

# **Basic Course Workbook Series Student Materials**

**PC 832 Student Workbook**

**Volume One: Leadership, Diversity, Policing in the  
Community and the Justice System**

**Version 3.1**

**Basic Course Workbook Series  
Student Materials  
PC 832 Student Workbook  
Volume One: Leadership, Diversity, Policing  
the Community and the Justice System  
Version 3.1**

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## **THE ACADEMY TRAINING MISSION**

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.



## **FOREWORD**

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who contributed to the development of this workbook. The Commission extends its thanks to California law enforcement agency executives who offered personnel to participate in the development of these training materials.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides a self-study document for every learning domain in the Basic Course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. The objective of the system is to improve academy student learning and information retention.

The content of each workbook is organized into sequenced learning modules to meet requirements as prescribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this workbook will help you, the student, to successfully complete the Basic Course and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

**PAUL CAPPITELLI**  
Executive Director



# PC 832 Student Workbook

## Volume One: Leadership, Diversity, Policing the Community and the Justice System

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# Preface

## Introduction

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### **Student workbooks**

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

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### **Regular Basic Course training requirement**

Completion of the Regular Basic Course is required, prior to exercising peace officer powers, as recognized in the California Penal Code and where the POST-required standard is the POST Regular Basic Course.

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### **Student workbook elements**

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points
  - supplementary material
  - a glossary of terms used in this workbook
-

# How to Use the Student Workbook

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## Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. It is intended to be used in several ways: for initial learning prior to classroom attendance, for test preparation, and for remedial training.

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## Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the: Preface and How to Use the Workbook, which provide an overview of how the workbook fits into the POST Instructional System and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <b><u>term</u></b> ).

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# Chapter 1

## Leadership, Professionalism and Ethics Learning Domain 1

### Overview

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### Leadership in Policing

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**Learning need** Peace officers are expected to be leaders in the community, in their agencies, and among peers. To be effective, officers must understand the components of leadership, their responsibility to lead, and the impact of their leadership.

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**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
• Discuss why leadership is important	1.01.EO8
• Define leadership	1.01.EO9
• Discuss universal components of leadership	1.01.EO10
• Discuss the officer as a leader	1.01.EO11
• Discuss the leader as a follower	1.01.EO12
• Discuss how leadership impacts the daily work of a peace officer and how officers can recognize the results	1.01.EO13

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## Overview, Continued

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**In this chapter** This chapter focuses on professional law enforcement. Refer to the chart below for specific topics.

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# Leadership

[1.01.EO8, 1.01.EO9]

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## Introduction

As a peace officer in the academy you have already displayed an interest in leadership. POST and your agency recognize that leadership must be practiced at the line-level, supervisory, and management level. Your ability to exercise leadership as a line officer will have a significant impact on you, your agency, the community and the profession.

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## Definition

**Leadership** is the practice of influencing people, while using ethical values and goals, to produce an intended change.

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## Every officer is a leader

Every officer has a responsibility to practice leadership. Leadership is essential for effective problem solving because it engages the cooperation of the community.

The exercise of leadership by an officer results in increased respect, confidence and influence. The result will be personal and professional success, increased public trust and personal growth. Leadership, to some degree, is required to handle every contact with the community.

Leadership has no rank. Every officer is a leader, responsible to use the authority and opportunities of the policing role in a manner that is both effective and ethical.

No member of a policing agency has more direct contact with the community than the line-level officer. These contacts – regardless of their nature – will almost always require the responding officer to demonstrate leadership to effectively handle the contact.

Officers, in the exercise of leadership, put honor above all, consistently strive to live up to and manifest the core ethical values of trustworthiness, respect, responsibility, fairness, caring and good citizenship.

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## Leadership, Continued

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### Leadership competencies

Effective leaders possess and continually develop certain desired core competencies/skills and traits.

Core competency and Trait	Comments
<b>Knowledge</b>	There is no substitute for job knowledge or technical competence. Effective use of individual skills is the foundation for what we do and what we can accomplish.
<b>Courage</b>	This includes both physical and moral courage. Fortitude to try new ideas. Confront adversity, act assertively. Stand and do the right thing.
<b>Communication</b>	To be effective, we need to clearly send and receive messages with the community and each other. Creates understanding.
<b>Professionalism</b>	<b><u>Professionalism</u></b> includes positive attitudes, reliable performance, empathy for the community and co-workers, consistency and clarity of purpose.
<b>Personal Character</b>	Behave with honor, integrity, honesty, respect, fairness and tolerance. Leadership requires flexibility and commitment.

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## Leadership, Continued

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**Leadership  
competencies**  
(continued)

<b>Core competency and Trait</b>	<b>Comments</b>
<b>Decision Making/ Problem Solving</b>	Requires the ability to analyze information and use resources to make responsible decisions. Working and facilitating with others to develop creative, innovative solutions to problems (i.e., crime and disorder). Vision of intended outcome.
<b>Responsibility</b>	Accountability, duty to act, and the exercise of self-control.

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# Universal Components of Leadership

[01.01.EO10]

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## **Introduction**

Peace officers can learn to exercise leadership through preparation, knowledge of the leadership role, a desire to lead and a commitment to effective job performance.

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## **Authority and power**

For peace officers to be effective leaders, they must use their **authority** and **power** appropriately. There is a difference between authority and power. Officers are granted authority, yet they must develop power. Peace officers must understand the nature and limits of both.

---

## **Power**

Individuals with power have the capacity to influence and inspire others. People will often commit to certain individuals who have little authority. Individuals with power possess drive, expertise, and genuine caring for others.

Example:

- (1) One of several officers at a crime scene gives direction to responding officers. Those responding comply with the officer's direction because they trust the officer's skills and abilities, not because the officer has the authority of rank.
  - (2) A newly assigned supervisor is given a complex assignment in an area in which he does not have expertise. The supervisor calls upon an officer whom he knows is well-respected and trusted by others to develop an operational plan.
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## Universal Components of Leadership, Continued

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### **Informal leadership power**

Your career as a peace officer will provide countless opportunities to continue to exercise your leadership skills. The role of a peace officer requires you to be a proficient leader. The public expects you to lead, to be innovative and address problems that contribute to crime and disorder.

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### **Authority**

Peace officers have authority by law. They are granted the ability to compel behavior, enforce laws, and direct resources, based solely on their legal status. Authority is granted and limited by legislative statute, and appointing authority or agency. In many cases, authority alone is insufficient to accomplish what needs to be done, or to achieve an appropriate solution to the problem at hand.

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## Universal Components of Leadership, Continued

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### Authority (continued)

The following chart describes the characteristics of both authority and power. The chart indicates the relationship and differences between authority and power:

<b>Characteristics</b>	<b>Authority</b>	<b>Power</b>
<b>How Granted</b>	from above	all directions
<b>Direction</b>	top-down	<ul style="list-style-type: none"><li>• reciprocal flow</li><li>• all directions</li></ul>
<b>Source</b>	legal	trust
<b>Intent</b>	maintain control	influence change
<b>Limitations</b>	limited	unlimited
<b>Discipline</b>	imposed	self-discipline
<b>Accomplishments</b>	status quo	change
<b>Risk-Taking</b>	avoidance	yes (calculated)
<b>Who Uses</b>	everyone to whom conferred	leaders

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## Universal Components of Leadership, Continued

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### Compliance vs. commitment

**Compliance** is acceptance of a person's authority. It yields an outward change in behavior without necessarily altering one's attitude. Compliance often means minimal acceptance and adherence to policy and direction. Compliance can occur without any internal commitment to the agency's values. It also infers a "stay out of trouble" approach. It is a response to authority to avoid a consequence.

Example:                Suspect complies with a peace officer's lawful order to submit to arrest and custody.

**Commitment** is an outward manifestation of an internal willingness to embrace leadership values (i.e., integrity of self) and agency goals (i.e., provide high quality service). It does not imply an attempt to avoid a consequence, but rather a positive reinforcement of what is right.

One of the most prominent outward signs of commitment to the job is a willingness to exceed expectations.

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## Universal Components of Leadership, Continued

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**Compliance vs. commitment**  
(continued)

In policing, members of our communities can also clearly see the difference between a peace officer complying with job rules versus one who is actively seeking ways to improve the quality of life in their beat or through their contacts with those in need.

Commitment to the job is a foundation of problem solving. Also, others will be influenced by your efforts to lead them to proper courses of action. Commitment is also the cornerstone of officer safety. Those who are committed to doing their best will devote the time and effort necessary to stay in shape, learn new things, and enhance their situational awareness while on the job.

Being committed to the profession, working to improve your skills and recognizing your potential to positively impact the lives of those who rely on you for their safety, forms the basis of your development as a leader.

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**The leadership relationship**

Leadership is a relationship; something you do with other people. It is a skillful activity that can be learned through observable behaviors, modeling and practical experience. Understanding how leadership relationships affect you and others is essential to making leadership effective.

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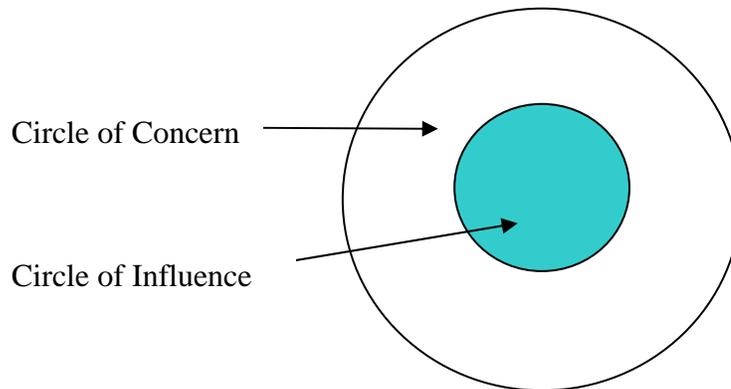
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## Universal Components of Leadership, Continued

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### Circle of influence

As members of the human race we are concerned about many things (e.g., starving children in other countries). As peace officers, we have influence over fewer circumstances (i.e., arresting a drunk driver). The more we concentrate on issues which we have some influence to change, the greater our impact on our circle of concern will be.



As shown in the above chart, influence expands as it is used appropriately; it is not finite. A peace officer's ability to influence others in an agency and a community, is directly related to the power granted the officer by virtue of the officer's leadership competencies.

*(Adapted from "7 Habits of Highly Effective People," Covey, Stephen, 1989)*

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## Universal Components of Leadership, Continued

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### Life balance



An effective leader understands and follows the principle of balance. Peace officers are challenged to establish and maintain a sense of balance. The stress of the law enforcement profession challenges you to understand the competing elements of life such as family, community, work (including, peers and supervisors) and personal development. How well you balance these competing interests will often determine your ability to make sound decisions (i.e., your self-assessment and emotional intelligence).

**Example:** A lack of balance in your life may affect other aspects of your life. For example, working excessive overtime will bring you additional money, but it may adversely affect other important aspects of your life.

