

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: CRIMINAL JUSTICE SYSTEM 1.1

SUBJECT:	Criminal Justice System
AZ POST DESIGNATION:	1.1
HOURS:	2
COURSE CONTENT:	An overview of the components of the Criminal Justice System, their functions, responsibilities and inter-relationships.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
1.1.1	Identify the three (3) branches of government and the function and responsibilities of each.
1.1.2	Identify the purpose of general conditions of parole and probation.
1.1.3	Identify the function and responsibilities of the following three (3) components of the Criminal Justice System: A. Law Enforcement. B. Judicial. C. Corrections.
1.1.4	Identify the functions and the components of the Criminal Justice System in which each of the following operational positions belong: A. Judges. B. Prosecuting Attorneys. C. Defense Attorneys. D. Probation Officers. E. Parole Officers. F. Correctional Officers.

- G. Police/Sheriff.
- H. Victim/Witness Services

DATE FIRST PREPARED: June 2000

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REVIEWED – **REVISED**: Gary Neumeyer and Steve Johnson DATE: July 2000

REVIEWED – **REVISED**: SME Committee, Sgt. William Wright
Chief John Cocca, Scottsdale P.D. DATE: February 2001

REVIEWED – **REVISED**: SME Committee DATE: April 2002

REVIEWED – REVISED: AZ POST DATE: April 2007

REVIEWED – REVISED: Lt. Dave Kelly, Phoenix PD - ALEA DATE: November 2009

REVIEWED – **REVISED**: R. Watling, AZPOST minor edits DATE: November 2015

REVIEWED – **REVISED**: AZ POST (Docx) DATE: November 2021

REVIEWED – REVISED: DATE:

AZ POST – APPROVAL: Richard Watling DATE: November 2015

AZ POST – APPROVAL: Lori Wait DATE: November 2021

INSTRUCTOR REFERENCES: Procedures in the Justice System, 6th Ed., Stuckey, Prentice Hall,
Criminal Justice Today, 6th Ed., Schmalleger, Prentice Hall and Tucson
Police Dept. Supplement Training Information Manual (STIM).

CLASS LEVEL: Student

TRAINING AIDS: Overhead projector, LCD projector for computer, computer with Microsoft
PowerPoint and lecture note-taking outline.

INSTRUCTIONAL STRATEGY: Interactive lecture and class discussion.

SUCCESS CRITERIA: 70% or above on a multiple-choice examination.

COMPUTER FILE NAME: 1.1 Criminal Justice System

DATE RELEASED TO SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives.

II. PURPOSE OF LESSON PLAN

- A. To provide the recruit with an overview of the American criminal justice system, the branches of government and their inter-relationship.
- B. Why is this important? **INSTRUCTOR NOTE: DISCUSSION: why is this important?**
 - 1. The relationship affects:
 - a. What laws are enforced.
 - b. How the laws are enforced.

III. BRANCHES OF GOVERNMENT**P. O. 1.1.1**

- A. What are the branches of government?
 - 1. There are three (3) separate, but equal, branches of our government.
 - 2. Our system of government is based on the concept of separation of powers.
 - 3. They are:
 - a. Executive.
 - b. Legislative.
 - c. Judicial.
- B. Executive Branch
 - 1. This branch of government is responsible for executing, enforcing and setting the policy of the law.
 - 2. They handle the day-to-day decisions of the government.
 - 3. Examples:
 - a. National Level:
 - i. President of the United States and cabinet members, federal law enforcement agencies and the federal correctional system. It takes a 2/3 vote of the House or Senate to override the President's veto. Law enforcement is under the executive branch.

- b. State Level:
 - i. Governor of Arizona, state law enforcement agencies and the Arizona Department of Corrections.
 - c. County Level:
 - i. County manager and the sheriff's department.
 - d. Local Level: (Municipality)
 - i. City manager and the police department.
- C. Legislative Branch
1. This branch of government writes or creates laws. Also, it determines the budget of the government that includes both the executive and judicial branch. This will also affect the policies of the government due to budget constraints.
 2. The Legislature is usually bicameral (two houses) at the national and state level. An exception is the state of California that is unicameral (one house). County and local governments are unicameral.
 3. Examples:
 - a. Federal Level:
 - i. Congress = Senate and the House of Representatives
 - b. County Level:
 - i. Board of Supervisors.
 - c. Municipal Level:
 - i. City or Town Council.
- D. Judicial Branch
1. Consists of the courts at both the federal and state level. They determine the guilt or innocence of criminal offenders and hear civil disputes.
 2. Make judgments, decisions and interpretations concerning the law, policies and decisions of the executive and legislative branches. **JUDICIAL REVIEW** is an integral part of this branch of government. **INSTRUCTOR NOTE:** *Judicial review: The power of a court to review actions and decisions made by other agencies or branches of government.*
 3. Judicial review affects the policy and legality of laws. The court case that started the responsibility of the judicial branch was Marbury v. Madison (1803). Its importance

