

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: ADMINISTRATION OF CRIMINAL JUSTICE 2.7

SUBJECT:	Administration of Criminal Justice
AZ POST DESIGNATION:	2.7
HOURS:	2
COURSE CONTENT:	A review of the functions, authority and jurisdiction of the various federal and state courts and an outline of the criminal justice process from arrest to final disposition.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
2.7.1	Identify the time limits associated with each of the following phases of the criminal justice process: <ul style="list-style-type: none">A. Initial appearance.B. Grand jury/preliminary hearing – in custody.C. Grand jury/preliminary hearing – not in custody.
2.7.2	Identify the nature and purpose of each of the following processes in criminal cases: <ul style="list-style-type: none">A. Complaint.B. Information.C. Initial appearance.D. Grand jury/preliminary hearing.E. Bail, bond.F. Arraignment.G. Pre-trial court hearing (omnibus hearing).H. Case preparation (officer-prosecutor relationship).

- I. Disclosure.
- J. Plea agreement (bargaining).
- K. Adult diversion.
- L. Juvenile transfer.
- M. Trial.
- N. Sentencing.
- O. Pre-sentencing report/hearing.
- P. Appeals.
- Q. Venue.
- R. Jurisdiction.

2.7.3 Identify the jurisdiction and primary responsibility of each of the following courts in the Arizona court system.

- A. Municipal.
- B. Justice.
- C. Superior.
- D. Court of Appeals.
- E. Supreme Court.

2.7.4 Identify the jurisdiction and primary responsibility of the following courts that comprise the federal court system:

- A. District Court.
- B. Court of Appeals.
- C. Supreme Court.

DATE FIRST PREPARED: January 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	Lt. Harold Brady – SME Co-Chair	DATE: July 2002
REVIEWED – REVISED :	SME Committee	DATE: April 2006
REVIEWED – REVISED :	Lt. Dave Kelly, ALEA (typos)	DATE: December 2009
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED :	SME Committee	DATE: August 2019
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REVIEWED – REVISED:		DATE:
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: February 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: Rules of Criminal Procedure

CLASS LEVEL: Student

TRAINING AIDS: Rules of Criminal Procedure
<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture and class discussion.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2.7 Administration of Criminal Justice

DATE RELEASED TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

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

II. THE CRIMINAL JUSTICE SYSTEM**P. O. 2.7.1A****A. Initial appearance.**

- 1. A person who is arrested and taken into custody must be brought before a magistrate within 24 hours after an arrest for an initial appearance. (ARCrP Rule 4.1a)

2. Purpose of initial appearance:**P. O. 2.7.2C**

- a. Determine the identity and address of the accused. (ARCrP Rule 4.2)
- b. Advise the accused of charges against him/her.
- c. Advise the accused of the right to counsel and the right to remain silent.
- d. Determine whether probable cause exists for the purpose of release from custody; release if there is no probable cause.
- e. Determine if the accused is eligible for appointed defense counsel.
- f. Determine if the accused is eligible for secured or unsecured release (setting of bail) and to set conditions of release. **P. O. 2.7.2E**
 - i. A person may meet his/her bail amount by posting the entire amount with the court or by purchasing from a bail bond company a bail bond, which costs considerably less.
 - ii. A bail bond, backed by the company who provides it, promises that the bonded person will appear or that the company will pay the full price of the bond.
- g. If fingerprinting is required by law, but has not yet been done, order the accused to be fingerprinted.
- h. If the initial appearance is for a misdemeanor, the court may combine the initial appearance with the arraignment (see “Section I”) and handle the arraignment at the same time.