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## Universal Components of Leadership, Continued

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### **Leadership learning**

Peace officers are engaged in a dynamic, complex profession. The demands on public safety require constant awareness of changes in such things as laws, attitudes, society, and technology. To be effective, peace officers need to recognize that leadership demands a commitment to constant improvement. Be a lifetime student of leadership. “Know what you don’t know.”

“Leadership and learning are indispensable to each other.”

John F. Kennedy (35th U.S. President)

“...Effective leaders create a climate where people’s worth is determined by their willingness to learn new skills and grab new responsibilities, thus, perpetually reinventing their jobs. Leaders honor their core values but are flexible in how they execute them.”

General Colin Powell (Ret)

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## Universal Components of Leadership, Continued

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### Formal

During your career you will be presented with many educational opportunities. It is your obligation to the profession to take advantage of both formal and informal educational and training opportunities.

<b>Formal Educational Training</b>	
<b>Agency</b>	<ul style="list-style-type: none"> <li>• Field Training Program</li> <li>• Continuing Professional Training</li> <li>• Roll-call training</li> <li>• New position or assignment</li> </ul>
<b>Colleges</b>	<ul style="list-style-type: none"> <li>• Degrees               <ul style="list-style-type: none"> <li>- Associate of Arts</li> <li>- Bachelor of Science</li> <li>- Masters</li> <li>- Ph.D.</li> </ul> </li> <li>• In service courses</li> <li>• Enrichment courses</li> <li>• Promotional preparation courses</li> </ul>
<b>Community</b>	<ul style="list-style-type: none"> <li>• Communications</li> <li>• Cultural awareness</li> <li>• Faith-based programs</li> <li>• Resource identification and application</li> </ul>

*Continued on next page*

## Universal Components of Leadership, Continued

### Informal

<b>Informal Educational Training</b>	
<b>Reading</b>	<ul style="list-style-type: none"> <li>• Penal Code, Vehicle Code, etc.</li> <li>• biographies of admired leaders</li> <li>• community cultural history</li> <li>• technical material on policing tactics</li> <li>• publications, books, etc., for enjoyment</li> </ul>
<b>Experiences</b>	<ul style="list-style-type: none"> <li>• learn from your mistakes</li> <li>• ask others for input</li> <li>• attempt to understand “why” things happen</li> <li>• take prudent risks</li> </ul>
<b>Studying</b>	<ul style="list-style-type: none"> <li>• be a continuous learner to upgrade your skills</li> <li>• if you are acceptable, become good. If you are good, become an expert</li> <li>• examine available data from a variety of sources</li> </ul>
<b>Community Involvement</b>	<ul style="list-style-type: none"> <li>• if you are willing to protect a community or any of its members with your life, why not be involved</li> <li>• change a community by one contact at a time</li> <li>• your gift of time will be returned at unexpected moments</li> </ul>

# Officer as Leader

[1.01.EO11]

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## Introduction

Circumstances and situations require every officer to step forward as a leader. Prepare yourself every day to lead - you never know when the opportunity to exercise leadership will arise.

“Before everything else, getting ready is the secret to success.”

Henry Ford

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## Peer leadership

Peer behaviors are a strong influence on peace officers. It is incumbent on every peace officer to recognize that he or she has the opportunity to influence peers by modeling positive behaviors, taking charge, and sharing information if and when appropriate.

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## Modeling

Positive modeling behaviors include:

- maintaining ethical standards
- exhibiting technical competence
- practicing officer safety
- paying attention to duties
- maintaining professional appearance (first impressions)
- demonstrating respect for the community
- taking opportunities to improve the agency and profession
- pursuing self development

**People pay more attention to what you do than what you say.**

Officers make hundreds of “first impressions” each shift. Your personal grooming, demeanor, language, cleanliness, equipment and expression will create a “first impression” before you say a single word. Lead by example.

“Walk your Talk”

Ken Blanchard (Author)

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## Officer as Leader, Continued

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### **Taking charge**

There may not always be someone around to tell you and fellow officers when and how to respond. You have been entrusted by the community and your agency to exercise discretion and take action that is safe, effective and ethical.

When circumstances dictate, peace officers must be prepared to take a leadership role. One of the most common ways officers lead is by initiating a course of action in the absence of supervision.

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### **Intervening**

As a leader, a peace officer must have the courage to address unacceptable or unethical behavior and is obligated to intervene if such action is exhibited by another officer.

NOTE: Refer to the subsequent chapter for additional content on intervening.

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### **Sharing knowledge and experiences**

Sharing information about tactics, work practices and other issues is another way in which officers exhibit leadership and exert influence among their peers.

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### **Expecting change**

In the policing profession, history has shown that people and organizations change (i.e., professionalization, technological). In fact, change is the only constant.

Sharing information about new tactics, criminal behaviors, and work practices is essential for the well being of the profession and safety of fellow officers.

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## Officer as Leader, Continued

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### **Expecting change** (continued)

The law enforcement profession is part of our society and our larger system of justice. While change has not always been dramatic or sensational, the law enforcement profession has experienced many changes and will likely continue to do so. Expect change, adapt, and embrace the challenge.

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### **Leadership in the community**

A peace officer's leadership begins with his or her realization that officers are an integral part of the community. As highly visible and specially trained members of the community, peace officers are looked upon as leaders. Some ways peace officers demonstrate leadership in the community are:

- being accessible and proactive
- being responsive to community issues and concerns
- being empathetic to the community's specific needs
- sharing information and expertise
- facilitating problem solving
- being accountable
- serving as an example of a good citizen, both on- and off-duty
- recognizing problems or potential problems and taking action to prevent or resolve them
- influencing the community to face its problems

In addition to service while on duty, there are other ways in which officers fulfill leadership roles in the community (e.g., school boards, fire boards, coaching, service clubs, volunteer service, and elected positions).

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## Officer as Leader, Continued

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### **Community policing**

When peace officers and community members share a common sense of values, communicate openly and regularly, and when they have a common regard for each other, the result will be trust. Trust is the critical link in the community/policing partnership.

Officers who exercise ethical leadership will learn to be effective problem solvers, better skilled to mobilize communities to address issues of crime and disorder, and proactive in developing crime prevention strategies.

---

### **Leadership within the profession**

What you do affects peace officers everywhere. While you may work for just one agency, the public often identifies all officers or deputies as one. There are no jurisdictional borders on the impact of your behavior.

Example:           No matter where you were in the United States at the time of the Rodney King incident you could view the occurrence over and over again on public television. How many times have you seen New York City peace officers covered in ashes from the World Trade Center? How might the inappropriate use of a flashlight affect the entire profession?

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## Officer as Leader, Continued

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### **Leadership within the profession** (continued)

Enhancing communication and mutual respect between officers and their agencies is extremely important. It is each peace officer's responsibility to:

- Maintain lines of communication with:
  - peers
  - supervisors
  - executives
  
- Develop professional relationships with allied public safety agencies
  
- Share emerging tactics or information by providing:
  - training bulletins
  - professional articles
  - training courses

Each peace officer may consider participation in organizations and associations that promote law enforcement professionalism. Examples of professional organizations are:

- California Peace Officers Association (CPOA)
- California Narcotics Officers Association (CNOA)
- National Association of Field Training Officers (NAFTO)
- International Association of Chiefs of Police (IACP)
- Peace Officers Research Association of California (PORAC)

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# Leader as Follower

[1.01.EO12]

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## Introduction

“Follower” is not a term of weakness but the condition that permits leadership to exist and give it strength.

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## Exercising leadership

The day-to-day operation of an agency depends upon officers exercising leadership in the discharge of their duties. Agencies also expect officers to be followers to the best of their ability.

<b>Courage to:</b>	<b>“The Courageous Follower” is obligated to ...</b>
<b>Assume Responsibility</b>	<ul style="list-style-type: none"><li>• make yourself and the organization better</li><li>• maximize your value to the organization</li></ul>
<b>Serve with Loyalty</b>	<ul style="list-style-type: none"><li>• follow the lawful and ethical orders of the organization regardless of your personal opinion</li><li>• support your leaders and the tough decisions they must make</li></ul>
<b>Challenge</b>	<ul style="list-style-type: none"><li>• speak out when you feel the behaviors or policies of the leader or group conflict with ethical standards</li><li>• provide alternatives to behaviors or policies within the organization that are not consistent with the stated values of the organization and profession</li></ul>

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*Continued on next page*

## Leader as Follower, Continued

**Exercising leadership**  
(continued)

<b>Courage to:</b>	<b>“The Courageous Follower” is obligated to ...</b>
<b>Participate in Transformation</b>	<ul style="list-style-type: none"> <li>• recognize that the career of law enforcement is a continuously changing process</li> <li>• recognize that change depends on the support of every officer</li> <li>• examine your own need for change</li> </ul>
<b>Leave</b>	<ul style="list-style-type: none"> <li>• leave the profession if you believe you cannot live up to the standards of the profession</li> <li>• after attempting positive change, leave the organization if the values of the organization are not consistent with the values of the profession</li> </ul>

(Adapted from Chaleff, Ira, 1995, “The Courageous Follower”)

**Separation of ego from power and authority**

Following others is part of being a supportive team member. Your position is not diminished or lessened by putting personal needs secondary to the needs of others, the community or the organization.

- Along with your legal authority and power to influence people, humility is required in order to lead effectively.
- Recognizing other people’s expertise within the community and the organization that may enhance your ability to lead.
- You have an opportunity to develop as a leader by assuming a supportive position.

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## Leader as Follower, Continued

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**Separation  
of ego from  
power and  
authority**  
(continued)

NOTE: Peace officers shall recognize that their allegiance is

- first to the U.S. Constitution
  - then to the people
  - then to their profession
  - then to the agency that employs them
-

# Impact of Leadership

[1.01.EO13]

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## Introduction

The practice of leadership impacts the daily work of peace officers who can recognize the results by improved communication, problem solving and decision making.

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## Practicing Leadership

Positive leadership	Absence of leadership
respect of quality	fear, disdain
trust	suspicion
cooperation	“us” against “them”
reduced fear of crime	reduced community input
community leader support	isolation
increased fiscal support	withholding needed resources
increased officer safety	decreased compliance

Positive leadership enhances community respect and trust. Officers gain confidence in their exercise of discretion and effective job performance to enforce the law, focus on crime prevention, adapt to change and provide service to the community on matters of crime and disorder.

“Talent of success is nothing more than doing what you can do well, and doing well whatever you do.”

Henry Wadsworth Longfellow

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*Continued on next page*

# Professionalism and Ethics in Policing

## Overview

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**Learning need** Peace officers are empowered and entrusted by the community with a broad range of power, authority and discretion to maintain safety and order. Professional and ethical standards are the means by which peace officers maintain the public trust. To be effective, a peace officer must make a life-long commitment to these standards.