was that the U.S. Supreme Court has the final word on the review of ALL policy and laws as they relate to the intent of the U.S. Constitution. **INSTRUCTOR NOTE:** *Marbury v. Madison is significant for the fact that it was thought this case was the first time the Supreme Court asserted its power and laid claim to its continuing role as the ultimate arbitrator of constitutional issues.*

IV. THE CRIMINAL JUSTICE SYSTEM

P. O. 1.1.3

- A. What is the Criminal Justice System?
1. It consists of three (3) components, whether it is the state of Arizona or the U.S.
 2. You can remember the criminal justice system as the three (3) C's – Cops, Courts, Corrections or Law Enforcement, Judicial and Corrections. This is the traditional manner to view the criminal justice system.
 3. Non-traditional view of the criminal justice system components are:
 - a. The victim. **INSTRUCTOR NOTE:** *Victimology. DISCUSSION: "how are victims important or unimportant?"*
 - b. The legislature.
 - c. Law enforcement.
 - d. The courts.
 - e. Corrections.
- B. Why the alternative way of examining the Criminal Justice System? **INSTRUCTOR NOTE:** *DISCUSSION: Who has been a crime victim and is comfortable in briefly sharing the accounts and their feelings.*
1. Victims:
 - a. They start the process. Without them, there is no need for the system.
 2. It will also affect the response of the system. If there is no law or improper treatment of victims, they will contact the legislature or others to voice their concern. **INSTRUCTOR NOTE:** *Explain Megan's Law ARS 13-3821, 3825.*
 - a. If there is no law, there is a good chance a law will be created. If the victim is not treated correctly, new policies and laws are created. **INSTRUCTOR NOTE:** *Explain The Victim's Bill of Rights, Reference: (6.2) Victimology lesson plan.*
 - b. Examples: Campus Security Act, MADD and computer crime.
- C. Legislature:

1. Responds to victims and determines policy/law.
- D. Law Enforcement: **INSTRUCTOR NOTE:** Explain that EACH of these falls under the judicial branch
1. Responds to the victim's call for assistance. Helps conduct the investigation of the incident, makes an arrest and prepares the facts for prosecution.
- E. Judicial – (Courts): **P. O. 1.1.4B**
1. Consists of five (5) components:
 - a. The Prosecuting Attorney:
 - i. Examines the case then determines whether to prosecute or not. If yes, he/she prepares for the case by examining evidence and preparing witnesses.
 - ii. Presents the case to the jury or judge, if it goes to trial.
 - iii. The prosecutor coordinates plea bargains of a lesser charge.
INSTRUCTOR NOTE: Explain the purpose of plea-bargaining and its positive/negative effects on the victims.
 - iv. Explain that the prosecution is part of the law enforcement working within the court system.
 - b. The Defense Attorney. **P. O. 1.1.4C**
 - i. Responsibility is to represent anyone who is accused of a crime, whether they are guilty or not regardless of personal feelings.
 - ii. The attorney is to present the best possible defense for the defendant/suspect.
 - iii. The goal is to defend the defendant's constitutional rights.
 - iv. Oftentimes, this entails either having the charges dropped or reduced.
 - c. The Judge. **P. O. 1.1.4A**
 - i. Responsible for overseeing the judicial or trial process.
 - ii. To ensure that the defendant's constitutional rights are protected and that proper procedure is followed.
 - d. The Probation Officer. **P. O. 1.1.4D**
 - i. If the defendant is found guilty of a crime by the court, the court has several options. One of the options is probation. **INSTRUCTOR NOTE:**

Probation is a conditional release of the offender, after conviction, with NO SENTENCING TO JAIL OR PRISON TIME BEING SERVED.