- B. Filing of the complaint: If the arrest was made without a warrant, then a complaint must be filed within 48 hours after the initial appearance. (ARCrP Rule 4.1)

- C. Complaint: Written statement of the essential facts constituting a public offense made under oath before a magistrate or made in accordance with the statute in A.R.S. Title 13 governing citation in lieu of detention. (ARCrP Rule 2.3) **P. O. 2.7.2A**
- D. Warrant: An order from a magistrate directed to any peace officer in the state to the person named on the warrant and bring the person before the nearest magistrate. (ARCrP Rule 3.2a)
- E. The warrant:
1. Must be signed by the issuing magistrate.
 2. Must contain the name or description of the defendant.
 3. Must state the offense charged and whether victims' rights provisions apply.
 4. Must command the defendant be brought before the issuing magistrate, or if unavailable, the nearest magistrate.
 5. If the offense is bailable, the warrant must state the amount of bond.
- F. Summons: An order from a magistrate directed to a person requiring the person to appear at a stated time and place within thirty (30) days after filing of an indictment, information or complaint to answer criminal charges that have been brought. (ARCrP Rule 3.2b)
1. Must be signed by the issuing magistrate.
 2. Must contain the name or description of the defendant.
 3. Must state the offense charged and whether victims' rights provisions apply.
 4. Must command the defendant be brought before the issuing magistrate or if unavailable, the nearest magistrate.
 5. If the offense is bailable, the summons must state the amount of bond.
 6. If the offense is a crime for which fingerprinting is mandatory, order the defendant to appear for fingerprinting prior to the appearance in response to the summons. (ARCrP Rule 3.2c)
- G. Grand Jury indictment. (ARS Title 21 chapters 3 & 4)
1. Eliminates the need for a preliminary hearing. (ARCrP Rule 12)
 2. Called by the presiding superior court judge or upon petition to the court by the county attorney.
- H. Grand Juries (county level). **P. O. 2.7.2D**

1. Acts as an investigative body for the county attorney.
 2. Twelve (12) to sixteen (16) people on the jury. Nine (9) people required for a quorum.
 3. Proceedings are recorded with the exception of deliberations and voting.
 4. No grand jury member may vote on any matter in which evidence was heard in his/her absence.
 5. The burden of proof in grand jury deliberations is probable cause.
 6. Hearsay evidence is admissible in grand jury hearings.
 7. A grand jury indictment is called a true bill.
 8. All deliberations are secret and it is illegal to divulge the proceedings of a grand jury without a court order.
- I. Preliminary hearings (probable cause hearings). (ARCrP Rule 5)
1. Usually held in justice court.
 2. Not a criminal trial; no determination of guilt or innocence.
 3. Held to determine whether a crime has been committed and if there is probable cause to believe the defendant committed it.
 4. All persons charged with a felony have a right to a preliminary hearing unless they have been indicted by a grand jury.
 - a. If the defendant is in custody, the preliminary hearing must be held within 10 days of the initial appearance. **P. O. 2.7.1B**
 - b. If the defendant is not in custody, the preliminary hearing must be held within 20 days of the initial appearance. **P. O. 2.7.1C**
 5. Waiver of preliminary hearing.
 - a. Must be in writing.
 - b. Must be agreed to by the prosecutor, defense attorney and defendant.
 6. Proceedings.
 - a. Motions to suppress illegally obtained evidence are not allowed at the preliminary hearing.