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**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
<ul style="list-style-type: none"><li>• Discuss the relationship between public trust and a peace officer's ability to perform their job</li></ul>	1.02.EO8
<ul style="list-style-type: none"><li>• Discuss the community, agency, and other peace officers' expectations of a peace officer's conduct</li></ul>	1.02.EO9
<ul style="list-style-type: none"><li>• Explain the benefits of professional and ethical behavior to the community, agency, and peace officer</li></ul>	1.02.EO10
<ul style="list-style-type: none"><li>• Describe the consequences of unprofessional/unethical conduct to the community, agency, and peace officer</li></ul>	1.02.EO11
<ul style="list-style-type: none"><li>• Discuss the <i>Law Enforcement Code of Ethics</i> and explain the importance of adhering to the <i>Law Enforcement Code of Ethics</i></li></ul>	1.02.EO12

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## Overview, Continued

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**Learning objectives**  
(continued)

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
<ul style="list-style-type: none"><li>• Explain why an officer should respond to a coworker's unprofessional or unethical conduct, including the legal basis for such interventions</li></ul>	1.02.EO13
<ul style="list-style-type: none"><li>• Discuss situations when it is necessary to intervene on another peace officer's behalf, and factors that can inhibit intervention</li></ul>	1.02.EO14
<ul style="list-style-type: none"><li>• Describe the types and levels of intervention used to prevent another peace officer's inappropriate behavior</li></ul>	1.02.EO15
<ul style="list-style-type: none"><li>• Give examples of ethical decision making strategies</li></ul>	1.02.EO16
<ul style="list-style-type: none"><li>• Explain the value of ethical decision making in leadership</li></ul>	1.02.EO17

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## Overview, Continued

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**In this chapter** This section focuses on professionalism in law enforcement. Refer to the chart below for specific topics.

<b>Topic</b>	<b>See Page</b>
Professionalism, Public Trust and Ethics	1-28
Expectations of Peace Officers Conduct	1-33
Report Writing Tip	1-38
Benefits of Professional and Ethical Behavior	1-40
Consequences of Unethical/Unprofessional Conduct	1-41
Law Enforcement Code of Ethics/Conduct	1-42
Unprofessional Conduct and Intervention	1-44
Ethical Decision Making in Leadership	1-53

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# Professionalism, Public Trust, and Ethics

[1.02.E08]

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## **Introduction**

The Code of Ethics of any profession details the standard of conduct that identifies specific principles of desired behavior required of its practitioners. The profession of policing requires its members to adhere to specific standards in order to maintain the trust and respect of those who are served. Adherence to a code of ethics is required to build and maintain morale, a sense of duty, effective standards of performance and community support.

Peace officers are held to higher standards than others in the community. Although policing shares ideals with other professions, only peace officers are given the authority and power to detain and arrest others and to deprive them of their liberty while awaiting adjudication of their offense. It is essential that officers understand the importance of professional behavior.

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## **Police profession**

Policing as a profession requires both specialized training and ethical behavior on the part of individual officers, on-duty and off-duty.

Some would term “law enforcement” a profession although enforcing the law is only a portion of what a peace officer does in his or her daily duties. The use of knowledge, professionalism and leadership, to resolve conflict and influence the best outcome to a circumstance encompasses the spirit of policing every peace officer must seek to embrace.

Professions are recognized by certain characteristics, such as:

- a shared sense of purpose
  - a common body of knowledge
  - standardized training
  - being vital to the well being of society
  - a system of certification or licensing
  - a code of ethical conduct
- 

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## Professionalism, Public Trust, and Ethics, Continued

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### Public trust

**Public trust** is the foundation of peace officers' authority and power by virtue of a social contract with government. This contract spells out the obligation that officers will perform their duties ethically and competently.

Public trust is the expectation that the authority and power entrusted to a peace officer will not be abused. The public must be confident that peace officers will perform their duties in respect of that trust.

Voluntary submission to authority is a function of public trust. The public's confidence and support for officers will be gravely undermined by an officer's unethical conduct.

Factors Impacting Public Trust
<ul style="list-style-type: none"><li>• Previous experiences with law enforcement</li><li>• Develop or enhance police/community partnerships</li><li>• General public apathy and prevailing attitudes</li><li>• Impact of the family structure</li><li>• Social and/or economic conditions</li><li>• Situations that promote high levels of fear or a sense of collective victimization</li><li>• Media treatment of law enforcement events</li></ul>



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### Values

Each of us possesses **personal values** shaped by our upbringing, events occurring in our lives and the influence of others. Parents, teachers and friends have played a central role in developing our understanding of who we are and how the world around us affects our future.

It is important to remember that the values of one person or group may differ widely from another person or group. Both may perceive their beliefs or conduct as "right" based on their value system.

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## Professionalism, Public Trust, and Ethics, Continued

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### Ethics

**Ethics** is the accepted **principles** of conduct governing decisions and actions based on **professional values** and expectations. Ethics play a dominant role in an officer's daily conduct and personal choices.

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### “The Golden rule”

A core ethical concept found in all enduring cultures is that of reciprocity. Our actions should be aligned with not only what is good for us, but what benefits others. This is found most prominently in what the American experience terms “The Golden Rule.” It states:

*“Do unto others as you would have others do unto you”*

The Golden Rule establishes an essential spirit of ethical conduct. The key to The Golden Rule frames your considered action with a responsibility for the well-being of others. As ethical people, peace officers should:

- put themselves in the position of others
  - recognize how their actions affect others
  - seek to help when possible
  - refrain from causing avoidable harm
  - intervene to prevent unethical behavior by peers
- 

### Ethical standards

**Ethical standards** are the criteria for professional conduct. They are established to articulate expectations of the profession regarding the actions of its members and to espouse the core principles of effective and ethical behavior upon which decisions are made.

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*Continued on next page*

## Professionalism, Public Trust, and Ethics, Continued

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### Principles

Principles have evolved as universal standards of societal conduct that supercede personal convictions and beliefs about right and wrong. These enduring concepts, such as trustworthiness, respect, responsibility, fairness, caring and sense of civic duty, are ethical standards people rely on for guidance in decision making. It is important to recognize principles will be affected by your beliefs which have been shaped by:

- personal convictions
  - religious beliefs
  - cultural roots
  - family background
  - peers (either negatively or positively)
  - department/agency and community expectations
  - published and printed material related to professional conduct (e.g., the *Law Enforcement Code of Ethics* or the *Code of Conduct*)
- 

### Importance of ethical conduct

To embody the spirit of professionalism, ethical conduct must be a way of life for those in policing. To maintain the community's trust, peace officers must maintain consistently high standards of ethical conduct. Officers must model and live as examples of the behavior they are charged to enforce.

The policing community is only as strong as its weakest link. Unethical conduct affects the image and morale of the entire profession and offends officers and society throughout the country.

“We must create an atmosphere in which the dishonest officer fears the honest one, and not the other way around.”

Detective Frank Serpico,  
Testifying before the Knapp Commission,  
December 1971

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*Continued on next page*

## Professionalism, Public Trust, and Ethics, Continued

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### **Career survival**

Despite the inherent dangers of the job, many officers who end their careers prematurely do so as a result of making poor ethical decisions.

Peace officers should be ethical and seek to do right because it enhances who they are and develops character in a manner others will see as worthy of respecting and following. Officers don't do right because they fear punishment if they act otherwise. Officers do right because they are acting in a manner that conforms to what they believe; officers' actions conform with who they are.

You may not think ethics applies to you now. The issue of ethical choices is applicable both as an entry-level officer and a fact of life. You will inevitably face situations that require sound ethical decisions in tough and sometimes confusing environments.

Only by preparing ahead of time, knowing who you are and what you believe, and thinking about how best to make good choices, will you be ready for the time when your actions will shape the future for you and those around you.

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# Expectations of Peace Officer Conduct

[1.02.EO9]

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## **Introduction**

Peace officers are the part of the criminal justice system that deals most directly with the public. Officers, their agencies and the communities they serve have certain expectations of performance of their assigned duties.

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## **Community expectations**

The community expects that peace officers will serve the public interest and conduct themselves in an ethical manner.

In addition, the community expects officers to:

- keep the community safe and secure
  - respond promptly to calls for service
  - demonstrate professional behavior
  - protect human rights
  - address crime and disorder
  - solve problems in a fair and impartial manner
- 

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## Expectations of Peace Officer Conduct, Continued

### Community expectations (continued)

Regardless of what segment of the community [suspect, victim, witness] peace officers encounter, there are minimum standards of professional conduct. Each of these groups have differing expectations, explained in the following chart:

Community Member	Expectation	Factors Influencing Expectation
<b>Suspects or Persons of Interest</b>	<ul style="list-style-type: none"> <li>• Basic respect</li> <li>• Preservation of their dignity by the peace officer</li> <li>• Uphold their Constitutional rights and adhere to other statutes of law</li> </ul>	Attitudes have been shaped by: <ul style="list-style-type: none"> <li>• prior experience</li> <li>• previous criminal history</li> <li>• previous contacts with the criminal justice system</li> <li>• treatment by officers</li> <li>• the attitudes of peers</li> <li>• previous victimization</li> </ul>
<b>Victims</b>	<ul style="list-style-type: none"> <li>• Emotional support and empathy for their situation</li> <li>• A restored feeling of safety</li> <li>• Time to explain details and concerns fully and equipped to handle the situation appropriately</li> <li>• Feeling of satisfaction on completion of the contact</li> </ul>	Affected emotionally by: <ul style="list-style-type: none"> <li>• fear</li> <li>• embarrassment</li> <li>• the nature of the incident</li> <li>• anger</li> <li>• a desire to gain retribution for their grievance</li> </ul>

*Continued on next page*

## Expectations of Peace Officer Conduct, Continued

### Community expectations (continued)

Community Member	Expectation	Factors Influencing Expectation
Witnesses	<ul style="list-style-type: none"> <li>• Provisions for their safety</li> <li>• Information provided has value</li> <li>• Accurately report the known facts</li> <li>• Take appropriate action</li> </ul>	<ul style="list-style-type: none"> <li>• Unwillingness to be involved based upon their fears or apathy</li> <li>• Prior experience personal filters leading to differing ability to relate information</li> </ul>

### Agency expectations

The peace officer's agency expects:

- conformance with the law
- compliance with **organizational values**, policies, procedures, goals, objectives, and mission statements
- ethical and professional behavior consistent with the *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers*
- community satisfaction with the quality of service
- conduct that minimizes civil liability
- collaboration with the community to address crime and disorder

### Officer's peer expectation

Within the employing agency, an officer's peers expect:

- technical competence
- support
- integrity

*Continued on next page*

## Expectations of Peace Officer Conduct, Continued

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### **Expectations of peace officers**

To effectively carry out their assigned duties and fulfill community expectations, peace officers have expectations, including:

- appropriate training
- adequate resources
- agency support
- fair and ethical treatment
- respect and cooperation of the public

The wearing of the peace officer's badge creates certain expectations on the part of officers and the individuals they contact.

The badge is given to you as a peace officer because it is important. The badge symbolizes your authority and your commitment to the profession.

The badge is a symbol of public trust. The character of the person behind the badge is more important than the authority the badge represents.