- ii. If the judge believes that imprisonment is inappropriate and that the individual would be better off left in the community, he/she is placed on probation.
 - iii. It is a conditional release, but still a sentence.
 - iv. The probation officer is the person that oversees or supervises the individual to see if the person is meeting those conditions. They are under the court component.
 - v. If the probation officer finds the defendant violating the conditions of his/her probation, the individual is brought back into court.
 - vi. The judge may then sentence the person to prison.
- e. Victim/Witness Services. **P. O. 1.1.4H**
- i. This segment of the courts is part of the county attorney's office.
 - ii. They provide the victim with the following services: Financial assistance for loss of wages, counseling, medical needs and many other needs.
INSTRUCTOR NOTE: *Some victim/witness programs may respond to the scene to facilitate services for victims.*
 - iii. They also provide referrals, support and volunteer helpers for victims and witnesses as well as providing transportation to court.
- f. Corrections. **P. O. 1.1.4F**
- i. The other option for a convicted person is in corrections. Here the person is imprisoned for a period of time. **INSTRUCTOR NOTE:** *Explain how this falls under the executive branch.*
 - ii. A correction officer supervises inmates and provides for the safety and security of staff and inmates in prison.
 - iii. They assist in operating a detention facility, providing security for the superior court and transport prisoners.
- g. Parole.
- i. If a person successfully serves their time, they may be released early. This is called parole and it is a conditional release, just like probation.

P. O. 1.1.4E

- ii. The individual is supervised by a parole officer.
- iii. If a person violates the conditions of his/her parole, the parole officer, at a hearing, revokes it and he/she is sent back to prison.
- iv. The parole officer is under the corrections component of the criminal justice system.
- h. Law Enforcement. **P. O. 1.1.3A**
 - i. Primary functions of municipal police officers and county sheriff deputies: **INSTRUCTOR NOTE:** *Community Policing: Discuss what they feel is the role of law enforcement today. DISCUSS Community Policing (6.5 LP)*
 - ii. Conflict resolution – problem solving.
 - iii. Role of law enforcement as defined by James Q. Wilson: **INSTRUCTOR NOTE:** *Who is James Q. Wilson and why is he important to law enforcement today?* **P. O. 1.1.4G**
 - iv. **Law Enforcement** - Making arrests and issuing citations or other punitive actions account for approximately 10% of an officer's time.
 - v. **Order Maintenance** - Responding to and handling complaints that affect the public peace such as: Disorderly conduct, neighbor disagreements, noise disturbances, juveniles loitering, dispersing crowds, etc., account for approximately 30% of an officer's time.
 - vi. **Information Gathering** - Conducting investigations, gathering facts and writing reports accounts for approximately 22% of an officer's time.
 - vii. **Service Related** - Performing all other duties such as motorist assists, keys locked in vehicle, crime prevention education, assistance with ambulance and fire calls, funeral escort, etc., account for approximately 38% of an officer's time. **INSTRUCTOR NOTE:** *community policing in action.*
- 2. Levels of Law Enforcement in the United States.
 - a. Federal. (Several agency web-sites are hyperlinked if connected to the Internet).
 - b. State. (Several agency web-sites are hyperlinked if connected to the Internet).
 - c. County.
 - d. Local/City.
 - e. Specialty Police. **INSTRUCTOR NOTE:** *Class DISCUSSION.*
 - i. College Campus Police.

- ii. Park/Airport Police.
- iii. Transit Police/Liquor Control.

i. Judicial Courts.

P. O. 1.1.3B

i. Primary function – the arena for legal prosecution of criminal defendants. It is like a criminal suit by the state against an accused individual. The court serves as the arbitrator (referee).

ii. Court Structure.

a) U.S. Supreme Court. **INSTRUCTOR NOTE:** Class DISCUSSION

iii. This court is the final arbitrator of the meaning of the constitution. The work of the Supreme Court is primarily appellate in nature. Most cases come before it by way of the Court of Appeals or from the highest court in a given state. In some circumstances, the Supreme Court hears original cases such as: Where one state files a suit against another state, a lawsuit involving the U.S. in any state, cases involving foreign diplomatic officials and questions of law from state courts. It has nine (9) justices who are appointed to life terms by the president.

b) U.S. Court of Appeals. **INSTRUCTOR NOTE:** Class DISCUSSION.