- b. Any evidence that is material may be presented by the prosecutor.
 - c. Reliable hearsay is admissible.
- J. Arraignment (next step after preliminary hearing or grand jury indictment). **P. O. 2.7.2F**
- 1. Generally held within 10 days of the indictment, information or complaint if in custody; thirty days if not. (ARCrP Rule 14)
 - 2. Defendant enters a plea.
 - 3. Court hears and decides motions for conditions of secured or unsecured release.
 - 4. The trial or pretrial conference date is set.
 - 5. Pleas at arraignment:
 - a. Guilty – defendant admits allegations.
 - b. Not guilty – defendant denies allegations. (Most plead at arraignment are not guilty)
 - c. No contest – Defendant does not admit guilt, but admits that evidence is sufficient to convict. Same effect in criminal court as guilty plea, but cannot be used in civil court as proof of guilt.
 - d. Standing mute – refusal to enter a plea. Court automatically enters a plea of “not guilty.”
 - e. Demurrer – the defendant states he/she committed the act, but contends that under the conditions he/she committed them, it was not a crime.
- K. Disclosure: The exchange of evidence and witness lists by the prosecution and the defense prior to trial. (ARCrP Rule 15) **P. O. 2.7.2I**
- 1. State Officers may be required to participate in defense interviews under Rule 15.
 - 2. Arizona provides for full disclosure of witnesses and exhibits by both parties. Prosecutors have additional obligations to disclose exculpatory evidence as well. (Discuss Brady rule)
- L. Pre-trial court hearings: Hearings, usually upon request of the prosecutor or defense attorney, to determine either substantive or procedural issues prior to trial. **P. O. 2.7.2G**
- 1. For example, a pre-trial hearing would be held to determine the admissibility of any evidence that the defense believed was required to be suppressed.

2. Omnibus hearing: Held to decide all preliminary matters that have not been decided prior to trial. Defendant is not required to attend.
- M. Trial: Ideally, within 150 days (if in custody) -180 days (if out of custody) of indictment or complaint, this is the phase of the case at which evidence is presented to a jury or judge to determine whether the defendant is guilty beyond a reasonable doubt or not guilty.
INSTRUCTOR NOTE: *These time limits are regularly waived and trials rarely happen that quickly in felony cases.* **P. O. 2.7.2M**

III. DEFINITIONS

- A. Pre-sentence report: An investigation conducted by a probation officer to gather information relating to the background of the offender and other matters relevant to sentencing. A summary of the investigation is presented to the sentencing judge in the form of a pre-sentencing report. (ARCrP Rule 26.4) **P. O. 2.7.2O**
- B. Indictment: A written statement charging the commission of a crime, presented to the court by the grand jury. (ARCrP Rule 13.1a)
- C. Information: A written statement charging the commission of a crime, signed and presented to the court by a prosecutor. (ARCrP Rule 13.1b) **P. O. 2.7.2B**
- D. Jurisdiction: The authority or power of a court to hear a particular type of case. **P. O. 2.7.2R**
- E. Venue: Generally, the location where a crime is committed and the case will be tried. **P. O. 2.7.2Q**

IV. PROSECUTOR/POLICE RELATIONSHIP

- A. Role: A prosecutor's role is not simply the adversary of the defense counsel. Unlike the defense counsel, a prosecutor's duty is not to "win" whenever possible within the limits of the law.
1. The prosecutor must also be satisfied that the result reached in a particular case is a correct one and that the government has not treated the accused unfairly.
 2. The interest of the prosecutor's client, the state, is not equivalent to the narrow self-interest of the defendant.
 3. The prosecutor's overall objective is to "seek justice" within the law.
 4. The comment to the Code of Professional Responsibility rule on the special responsibilities of a prosecutor provides:
 - a. A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.
 - b. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient

evidence.

- B. Relationship with police: The prosecutor works closely with the police, judge and defense attorney. **P. O. 2.7.2H**
1. Relationships with the police are usually amicable. Where difficulties arise, they often are the products of the different perspectives of the police and prosecutor produced by their distinct roles in the system.
 2. Plea bargaining is a process in which the prosecutor offers to allow the defendant to plead to a lesser charge, with either a fixed sentence or an agreed upon range of sentencing, in exchange for dismissal of the original, more serious charge. **P. O. 2.7.2J**
 3. The major difficulty often lies in the failure of the different professionals to appreciate the problems faced by the other professionals.
 4. Burdened by chronic case overload, prosecutors and police may be so preoccupied with their own problems that neither is able to recognize the realities of the other's situation.