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*Continued on next page*

## Expectations of Peace Officer Conduct, Continued

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**Community,  
agency  
officers  
expectations**

The community, your agency, and fellow officers all share the following expectation from you as a policing professional:

<b>Technically competent</b>	Possess the necessary knowledge, skills and abilities to effectively deliver service. Be a problem-solver and exercise leadership within the community. Throughout your career you will be expected to enhance and refine your job knowledge, skills and abilities.
<b>Empathetic</b>	Display a caring and empathetic demeanor when you provide service. Project sincerity. Do not prejudge a person's situation and serve his or her needs impartially and effectively.
<b>Respectful</b>	Approach every incident with an awareness and concern for individual rights and dignity as human beings. Maintain your composure and do not let personal feelings or biases interfere in the performance of your duties.
<b>Ethical</b>	Support the Code of Ethics of your profession. Use the code to guide you throughout your career. Demonstrate integrity. Discharge your duties with the awareness that you represent the trust the community must have in their government and its official representatives.

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# Report Writing Tip

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## **Ethical decisions**

Picture the following behaviors:

- By using the “cut and paste” [computer] method, some officers discover they can save time by documenting the same field sobriety test results in every “driving under the influence” report they write, thus striving for efficiency and not fact.
  - Rather than report precisely what occurred in a “use of force” report, officers align their stories to agree with each other which alter some of the facts.
  - An officer decides to “help out” a burglary victim by intentionally increasing the actual value of items stolen so the victim can claim additional money from the insurance company.
- 

## **Ethical questions**

Thinking questions:

- Do these behaviors advance the purpose of report writing? Why or why not?
  - How do these behaviors affect an agency’s reputation, credibility and relationship with the community?
  - What is a peace officer’s responsibility to the profession and community when writing reports?
- 

## **Effective report writing**

In the settings described above, officers did not seem to appreciate or respect the ethical obligations of report writing. They did not exhibit an appreciation for the fact that every written word is a permanent record of an event. When used ethically and effectively, the purpose of a police report is to allow the criminal justice system to ensure due process and fundamental fairness without prejudice or favor. These officers do not understand that reports establish, anchor, and define their personal credibility (and reputation) as well as that of their agency. More importantly, they compromised public trust by failing to accomplish the mission of documenting an accurate account of the incident.

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## Report Writing Tip, Continued

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### **Minimum requirements when writing a report**

When writing a report, the minimum requirements to accomplish your job ethically and preserve the integrity of the criminal justice system are:

- Never falsify any portion of your report or modify any aspect of the report away from the factual truth.
  - Objectively document every fact (or piece of evidence) known to you that could prove or disprove the event you are reporting. If you are not sure, include the fact or piece of evidence anyway and qualify it as possible evidence or investigative information.
  - Be clear. A well-written report does not raise questions, it answers them.
  - Write your report free of speculation or personal opinions. You are there to gather facts.
- 

### **The link**

You are responsible for the quality of each report you write. Each report is an opportunity to build or destroy your credibility. Always write precisely what happened to the best of your knowledge. A report determined by a court to be compromised or unethical not only topples your credibility, but your agency's as well - plus it opens the door to challenge every past enforcement action you have performed. Compromising your report is just not worth it and it will raise questions about your effectiveness as a peace officer and may ultimately lead to termination of your employment. It is your obligation to report incidents just as they occurred; anything else is unethical.

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# Benefits of Professional and Ethical Behavior

[1.02.EO10]

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## Introduction

Professional conduct and ethical behavior benefits not only officers and their agencies, but also their community and society as a whole.

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## Benefits of ethical behavior

Some benefits of ethical behavior to the officer, their agency, and community are listed in the chart below:

<b>Person Benefitted</b>	<b>How Benefitted</b>
<b>Officer</b>	<ul style="list-style-type: none"><li>• Self-esteem and personal worth</li><li>• Personal and professional satisfaction in doing the right thing</li><li>• Gaining respect and confidence of co-workers</li><li>• Establishing a higher personal and professional reputation in the community</li></ul>
<b>Agency</b>	Professional and ethical conduct help the officer's agency by: <ul style="list-style-type: none"><li>• improving morale</li><li>• improving agency respect within the profession</li><li>• reinforcing the standard of performance</li><li>• improving agency reputation</li></ul>
<b>Community</b>	<ul style="list-style-type: none"><li>• Receives equitable law enforcement</li><li>• A sense of security and trust</li><li>• Increases community partnerships</li><li>• Fosters community mobilization</li></ul>

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# Consequences of Unethical/Unprofessional Conduct

[1.02.EO11]

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## **Introduction**

Unethical/unprofessional conduct or breaches in ethical conduct can occur in any profession. The negative effects of such behavior are particularly detrimental to the policing profession. Any indiscretion severely damages the credibility of peace officers and their agencies, and compromises public trust and support.

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## **Consequences of unprofessional/unethical conduct**

Unethical/unprofessional conduct directly affects the officer in addition to affecting the image and effectiveness of law enforcement in the community.

Consequences to the officer range from mild to severe and may include the following:

- disciplinary action up to and including termination
- civil and/or criminal liability (personal and agency)
- embarrassment to stakeholders
- eroding the image of the profession
- reinforcement of negative stereotypes
- reduction of effectiveness
- diminishing public trust and cooperation
- compromising officer safety

An officer often suffers humiliation and low self-image as a result of unethical/unprofessional conduct.

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# Law Enforcement Code of Ethics/Conduct

[1.02.EO12]

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## **Law enforcement code of ethics**

The adoption of a uniform code of ethics was one of the most progressive steps achieved by law enforcement. The *Law Enforcement Code of Ethics* was adopted in 1956 by the National Conference of Police Associations, representing some 180,000 police officers, and the International Association of Chiefs of Police. Many agencies and local police associations have adopted the code.

The Commission on Peace Officers Standards and Training Commission (POST) requires that the *Law Enforcement Code of Ethics* be administered to every peace officer in the State of California (POST *Administrative Manual, Section 1013*).

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## **Adherence**

Any code is just words until translated into action. Officers give the *Law Enforcement Code of Ethics* life and meaning by following it in their everyday conduct.

Along with members of the law enforcement community at all levels, peace officers uphold the values, ethics, and principles of the profession. Officers are sworn to uphold the principles contained in the code. They also adhere to it as a matter of personal integrity. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy.

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## **Key elements**

POST requires that all peace officers abide by the *Law Enforcement Code of Ethics*. Officers should become thoroughly familiar with the code and understand what they promise to uphold.

NOTE: The full text of the *Law Enforcement Code of Ethics* is included in the Supplementary Materials Section of this workbook.

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## Law Enforcement Code of Ethics/Conduct, Continued

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### Code of conduct

California has supplemented the *Law Enforcement Code of Ethics* with a *Code of Professional Conduct and Responsibilities for Peace Officers (Code of Conduct)*. The *Code of Conduct* is designed to enhance the Law Enforcement Code of Ethics by defining specific standards of professional conduct.

The *Code of Conduct*, developed in 1979, is the collective product of the California Peace Officers Association and peace officer representatives throughout the state.

The *Code of Conduct* is comprised of canons and ethical standards.

**Canons** are general statements of the standards of professional conduct expected of peace officers. These standards apply to the peace officer's relations with the public, the criminal justice system, and the law enforcement profession. The canons are the general concepts from which ethical standards and disciplinary rules are derived.

NOTE: The full text of the *Law Enforcement Code of Conduct* is included in the Supplementary Materials Section of this workbook.

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# Unprofessional Conduct and Intervention

[1.02.EO13, 1.02.EO14, 1.02.EO15]

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## **Introduction**

Peace officers have a legal and ethical obligation to uphold the law no matter who is breaking it. It does not matter whether the violator is considered an average citizen, a prominent community or corporate leader, or another peace officer.

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## **Officer responsibility to respond**

Minding your own business is never a valid excuse for remaining silent. If peace officers disregard unlawful or unethical acts by another officer, they can be as responsible as the offender and as unworthy of wearing the badge. Such officers are equally responsible for embarrassing their agency and the policing profession.

It is a peace officer's responsibility to intervene to stop offenses by other officers.

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## **Intervention**

**Intervention** is the act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another.

Appropriate intervention allows peace officers to maintain or restore professional control over a given situation or improve the professional quality of future interactions.

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## Unprofessional Conduct and Intervention, Continued

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### **Intervention** (continued)

An officer is guilty of having failed to intervene and prevent other officers from violating anyone's rights while having reason to know:

- unreasonable force was being used
- a member of the public was unjustifiably arrested
- any constitutional violation has been committed by any law enforcement officer
- the officer had a reasonable opportunity to prevent harm from occurring (*Yang v. Hardin*, 7<sup>th</sup> Cir. 1994)
- inappropriate language is being used
- other unlawful, unethical or inappropriate behavior (e.g., theft), occurred

NOTE: Refer to *Penal Code Sections 147, 149, 661 and 673* and *USC Title 18 Section 242 and Title 42 Section 1983*.

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### **Federal law regarding officer behavior**

The *U.S. Constitution* provides protection for individuals against unlawful actions by peace officers. The *United States Code* also addresses an officer's unlawful action under color of authority. (*USC Title 18, Sections 242 (Criminal); U.S.C. Title 42, Section 1983 (Civil)*).

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## Unprofessional Conduct and Intervention, Continued

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### State legal basis for intervention

A variety of state laws and criminal sanctions regulate the behavior of California peace officers. These codes are shown in the table below:

<b>Description</b>	<b><i>Penal Code Section</i></b>
Inhumane or oppressive treatment of prisoners, unreasonable use of force, or assaulting or beating anyone	<i>147, 149 and 673</i>
Neglecting official duty while holding a public office	<i>661</i>

NOTE: In addition to actions regulated by code, several court decisions have held that peace officers have a responsibility to intervene in certain circumstances.

---

### Public expectations of intervention regarding force

The community expects peace officers to use only the amount of force that is reasonable. It also expects that officers will intervene to stop any unethical or unprofessional conduct by another peace officer. When officers intervene appropriately, their professionalism, personal and organizational credibility are enhanced.

NOTE: For additional information regarding the use of force, see LD 20: *Use of Force*.

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*Continued on next page*

## Unprofessional Conduct and Intervention, Continued

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### **Factors inhibiting intervention**

Officers may fail to take action when a fellow officer is behaving unprofessionally or inappropriately because of several factors. Officers often do not intervene because he or she:

- is friends with the coworker or fellow officer involved
- is inexperienced or unfamiliar with the proper action to remedy the situation
- feels that intervention is someone else's responsibility
- feels peer pressure
- fears consequences, such as being ostracized
- believes there will be no support from administration, senior officers, field training officers (FTOs) or supervisors (e.g., getting a bad evaluation)
- is psychologically unprepared to intervene (e.g., erroneous notion of how police officers should behave, possibly due to influence of movies, and television)

Officers must come to terms with these issues in order to intervene effectively.