iv. This court was created by Congress in an attempt to remove some of the workload from the Supreme Court. It is also primarily appellate in nature. Most of its cases come from decisions made by Federal District Courts. This court consists of 11 Circuit Courts in districts throughout the United States. Arizona is part of the 9th Circuit located in San Francisco, CA.

c) U.S. District Courts. **INSTRUCTOR NOTE:** DISCUSS the pros and cons of each.

v. Also created by Congress and divided into 91 districts. Arizona is one (1) district. This court is a trial court in the federal system. It tries federal crimes and certain matters involving state matters. It is responsible for Writs of Habeas Corpus (where a federal judge orders a prison warden to bring an inmate into court to air his/her grievance).

3. Bail.

4. Types of Trial.

a. Trial by jury.

i. Jury = fact finder.

ii. Judge = referee.

- b. Trial by judge.
 - i. “Bench Trial.”
 - ii. Judge serves as both the fact finder and referee.
- 5. Sentencing. **INSTRUCTOR NOTE:** *DISCUSS the pros and cons of each type of sentencing.*
 - a. Determinate (known as a “flat sentence” – 10 years).
 - b. Indeterminate (known as “minimal and maximum sentence” – 5-10 years). With this sentence, the convicted person is largely in control of how long they are in prison through their behavior.
 - c. Mandatory (sentences determined ahead of time through statutes for certain offenses). Set forth by the legislature.
- 6. Courts are part of the judicial branch.
 - j. Corrections. **P. O. 1.1.3C**
 - i. Most neglected component of the criminal justice system and receives the smallest part of the criminal justice budget.
 - ii. Objectives of Corrections:
 - a) Rehabilitation (help them change).
 - b) Deterrence (stop them from committing more crime).
 - c) Specific (aimed toward the violator).
 - d) General (aimed toward the public).
 - e) Incapacitation (make it so they cannot commit the crime again).
 - f.) Retribution (a form of “paying back” society).
 - iii. Areas within Corrections:
 - a) Custody. **INSTRUCTOR NOTE:** *Class DISCUSSION*
 - b) Treatment
 - c) Administration
 - d) Support.
 - iv. Types of Correctional Facilities:

- a) Lock Up – A secure room for temporary confinement found in many police departments.
- b) Jail/Detention Center – Correctional facility operated by either the city or county to hold defendants awaiting trial or who have been convicted and are serving their punishment.
- c) Prison – Correctional facility operated by the state or federal government to imprison convicted felons or to execute capital offenders.
- d) Parole – The status of an offender conditionally released by a patrolling authority from a prison prior to the expiration of their sentence. They are supervised and required to observe the conditions of parole.
- e) Corrections branch is part of the executive branch.

5. Probation and Parole.

P. O. 1.1.2

- a. Probation is a sentence handed down by a court just the same as prison time is a sentence handed down by a court. The person is convicted of the offense and then sentenced to “supervised” or “unsupervised” probation. Under the theory of probation, if the convicted offender does not meet the conditions of his/her probation...they are sentenced to prison.
- b. Parole is not a sentence like probation, but rather an early and conditional release from serving time in prison. A parole board determines whether or not the person is rehabilitated to the extent of benefiting from leaving prison to finish their prison term in the community under parole release conditions. A parole officer is assigned to monitor the behavior of the convicted offender. If the offender does not meet the parole conditions of release, they are placed back in prison after a parole hearing. **INSTRUCTOR NOTE:** Class DISCUSSION.

V. SUMMARY

- A. The criminal justice system is a very complex organization of many different individuals and agencies with the primary goal of protecting society. It is a unique system that sometimes works and sometimes has difficulties in accomplishing its goals.
- B. Its main goal is to protect the innocent as well as the guilty from abuse of power.

VI. ETHICAL SCENARIO

- A. You are working for a city police department as a patrol officer. Since you are making a larger salary than your counterpart at the sheriff’s office, you act like you are better than that officer. You express this to numerous other officers that work for several agencies in the area.

***INSTRUCTOR NOTE:** DISCUSS how making the wrong decision in this scenario can affect law enforcement officers, agencies and citizens. Pose questions to students and discuss*

1. How will this affect the working relationship between you and other officers with the sheriff's office?
2. How does this affect how others will view that agency and its officers?
3. What is the correct relationship that should exist between agencies to overcome such negativism?

VII. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).