V. ARIZONA COURT SYSTEM

P. O. 2.7.3

- A. Municipal Court (city court). (ARS 22-402) **P. O. 2.7.3A**
1. Exclusive jurisdiction of cases over violations of city or town ordinances.
 2. Concurrent jurisdiction over misdemeanor criminal cases that occur within the city limits.
 3. No jurisdiction in felony cases.
 4. May issue some civil orders such as, Orders of Protection and Injunctions Prohibiting Harassment.
- B. Justice of the Peace Court (JP court). (ARS 22-201 and 22-301) **P. O. 2.7.3B**
1. Original jurisdiction over all state law misdemeanors. Usually the trial court for misdemeanor cases from county sheriff deputies and D.P.S. officers.
 2. Has jurisdiction to hold preliminary hearings on felony cases.
 3. Exclusive jurisdiction to hear civil claims seeking damages up to \$10,000; concurrent jurisdiction up to \$10,000, including claims such as forcible entry or detainer.
 4. May Issue warrants.
 5. Justice of the peace may perform marriages, but not grant divorces.

C. Superior Court. (ARS 12-123 and 12-124) **P. O. 2.7.3C**

1. Concurrent jurisdiction on misdemeanors; original jurisdiction on felonies.
2. Appeals court for justice and city courts.
3. Administers the county probation programs.
4. Handles civil litigation in cases where the damages being sought exceed \$10,000.
5. Handles all juvenile court and family law matters.

D. Arizona Court of Appeals. (ARS 12-120.21) **P. O. 2.7.3D**

1. Handles appeals and special actions from **the** Superior Court.
2. Has no original trial jurisdiction.
3. Appeal process consists primarily of a review of the lower court transcripts, briefs and arguments from attorneys representing the parties. **P. O. 2.7.2P**

E. Arizona Supreme Court. **P. O. 2.7.3E**

1. Highest court in the state. (ARS Const Art 6/5)
2. Has original jurisdiction over disputes between counties.
3. Appeal process consists mainly of a review of the lower court transcripts, briefs and arguments from attorneys representing the parties.

VI. FEDERAL COURT SYSTEM **P. O. 2.7.4**

A. U.S. District Court. **P. O. 2.7.4A**

1. Trial court with jurisdiction over federal offenses.

B. U.S. Court of Appeals. **P. O. 2.7.4B**

1. Handles appeals from U.S. district courts.
2. Has no original jurisdiction.
3. Appeals consist of a review of the lower court transcripts, briefs and arguments from attorneys representing the parties.

C. U.S. Supreme Court. (U.S. Const Art III 2) **P. O. 2.7.4C**

1. Power and authority derived from the U.S. Constitution.
2. Has final jurisdiction over questions involving the U.S. Constitution.
3. Has original jurisdiction over treason, admiralties.
4. Appellate jurisdiction from lower federal courts and from state supreme courts if federal issues are involved.

VII. ADDITIONAL PROCESSES IN CRIMINAL CASES**P. O. 2.7.2K**

A. Adult diversion: In some cases, adults can be diverted from the criminal process into programs that involve treatment and/or restitution. **INSTRUCTOR NOTE:** *Talk about the different types of drug courts, mental health and veteran's courts.*

1. When an offender completes the diversion program successfully, the criminal charges are dismissed.
2. Generally, such programs are not available if the person charged has a prior felony record.
3. Some diversion programs are run by the court, others by the prosecution.

B. Juvenile transfer: In accordance with ARS 13-501; Depending on the age of the juvenile and the offense committed, juveniles may be automatically transferred to adult court to be tried as adults or may be subject to a hearing to determine whether they should be transferred to adult court to be tried as an adult.

P. O. 2.7.2L

C. Sentencing hearing: The hearing at which the penalty is imposed on the individual convicted of the crime.

P. O. 2.7.2N

D. Appeals: Following a trial, a defendant may ask a higher court to review the actions of the trial court and to reverse the trial court's decision. This is known as an appeal.

P. O. 2.7.2P**VIII. CONCLUSION**

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