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*Continued on next page*

## Unprofessional Conduct and Intervention, Continued

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### **Necessity for intervention**

Peace officers benefit from appropriate intervention. Peace officers are *required* to attempt intervention, if necessary, for the following reasons:

- Personal integrity demands it
- It preserves professionalism and supports the law enforcement mission
- It strengthens public confidence in the law enforcement profession and the agency involved
- It reduces personal and agency liability because it results in fewer:
  - physical injuries arising from unreasonable force
  - disciplinary actions and personnel complaints
  - criminal complaints filed against officers
  - civil liability suits, including fewer punitive financial judgments against individual officers
- It enhances officer safety
- It is ethically correct

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### **Types of intervention**

A variety of strategies can be used to intervene with a coworker. Three types of intervention are:

- advance
- immediate
- delayed

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*Continued on next page*

## Unprofessional Conduct and Intervention, Continued

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### **Advance intervention**

Advance intervention means taking an action before an inappropriate action is committed. If peace officers communicate their law enforcement values clearly in everyday work, they may prevent a coworker's unprofessional conduct. An officer is less likely to behave inappropriately when the officer knows that coworkers won't tolerate unethical behavior. Coworkers can use the following methods of intervention:

- discussion of expectations
  - merely showing up at the scene
  - statement of expectations
  - command presence
- 

### **Immediate intervention**

In some situations, if a coworker or fellow officer behaves inappropriately, it may be necessary to intervene immediately, either verbally or physically. The following table describes the levels of immediate intervention:

<b>Level of Intervention</b>		<b>Description</b>
Verbal intervention		Verbally offering to take over or assist the situation or reminding fellow officer of appropriate behavior.
Physical intervention	Touching	Touching the officer on the shoulder or arm and offering a tactful reminder to calm down or to take over.
	Stepping in	Stepping between the offending officer and the other person (if this can be safely accomplished) and diffusing the situation with a calm statement such as "Let me talk to him."

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## Unprofessional Conduct and Intervention, Continued

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### Immediate intervention (continued)

Level of Intervention		Description
Physical intervention (continued)	Restraining	Physical restraint of the officer may be necessary if the officer is using unreasonable physical force.

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### Example

- (1) An officer's partner has a daughter the same age as a girl who was molested. While arresting the child molestation suspect, the partner began to get agitated and angry. The officer recognized that his partner might become abusive and said, "Hey, partner, let me take care of this one, okay?" This is an example of verbal intervention.
  - (2) An officer was engaged in a heated verbal confrontation with a subject, and the officer was starting to become increasingly agitated. Her partner touched the officer's arm in an attempt to calm her and offered to take over. This is an example of touching as an immediate intervention.
  - (3) An officer used his baton to subdue a fleeing subject. After handcuffing the subject, the officer brought his baton above his head, getting ready to hit the subject again. The officer's partner grabbed his arm and prevented him from hitting the subject while talking to him and calming him down. This is an example of restraining a fellow officer.
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## Unprofessional Conduct and Intervention, Continued

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### Delayed intervention

Sometimes it may be desirable to use an intervention strategy after an incident has occurred. Delayed intervention can be a valuable tool for improving the quality of an officer's *future* contacts. Some delayed intervention techniques are shown in the table below.

<b>Delayed Intervention Techniques</b>	<b>Description</b>
<b>Discussion/ Admonishment</b>	It can be beneficial to discuss the improprieties of unprofessional behavior. This may be an appropriate follow-up if a fellow officer was verbally condescending to someone. May inform a fellow officer that this type of behavior is not acceptable and may provoke a situation.
<b>Referral/ Training</b>	Referring to a supportive organization or a supportive third party within the agency. Suggest additional training to improve conduct.
<b>Reporting</b>	Factual documentation in a report; following the chain of command; urging self-reporting; directly reporting to a supervisor.

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## Unprofessional Conduct and Intervention, Continued

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**Example**

- (1) A male officer continually talks down to female officers, implying that they are only fit for office duties. In the locker room after one of these incidents, another officer explains to him that these comments reflect poorly on him and that other officers think less of him because of these remarks. This is an example of using discussion as delayed intervention.
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# Ethical Decision Making and Leadership

[1.02.EO16, 1.02.EO17]

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## Introduction

Ethics is not about what you *know*, it's about what you *do*. It is not enough to follow policy and procedure, or merely comply with the law when electing a course of action as a peace officer.

What is “best” is sometimes confusing when conflicting priorities, human emotions and the stress of policing can combine to tempt you to take the easy choice or take the first option that comes to mind.

Decisions made with an ethical dimension demand you make them by considering the perspectives of all involved and balance order in society with the liberty each of us enjoys.

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## Ethical decision making strategies

There are several strategies or models available as “tools” to facilitate peace officers in making the right ethical decision in a difficult and challenging law enforcement environment. In almost every model there are common steps incorporated as part of the strategic process. Officers should adopt, understand and use an effective decision making process to guide and assist them throughout their career.

The common steps are :

- Identify the issue(s), relevant facts and/or ethical question(s)
  - Determine the stakeholders - Who may be affected by a decision?
  - Consider your options or courses of action - What could you do?
  - Decide which option is most appropriate - What should you do?
  - What are the consequences of your decision?
  - Implement the option and course of action
  - Reassess and make new decision, if necessary
- 

*Continued on next page*

## Ethical Decision Making and Leadership, Continued

---

**Ethical  
decision  
making  
strategies**  
(continued)

Peace officers must make decisions:

- based on the law and professional standards
- using community values and needs that are not in conflict with the law
- based on the needs of the individual, sound tactics and the long term impact of the situation

Some suggested ways to implement decisions:

- Peace officers don't let emotions dictate actions. If possible, reflect on the situation. Do I act now or later?
- What is my intent? If I make this decision, what would be my ideal end result?
- Ask yourself: do I have all the facts? If not, what do I need to know and where do I get the information?
- What alternatives are available? Ask yourself if other approaches would yield better results based on your desired outcome.
- Who and what will this decision impact? Consider benefits and harm, tactics and safety issues. The decisions peace officers make have impacts on relationships, reputations and public opinion (perception).
- When you act, try to put yourself in another person's position. Who would approve or disapprove: Why would they? What would your Captain or an officer you highly respect do?
- Don't get stuck on the decision, if necessary, monitor and assess. If you get better information, don't be afraid to make changes to your decision.

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## Ethical Decision Making and Leadership, Continued

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### Example

- (1) Bell, Book, Candle
- The Bell - Do any “bells” or warning buzzers go off as I consider my choice or alternative?
  - The Book - Does it violate any laws, ordinances, policies, procedures, etc.?
  - The Candle - Will my decision be able to withstand the light of day, spotlight of media attention, publicity, family? (Adapted from Josephson Institute of Ethics)
- (2) Legal, Ethical, Effective
- Is it legal?
  - Is it permitted by your agency policy, procedure, code of conduct?
  - How would it be viewed by your agency, community and fellow peace officers?
  - Does your personal code of ethics give the choice a “thumbs-up”?
  - Is it a true ethical dilemma? Do both choices appear to be right?
  - Will it accomplish desired outcomes and be consistent with the traits and competencies of an ethical peace officer?
- 

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## **Ethical Decision Making and Leadership, Continued**

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### **Ethical decision making and leadership**

Peace officers who practice the competencies of ethical leadership with the requisite skills of problem-solving, will be better equipped to arrive at appropriate solutions in decision making.

In the challenging work environment that faces peace officers, these decisions can often be difficult. Peace officers who rely on a code of ethics and are guided by effective techniques, will implement actions that are fair, legal and just.

---

# Chapter Synopsis

---

**Learning need** Peace officers are expected to be leaders in the community, in their agencies, and among peers. To be effective, officers must understand the components of leadership, their responsibility to lead, and the impact of their leadership.

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**Leadership is important [1.01.EO8]** Every officer has a responsibility to practice leadership. Leadership is essential to effective problem solving because it engages the cooperation of the community.

---

**Definition of leadership [1.01.EO9]** The practice of influencing people while using ethical values and goals to produce an intended change.

---

**Universal components of leadership [1.01.EO10]** Peace officers can learn to exercise leadership through preparation, knowledge of the leadership role, a desire to lead and a commitment to effective job performance.

---

**Officer as a leader [1.01.EO11]** Peer behaviors are a strong influence on peace officers. It is incumbent on every peace officer to recognize that he or she has the opportunity to influence peers by modeling positive behaviors, taking charge, and sharing information if and when appropriate.

---

**Leader as follower [1.01.EO12]** The condition that permits leadership to exist and give it strength. The day to day operation of an agency depends upon officers exercising leadership in the discharge of their duties.

---

**Impacts of leadership on a peace officer's daily work [1.01.EO13]** Improved communication, problem solving and decision making. Positive leadership increases officer safety, community respect and trust.

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*Continued on next page*

## Chapter Synopsis, Continued

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**Learning need** Peace officers are empowered and entrusted by the community with a broad range of power, authority and discretion to maintain safety and order. Professional and ethical standards are the means by which peace officers maintain the public trust. To be effective, a peace officer, must make a life-long commitment to these standards.

---

**Profession and public trust**  
[1.02.EO8] The profession of policing requires its members to adhere to specific standards in order to maintain the trust and respect of those who are served. Public trust is the foundation of peace officers' authority and power by virtue of a social contract with government.

Ethics are the accepted principles of conduct governing decisions and actions based on professional values and expectations.

---

**Expectations of peace officers conduct**  
[1.02.EO9] The community expects that peace officers' will serve the public interest and conduct themselves in an ethical manner. Their agency expects conformance with the law. Officers expect appropriate training and fair and ethical treatment.

---

**Benefits of ethical behavior**  
[1.02.EO10] Professional conduct and ethical behavior benefits not only officers and their agencies, but also the community and society as a whole.

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**Consequences of unethical/unprofessional conduct**  
[1.02.EO11] Unethical/unprofessional conduct or breaches in ethical conduct can occur in any profession. The negative effects of such behavior are particularly detrimental in the policing profession.

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## Chapter Synopsis, Continued

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**Law  
enforcement  
code of  
ethics/conduct  
[1.02.EO12]**

The *Law Enforcement Code of Ethics* was adopted as a uniform code of ethics to guide the peace officer. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy. The *Code of Conduct* is designed to enhance the *Law Enforcement Code of Ethics*.

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**Unprofessional  
conduct and  
intervention  
[1.02.EO13,  
1.02.EO14,  
1.02.EO15]**

Peace officers have a legal and ethical obligation to uphold the law no matter who is breaking it. It does not matter whether the violator is considered an average citizen, a prominent community or corporate leader, or another peace officer.

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**Ethical  
decision  
making and  
leadership  
[1.02.EO16,  
1.02.EO17]**

Ethics is not about what you know, it's about what you do. What is "best" is sometimes confusing when conflicting priorities, human emotions and the stress of policing can combine to tempt one to grasp at the easy choice or take the first option that comes to mind.

Peace officers who practice the competencies of ethical leadership with the requisite skills of problem-solving, will be better equipped to arrive at appropriate solutions in decision making.

