable Learning Outcomes:

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

- 18.1 Identify that Chapter 921, F.S., provides guidelines for the sentencing of an offender in Florida.
- 18.2 List the purposes of sentencing guidelines.
- 18.3 Explain that the Florida legislature replaced the sentencing guidelines and the Florida Sentencing Commission with the Florida Criminal Punishment Code, which became effective October 1, 1998.
- 18.4 Identify that under the Florida Criminal Punishment Code, the maximum sentence for any felony offense is determined by the statutory maximums provided in Section 775.082, F.S.
- 18.5 Explain that the Florida legislature gave sole responsibility for the preparation of score-sheets to the State Attorney, effective October 1, 2001.
- 18.6 Demonstrate the ability to interpret a score-sheet screen in the Offender-Based Information System (OBIS).



Common Course Number: CJK0271

Unit 19 Use of Force

General Outcome:

19.0 The student shall: know the different types of force, purposes of its use, and Florida Statutes that pertain to use of force. The student shall know the liabilities and effects associated with the use of force.

Specific Measurable Learning Outcomes:

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

- 19.1 Name the purposes of the use of force.
- 19.2 Explain the basic provisions contained within Chapter 776, F.S., pertaining to use of force.
- 19.3 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 herself or another from bodily harm while making the arrest.
- 19.4 Explain that the use of force should be applied only to the degree that it reasonably appears necessary.
- 19.5 Explain the liabilities that are attached to the officer and agency through the use of force.
- 19.6 Explain that Section 776.085, F.S. provides for a legal defense to a civil action for damages filed by a convicted forcible felon.



Common Course Number: CJK0271

Unit 20 Executive Clemency

General Outcome:

20.0 The student shall: comprehend the law governing 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:

- 20.1 Explain that executive clemency is governed by Chapter 940, F.S.
- 20.2 Explain that executive clemency can be granted by the Governor with the approval of three (3) cabinet members.
- 20.3 Identify the types of executive clemency, to include:
 - a) full pardon
 - b) conditional pardon
 - c) commutation of sentence
 - d) remission of fines and forfeitures
 - e) authority to own or possess firearms
 - f) restoration of civil rights
 - g) commutation of death sentence



Common Course Number: CJK0271

Unit 21 Restoration of Civil Rights

General Outcome:

21.0 The student shall: understand the basic concept of restoration of civil rights and the eligibility criterion for restoration of civil rights to be automatically granted.

Specific Measurable Learning Outcomes:

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

- 21.1 Identify that, according to Section 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:
- h) full pardon is received from the Board of Pardons
 - i) maximum term of the sentence imposed is served
 - j) final release has been granted by the Parole Commission
- 21.2 Indicate that a full pardon forgives guilt and restores all rights except the right to possess a firearm.
- 21.3 List the eligibility criterion for restoration of civil rights to be automatically granted, to include:
- k) offender does not have a disqualifying offense
 - l) all restitution costs are paid
 - m) there are no outstanding offenses
 - n) supervision has been successfully terminated