---

# Workbook Learning Activities

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## **Introduction**

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

---

## **Activity questions**

1. Describe four (4) instances when you have taken a followers position. Why did you do it? As an officer how do you balance loyalty to your agency and constructive criticism?

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

2. You and your partner respond to a complaint of a disturbance. How can your authority and power as a peace officer demonstrate leadership at the scene?

3. List the leadership skills you need to learn or improve. Explain how these skills will benefit your performance as a peace officer.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**

4. Why is the exercise of leadership important to the officer and to policing in the community?

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## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

7. Angry at a subject after a long foot pursuit, the pursuing officer struck the subject after bringing him under control. The officer's partner made no attempt to intervene. The strike was witnessed by several bystanders. What consequences to each officer might result from this action?

8. What is the *Code of Professional Conduct and Responsibilities for Peace Officers*? How does this supplement the Law Enforcement *Code of Ethics*?

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## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

9. Why does it matter whether peace officers are personally ethical as long as they adhere to the law?

10. What do you think makes an individual ethical? Consider the classic dilemma of the person who cannot afford the only medicine that will save his or her spouse's life. Is it ethical to steal the medicine in this case? Explain your answer. As a peace officer encountering the person who stole under these circumstances, what would your responsibilities be? How might this differ, if at all, from your personal feelings?

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

11. List four promises peace officers make when they agree to abide by the *Law Enforcement Code of Ethics*.

# Chapter 2

## Cultural Diversity/Discrimination Learning Domain 42

### Overview

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### Recognizing Diversity

---

**Learning need** Peace officers need to recognize and respect the complexities of cultural diversity to develop skills necessary for identifying and responding to California’s changing communities.

---

**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
Describe personal, professional, and organizational benefits of valuing diversity within the community and law enforcement organizations	42.01.EO4

---

**In this chapter** This chapter focuses on basic knowledge needed to recognize the cultural makeup of a community. Refer to the following chart for specific topics.

<b>Topic</b>	<b>See Page</b>
Culture and Ethnicity	2-2

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# Culture and Ethnicity

[42.01.EO4]

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## Law enforcement

As communities and regions change because of the influx of multi cultural individuals, agency personnel are evolving and becoming culturally diverse. What was previously a group of Caucasian males is becoming a workforce made up of individuals of different genders, cultures, and ethnic backgrounds.

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## Cultural diversity

**Cultural diversity** means the representation or existence of individuals with distinctly different group affiliations within one organization, community, state, nation, or other social system. Such group affiliations can be based on culture, ethnicity, gender, sexual orientation, etc.

Awareness and understanding of the diverse cultures within communities and law enforcement agencies can reduce negative ethnocentric attitudes and practices.

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## Culture and Ethnicity, Continued

---

### Benefits of recognizing and respecting diversity

Understanding cultural influences can help peace officers recognize and influence patterns of behavior and build more effective and responsive relationships within the community and within law enforcement itself.

The following table identifies a number of benefits for officers who learn how to recognize and respect diversity.

	<b>Benefits</b>
<b>Personal</b>	<ul style="list-style-type: none"><li>• Enhanced officer safety</li><li>• Increased personal and ethical satisfaction</li><li>• Career survival</li></ul>
<b>Professional</b>	<ul style="list-style-type: none"><li>• Improved quality of service provided</li><li>• Enhanced community support and improved public trust</li><li>• Reduced tension between officers and specific cultural groups</li><li>• Increased access to and cooperation with members of the community</li><li>• Improved compliance with the letter and spirit of the law</li></ul>
<b>Organizational</b>	<ul style="list-style-type: none"><li>• Improved morale, effectiveness, and professionalism within the law enforcement organization</li><li>• Positive impact on law enforcement's image within the community</li><li>• Reduction in the number of complaints against officers</li><li>• Reduction in personal and agency exposure to claims and litigation</li></ul>

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*Continued on next page*

## Culture and Ethnicity, Continued

---

### Accepting diversity

A conscious effort is required to learn to accept the ever-changing diversity within a community or law enforcement agency. There is no universal method for accomplishing this. The following table identifies certain actions common to all methods.

	<b>Action</b>
<b>Recognize</b>	<ul style="list-style-type: none"><li>• one's own cultural and ethnic groups</li><li>• the different cultural groupings</li><li>• personal bias and ethnocentrism</li><li>• personal discomfort levels with differences and change</li></ul>
<b>Understand</b>	<ul style="list-style-type: none"><li>• origins of one's own and other individual's perceptions, stereotypes, and prejudices</li><li>• benefits of change and diversity</li></ul>
<b>Learn</b>	<ul style="list-style-type: none"><li>• how to effectively communicate with representatives of differing cultural groups</li><li>• the skills necessary to manage personal bias or prejudices</li><li>• about the differing norms, values, customs, etc., of specific cultural groups</li></ul>

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*Continued on next page*

## Culture and Ethnicity, Continued

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### Example

- (1) A male and a female officer stopped a suspect in his neighborhood for driving under the influence of alcohol. As the officers were completing their investigation, the suspect's wife, children, and neighbors emerged from their homes. The suspect stated he was unable to submit to handcuffing by the female officer in the presence of his family and friends because he would lose face. The officers took into consideration the suspect's concerns and switched their positions. The male officer became the "contact" officer and the female officer took the "cover" position. The officers were able to safely take the suspect into custody without incident. Switching their roles did not compromise officer safety and avoided escalating a situation that may have jeopardized the safety of the officers.
- 

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## **Culture and Ethnicity, Continued**

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# Prejudice, Discrimination, and Racial Profiling

## Overview

---

**Learning need** Peace officers need to become aware of stereotyping that could lead to prejudicial viewpoints and unlawful acts of discrimination.

---

**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
• Define the term stereotype	42.02.EO1
• Discuss the dangers of relying on stereotypes to form judgments or to determine actions	42.02.EO2
• Define the term prejudice	42.02.EO3
• Define the term discrimination	42.02.EO4

---

**In this chapter** This section focuses on the origins of prejudice and discrimination. Refer to the following chart for specific topics.

<b>Topic</b>	<b>See Page</b>
Perceptions and Stereotypes	2-8
Prejudice and Discrimination	2-13

---

# Perceptions and Stereotypes

[42.02.EO1, 42.02.EO2]

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## **Introduction**

Individuals are not born with set opinions or perceptions. Instead, they develop these based on many different sources and influences throughout their lifetimes. Recognizing these sources and influences can help an individual differentiate between rational and irrational opinions or perceptions of individuals with differing cultural backgrounds.

---

## **Stereotyping**

A **stereotype** is a preconceived or over-simplified generalization involving negative or positive beliefs about another group. When an individual is stereotyped, that person is perceived as having specific behavioral traits and abilities. This perception is based solely on the individual's apparent membership in a certain group.

Stereotypes can be based on a number of factors including, but not limited to:

- nationality
  - ethnicity
  - race
  - gender
  - sexual orientation
  - socioeconomic status
  - age
  - physical ability
- 

*Continued on next page*

## Perceptions and Stereotypes, Continued

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### Human tendency

Stereotyping is a natural human tendency.

Use of stereotypes can become:

- a means of processing or filtering information and can be considered a tool for simplification of an environment
  - a way to fill in information voids about other people in the absence of information to the contrary
  - an overreaction to behaviors that do not match an individual's expectations
  - a result of the differences in the levels of contact individuals have with members of other groups
- 

### Dangers of stereotyping

Stereotyping can mean not only *ascribing differences* to other groups but can also result in *making a judgment* (positive or negative) based on those perceived differences.

The following table identifies two dangerous assumptions regarding use of stereotypes.

<b>Dangerous Assumption</b>	<b>Additional Information</b>
characteristics of the group are accurate	<ul style="list-style-type: none"><li>• can be factually incorrect</li><li>• the reliability of the source of the information should be considered</li></ul>
all members of a group share the same characteristics	<ul style="list-style-type: none"><li>• no single individual has all the characteristics attributed to a group</li><li>• no one group's characteristics can describe a single individual</li></ul>

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*Continued on next page*

## Perceptions and Stereotypes, Continued

---

### Stereotypes of law enforcement

Past experiences of individual members of a cultural group or ethnic group can shape their attitudes and expectations regarding the role of government and law enforcement.

The following table identifies several common stereotypes individuals may have of law enforcement officers:

<b>Peace officers...</b>	<b>This stereotype may be reinforced by...</b>	<b>Officers can help counter stereotypes by...</b>
are apathetic	<ul style="list-style-type: none"> <li>• insensitive actions</li> <li>• lack of empathy</li> </ul>	<ul style="list-style-type: none"> <li>• considering their own safety and the safety of others at all times</li> <li>• demonstrating empathy</li> <li>• being sensitive to the person's needs and concerns</li> </ul>
are unethical and engage in unprofessional conduct	<ul style="list-style-type: none"> <li>• accepting gratuities</li> <li>• abusing authority</li> <li>• adhering to a code of silence</li> <li>• officer brutality</li> <li>• corruption</li> <li>• abusing publicly owned equipment</li> </ul>	<ul style="list-style-type: none"> <li>• adhering to the Law Enforcement Code of Ethics/Code of Professional Conduct</li> <li>• holding themselves and peers to the highest standards of behavior</li> <li>• using public vehicles for public business only</li> </ul>

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*Continued on next page*

## Perceptions and Stereotypes, Continued

<b>Stereotypes of law enforcement (continued)</b>	<b>Peace officers...</b>	<b>This stereotype may be reinforced by...</b>	<b>Officers can help counter stereotypes by...</b>
	are prejudiced	<ul style="list-style-type: none"> <li>• targeting certain groups</li> <li>• applying different standards of enforcement or assistance to different groups in the community</li> </ul>	<ul style="list-style-type: none"> <li>• being aware of their own stereotypes</li> <li>• treating all people in a professional manner</li> <li>• remaining impartial</li> <li>• not allowing a bad experience on one call to affect judgment on another</li> </ul>
	project a poor public image	<ul style="list-style-type: none"> <li>• presenting a poor physical image (e.g., overweight)</li> <li>• sloppy uniforms</li> <li>• inappropriate demeanor or body language (e.g., acting tough to intimidate others)</li> </ul>	<ul style="list-style-type: none"> <li>• adopting a lifestyle conducive to lifelong fitness</li> <li>• demonstrating pride in their personal appearance</li> <li>• controlling their temper and emotions</li> <li>• treating others as they would wish to be treated</li> </ul>
	are unable or unwilling to handle service calls	<ul style="list-style-type: none"> <li>• inadequately trained officers dealing with situations for which they are not prepared</li> <li>• officer inability or unwillingness to apply trained job skills</li> </ul>	<ul style="list-style-type: none"> <li>• responding promptly and courteously to all calls</li> <li>• acknowledging their own limitations and calling for assistance when needed</li> </ul>

*Continued on next page*

## Perceptions and Stereotypes, Continued

---

### Possible effects

Peace officers must become aware of their own stereotypes regarding the communities and individuals they serve. Relying on stereotypes can potentially lead to:

- developing a lower level of tolerance to *individual* behavior
  - forming conclusions before getting to a scene
  - decreasing an officer's objectivity concerning the facts of a case
  - potential development of officer safety situations (escalation of non-hostile situations)
  - negative expectations becoming self-fulfilling prophecies.
  - inappropriate officer behavior
-

# Prejudice and Discrimination

[42.02.EO3, 42.02.EO4]

---

## Introduction

Any preconceived notions, whether positive or negative, about a cultural or ethnic group formed before the facts are known can lead to acts of discrimination.

---

## Prejudice

**Prejudice** is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known.

Prejudice is a:

- process, not a static attitude
  - *learned* attitude
  - way of thinking about others that may be based on:
    - misconceptions
    - misunderstandings
    - inflexible generalizations
- 

## Prejudice vs. stereotype

The following table identifies how a prejudice differs from a stereotype.

Stereotype	Prejudice
<ul style="list-style-type: none"><li>• Emphasis is on attitudes and emotional reaction toward individuals</li><li>• Stereotypes may be used to justify or encourage prejudices</li></ul>	<ul style="list-style-type: none"><li>• Emphasis is on assumed group identity categories and traits</li></ul>
<ul style="list-style-type: none"><li>• Positive individual experiences with diverse people and groups, increased knowledge and maintaining an open mind are all keys to overcoming prejudice</li></ul>	<ul style="list-style-type: none"><li>• Positive individual experiences with diverse people and groups, increased knowledge and maintaining an open mind are all keys to overcoming stereotyping</li></ul>

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## Prejudice and Discrimination, Continued

---

### Subconscious prejudice

One of the deepest and therefore most dangerous forms of prejudice is subconscious prejudice. Individuals may have been conditioned by such beliefs to the point that their prejudice causes them to act out in a hostile and potentially dangerous way.

Sometimes individuals who were mistreated or who are frustrated and insecure may select individuals or groups as scapegoats or targets of blame. Over an extended period of time, this mistrust and hatred of others becomes a way of life and can influence how this person interacts with others.

NOTE: Prejudice that is unchecked or not challenged may lead to the development of **racism**: a doctrine that one race is inherently superior (physically, intellectually, or culturally) to another.

---

### Group prejudice

Many members of a cultural group may hold certain prejudicial views of other specific groups. Conforming to such a prejudice may become a “normal” attitude or reaction for members of the original group. Children will model behavior and once the child becomes an adult, the prejudice may be accepted or rationalized without question.

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### Prejudice and law enforcement

Occupational cultures, including law enforcement, may be susceptible to developing and passing on prejudices against those who are outsiders, or not within their group (i.e., individuals within the community). Certain “us” versus “them” attitudes may develop.

Because law enforcement officers have certain powers over members of a community, prejudicial attitudes could lead to potential abuse and *must never be tolerated within a law enforcement agency*.

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## Prejudice and Discrimination, Continued

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### Prejudice and law enforcement (continued)

Overlooking or allowing expressions of prejudice can lead to:

- lack of trust within the organization
  - adverse attention from the media
  - lack of trust within the community
  - complaints or lawsuits
  - disciplinary action or dismissal
- 

### Discrimination

**Discrimination** is an *action* or *behavior* that is prompted or based on prejudiced thought. It includes differential treatment based on an unsubstantiated or unfair categorization.

---

### Prejudice vs. discrimination

Because a *prejudice is a thought*, it is private and is not a violation of the law.

A prejudicial *thought that is acted upon*, consciously or unconsciously, may lead to discrimination. Behaviors or acts of discrimination can be unlawful.

---

### Possible effects of prejudice and discrimination

Expressions of prejudice or acts of discrimination on the part of law enforcement officers can:

- deteriorate trust within a law enforcement agency
  - prompt an internal or external investigation of a department or agency
  - lead to disciplinary action, dismissal, or civil or criminal legal actions
  - undermine the authority of higher ranking officers
  - lead to negative attitudes within a department or agency being carried into the community
  - lead to mistrust in a community
  - further escalate situations to a dangerous level
  - lead to racial profiling or bias-based policing
-

## Chapter Synopsis

---

**Learning need** Peace officers need to recognize and respect the complexities of cultural diversity to develop skills necessary for identifying and responding to California's changing communities.

---

**Benefits of recognizing and respecting diversity**  
**[42.01.EO4]** Understanding cultural influences of individuals can help peace officers recognize and influence patterns of behavior and build more effective relationships within the community and within law enforcement itself.

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*Continued on next page*

## Chapter Synopsis, Continued

---

**Learning Need** Peace officers need to become aware of stereotyping that could lead to prejudicial viewpoints and unlawful acts of discrimination.

---

**Define the term stereotype**  
[42.02.E01] A **stereotype** is a preconceived or over-simplified generalization involving negative or positive beliefs about another group.

---

**Dangers of stereotyping**  
[42.02.E02] Stereotyping can mean not only *ascribing differences* to other groups but can also result in *making a judgment* (positive or negative) based on those perceived differences.

---

**Prejudice and discrimination**  
[42.02.E03, 42.02.E04] Prejudice is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known.  
Discrimination is an *action* or *behavior* that is prompted or based on prejudiced thought.

---

# Workbook Learning Activities

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## Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text you should be able to prepare a response.

---

## Activity questions

1. Using only the population of students who are in this class with you, identify the following information.
  - List the races and ethnicities that are represented. How many individuals are the first generation Americans to this country? To the state?
  - How many individuals were born in:
    - California?
    - another state within the United States?
    - another country?
  - List the number of languages that are spoken. Other than English, what is the most common? How many individuals can speak more than one language?
  
- What is the gender makeup in your classroom setting?
  
- Is there value in multilingual skills?
  
- Is there value in classroom/community diversity?

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

2. Assume you have been assigned to serve a rural jurisdiction with a large Middle Eastern population. What resources would you call upon to help identify and learn about the specific cultural groups within your jurisdiction?

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*Continued on next page*

## Workbook Learning Activities, Continued

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### Activity questions

3. Using your own words, define the following terms. How are they similar to each other? How are they different? Give an example of each.

<b>Term</b>	<b>Similarities/Differences</b>	<b>Examples</b>
<b>Stereotype</b>		
<b>Prejudice</b>		
<b>Racism</b>		
<b>Racial Profiling</b>		

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

4. Look back at the answers and description you wrote for the Workbook Learning Activities in Chapter 2 of this workbook. How many of your responses were based on stereotypes (positive or negative) or personal prejudices?

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

5. Describe your *first* contact with a peace officer in that individual's official capacity (i.e., issuing you a speeding ticket, etc.). What preconceived perceptions and stereotypes did you have regarding officers before this encounter? Did you maintain those same beliefs after the contact? If they changed, were they for the better or worse? Explain your answers.

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## Workbook Learning Activities, Continued

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### Activity questions (continued)

6. At roll-call briefing you receive information about several complaints by community members about drug activity in the vicinity of Main and Grove Streets. The description of the individual reported to be possibly selling narcotics is male Hispanic, 18-25 years of age.

While on patrol, you observe a male Hispanic about 20 years of age, standing on the corner of Main and Grove Streets with his hands in his pockets. What would you do? If you opt to contact him, what will you say to him? What are your articulable behaviors and characteristics to warrant a legal stop or detention?

## Workbook Corrections

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Suggested corrections to this workbook can be made by going to the POST website at: [www.post.ca.gov](http://www.post.ca.gov)

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# Chapter 3

## Criminal Justice System Learning Domain 2

### Overview

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### Introduction to the Criminal Justice System

---

**Learning need** To be effective leaders, peace officers must be aware of the constitutional rights of all individuals within the United States, regardless of citizenship status, and the role the criminal justice system has in protecting those rights.

---

**Learning objectives** The following table identifies the learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
<ul style="list-style-type: none"><li>• Identify the freedoms and rights afforded to individuals under the U.S. Constitution, the Bill of Rights, and later amendments</li></ul>	2.01.EO1
<ul style="list-style-type: none"><li>• Identify how the U.S. Constitution amendments apply to the actions and conduct of peace officers, including:<ul style="list-style-type: none"><li>- First Amendment</li><li>- Fourth Amendment</li><li>- Fifth Amendment</li><li>- Sixth Amendment</li><li>- Eighth Amendment</li><li>- Fourteenth Amendment</li></ul></li></ul>	2.01.EO2 2.01.EO3 2.01.EO4 2.01.EO5 2.01.EO6 2.01.EO7
<ul style="list-style-type: none"><li>• Discuss the components and primary goals of the criminal justice system</li></ul>	2.01.EO8

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## Overview, Continued

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**In this chapter** This chapter focuses on the constitutionally protected rights of individuals and how those rights apply to the criminal justice system. Refer to the table below for a specific topic.

<b>Topic</b>	<b>See Page</b>
Constitutionally Protected Rights	3-3
Criminal Justice System	3-12

---

# Constitutionally Protected Rights

[2.01.EO1, 2.01.EO2, 2.01.EO3, 2.01.EO4, 2.01.EO5, 2.01.EO6, 2.01.EO7]

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## **Introduction**

A **constitution** is a written document that embodies the basic laws of a nation or state. The U.S. Constitution as well as the California Constitution identifies the powers and duties of the government and the rights that are afforded to all individuals in our country or state.

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## **U.S. Constitution**

The U.S. Constitution sets forth the highest law of the land which all public officials are bound by oath to enforce. It became effective in 1789 upon ratification by nine of the thirteen states (all remaining states ratified it by May 1790). Today the U.S. Constitution remains the longest lasting written constitution in the world.

The authors of the U.S. Constitution established this document “...in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.”

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## **Framework of government**

The U.S. Constitution establishes the basic framework of government, dividing the lawmaking power among three branches of government. Each branch is separate and has the power to restrain the other branches.

The branches of government include the:

- executive branch
  - legislative branch
  - judicial branch
- 

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## Constitutionally Protected Rights, Continued

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### **Bill of Rights**

Along with establishing the powers of government, the U.S. Constitution places limits on those powers. The original U.S. Constitution contained only a few provisions guaranteeing individual rights.

The first session of the U.S. Congress proposed ten **amendments** or changes to the constitution to further clarify the rights of individuals under the U.S. Constitution. These amendments, commonly referred to as the **Bill of Rights** were sent to the states and were ratified in December 1791.

Since that time additional amendments have been added to the U.S. Constitution. Today there are 27 amendments. The Bill of Rights and the later amendments limit the power of state and local governments as well as the federal government.

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### **Ethics**

The criminal justice system gives law enforcement two extraordinary powers:

1. the power of arrest and
2. the power to use deadly force.

The authority to do so does not come from the rule of an authoritarian dictator. Rather it comes from the will and consent of the people who put their trust in law enforcement to use that power with the utmost of care and restraint. This is why it is important to emphasize that peace officers do not confer “police powers” on themselves. These powers come to the criminal justice system from the people they serve.

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### **Basic rights and freedoms**

The basic rights and freedoms protected by the U.S. Constitution and its amendments apply to all individuals in the United States *regardless of citizenship*. The following table identifies a number of the freedoms and rights which cannot be taken away by the government.

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## Constitutionally Protected Rights, Continued

### Law enforcement and basic rights

Law enforcement officers are bound to protect the rights and freedoms of *all* individuals as guaranteed in the U.S. Constitution, Bill of Rights, and later amendments.

Six amendments have direct impact on peace officers' actions and conduct.

Amendment	Basic Rights and Freedoms
<b>First</b>	<ul style="list-style-type: none"> <li>• Freedom of religion</li> <li>• Freedom of speech</li> <li>• Freedom of the press</li> <li>• Freedom of assembly</li> <li>• Right to petition the government for a redress of grievances</li> </ul>
<b>Fourth</b>	<ul style="list-style-type: none"> <li>• Freedom from unreasonable searches and seizures</li> </ul>
<b>Fifth</b>	<ul style="list-style-type: none"> <li>• Freedom from being tried twice for the same crime</li> <li>• Freedom from self-incrimination</li> </ul>
<b>Sixth</b>	<ul style="list-style-type: none"> <li>• Right to be told of charges when arrested</li> <li>• Right to a speedy trial</li> <li>• Right to a public trial by an impartial jury</li> <li>• Right to confront witnesses</li> <li>• Right to counsel</li> </ul>
<b>Eighth</b>	<ul style="list-style-type: none"> <li>• Freedom from excessive <b>bail</b></li> <li>• Freedom from cruel and unusual punishments</li> </ul>
<b>Fourteenth</b>	<ul style="list-style-type: none"> <li>• Basic right of a defendant in a judicial proceeding</li> <li>• The requisites for trial (<b>due process</b>)</li> <li>• Right to equal protection of the laws</li> </ul>

*Continued on next page*

## Constitutionally Protected Rights, Continued

### First amendment

Peace officers are required to ensure that a person's First Amendment rights are protected and enforced, by allowing individuals to speak freely, exercise their religious beliefs, and peaceably assemble. It is also the responsibility of peace officers to protect these individual rights against infringement by others.

<b>Amendment I : Restrictions on Powers of Congress</b>	
<b>Text</b>	“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the individual's Government for a redress of grievances.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• Separation of church and state</li> <li>• Government cannot endorse any religion</li> <li>• All individuals must be allowed to worship, or not worship, as they choose</li> <li>• All individuals have the right to freedom of expression of their ideas (i.e., freedom of speech, press, and assembly)</li> <li>• Individuals who feel they have been wronged have the right to petition the government to rectify the circumstances</li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• The rights of free speech must be exercised reasonably. Individuals do not have the right to:               <ul style="list-style-type: none"> <li>- shout “fire!” in a crowded auditorium</li> <li>- scream or shout to the point of disturbing the peace</li> <li>- disturb an orderly assembly, a church service, or a session of the court</li> <li>- incite a riot</li> <li>- urge others to commit a crime</li> <li>- accost others in a public place with language likely to produce a violent response</li> <li>- falsely report the presence of an explosive device (bomb)</li> </ul> </li> </ul>

*Continued on next page*

## Constitutionally Protected Rights, Continued

### Fourth amendment

All peace officers must respect each individual's right to be secure in his or her home, papers, and belongings against unreasonable search and seizure. To protect those rights, officers must be aware of and abide by warrant requirements and related procedures which must be followed when obtaining a warrant.

<b>Amendment IV - Searches, Seizures, and Warrants</b>	
<b>Text</b>	“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• <i>Unreasonable</i> searches and seizures are not allowed.</li> <li>• Search and arrest warrants must show <i>probable cause</i> and must specifically identify items or individuals to be searched or seized.</li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• The Fourth Amendment does <i>not</i> give individuals an <i>absolute right</i> to privacy; neither does it prohibit all searches.</li> <li>• When performing a legal arrest, officers may thoroughly search a person along with that person's effects for any weapons and/or contraband without a warrant. Officers may also properly seize such items for use as evidence.</li> <li>• An individual's home may not be used as a place of refuge for criminals.</li> <li>• On fresh and immediate pursuit, officers may follow a criminal who has taken refuge in a house or building, and may force their way into the building without a warrant to make the arrest.</li> </ul>

NOTE: The provisions of the Fourth Amendment are discussed in greater detail in Learning Domain 16: *Search and Seizure*.

*Continued on next page*

## Constitutionally Protected Rights, Continued

### Fifth amendment

Peace officers need to understand the relationship between a person’s right against self-incrimination and their responsibility to advise individuals of their right to remain silent when applicable.

<b>Amendment V - Criminal Proceedings, Condemnation of Property</b>	
<b>Text</b>	“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• Protection against a second prosecution after acquittal or conviction (<b>double jeopardy</b>)</li> <li>• Protection against self-incrimination</li> <li>• Due process before legal actions</li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• Individuals may not be tried for the same offense twice</li> <li>• Individuals cannot be compelled to testify against themselves at a criminal case</li> <li>• Individuals must be afforded due process of law before they can be deprived of life, liberty, or property</li> </ul>

*Continued on next page*

## Constitutionally Protected Rights, Continued

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### Sixth amendment

Officers must be aware of and respect the constitutional rights of all individuals concerning criminal procedure. The Sixth Amendment entitles a suspect to the assistance of counsel once adversary judicial proceedings have commenced. This right also affects an officer's ability to question a suspect and obtain admissible statements.

<b>Amendment VI - Mode of Trial in Criminal Proceedings</b>	
<b>Text</b>	“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• Individuals who have been accused of a crime have the right to:               <ul style="list-style-type: none"> <li>- a speedy and public trial by a jury</li> <li>- be informed of the accusations against them</li> <li>- confront their accusers</li> <li>- subpoena witnesses for their defense</li> <li>- have legal counsel</li> </ul> </li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• Any violation of the rights noted in this amendment may result in:               <ul style="list-style-type: none"> <li>- exclusion of evidence</li> <li>- dismissal of the case</li> <li>- criminal liability to the officer or the officer's agency</li> </ul> </li> </ul>

**NOTE:** Peace officers should take care not to refer a defendant to any particular attorney, as this would be a conflict of interest.

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*Continued on next page*

## Constitutionally Protected Rights, Continued

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### **Eighth amendment**

The purpose of bail is to ensure the return of the suspect at subsequent proceedings. Unless the right to bail before trial is preserved, the presumption of innocence would lose its meaning.

When an assignment involves the supervision of prisoners, it becomes the officer's responsibility to safeguard all prisoners' rights to be protected from cruel and unusual punishment.

<b>Amendment VIII - Bails, Fines, Punishments</b>	
<b>Text</b>	“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• Excessive bails and fines are not allowed</li> <li>• Punishment must be reasonable based on the crime</li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• Defendants have a right to bail before conviction to permit the unhampered preparation of a defense</li> <li>• Bail serves to prevent the infliction of punishment prior to conviction</li> <li>• The courts have established limitations on what is acceptable punishment, thereby defining “cruel and unusual” punishment</li> <li>• Punishments of torture (such as drawing and quartering, disemboweling alive, beheading, public dissecting, and burning alive) and all others in the same line of unnecessary cruelty are forbidden by this amendment</li> </ul>

**NOTE:** Prisoners can be informed of their rights but officers are not allowed to refer any prisoner to a particular bail agent.

*Continued on next page*

## Constitutionally Protected Rights, Continued

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### Fourteenth amendment

The Fourteenth Amendment was added to the Bill of Rights in 1868 after the Civil War. It has led the way to ensuring that peace officers apply the law equally to all people regardless of race, creed, nationality, religious preference, national origin, wealth, or status.

<b>Amendment XIV - Citizenship, Due Process, and Equal Protection</b>	
<b>Text</b>	“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
<b>Elements</b>	<ul style="list-style-type: none"> <li>• No state may:               <ul style="list-style-type: none"> <li>- limit privileges or immunities of U.S. citizens</li> <li>- deny due process of the law to any person</li> <li>- deny equal protection of the law to any person</li> </ul> </li> </ul>
<b>Provisions</b>	<ul style="list-style-type: none"> <li>• Persons protected under the U.S. Constitution cannot be denied life, freedom, or their property without a course of legal proceedings by the government justifying the action.</li> <li>• Due process of the law begins at the point of the initial investigation.</li> <li>• States may provide further rights not defined by the U.S Constitution.</li> </ul>

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# Criminal Justice System

[2.01.E08]

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## **Introduction**

The criminal justice system is a complex structure through which individuals suspected of a crime are apprehended by a law enforcement component, accused and tried by a judicial component, and if convicted, punished by a corrections component.

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## **Leadership**

The criminal justice system can be frightening and frustrating to law-abiding community members. Court delays, testifying, cross-examination, and legal fees can all be viewed as indignities over and above the original victimization. Peace officers must act as leaders by helping others to understand and respect the processes designed to protect an individual's rights.

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## **Components and primary goals**

The criminal justice system is made up of three components:

- law enforcement
- judicial
- corrections

Each component has its own unique function, departments, and goals. For the criminal justice system as a whole to meet its major goals, each component must function together with the others as a *total system*, rather than as a collection of independent agencies and organizations.

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## Criminal Justice System, Continued

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### Components and primary goals (continued)

There are seven primary goals of the criminal justice system. Ideally, each should be considered equal; yet in reality, a particular goal may be considered more important by one component or individual within the criminal justice system.

The following table identifies the primary goals of the criminal justice system.

Goal	Additional Information
<b>Guarantee Due Process</b>	<ul style="list-style-type: none"><li>• Due process of the law is guaranteed by the U.S. and California Constitutions, overseen by the courts, and practiced daily by peace officers.</li></ul>
<b>Prevent Crime</b>	<ul style="list-style-type: none"><li>• Crime prevention is more than the apprehension of offenders.</li><li>• Peace officer presence in the community and interactions with citizens also serves to prevent crime.</li></ul>
<b>Protect Life and Property</b>	<ul style="list-style-type: none"><li>• Peace officers must be dedicated to protect and defend the members of their communities as well as those individuals' property.</li></ul>
<b>Uphold and Enforce the Law</b>	<ul style="list-style-type: none"><li>• The law enforcement component of the justice system has the <i>primary</i> responsibility to uphold the law.</li><li>• The judiciary system, through rulings of the court, and the corrections component also play a role in enforcement.</li></ul>

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*Continued on next page*

## Criminal Justice System, Continued

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**Components  
and primary  
goals**  
(continued)

<b>Goal</b>	<b>Additional Information</b>
<b>Dispense Equal Justice</b>	<ul style="list-style-type: none"><li>• The Fourteenth Amendment of the U.S. Constitution guarantees equal justice under the law to all persons.</li><li>• Individuals from each component of the criminal justice system must treat all persons equally, fairly, and with justice.</li></ul>
<b>Apprehend Offenders</b>	<ul style="list-style-type: none"><li>• Apprehending offenders deprives them of their liberty and requires them to answer the criminal charges brought against them.</li></ul>
<b>Assure Victim's Rights</b>	<ul style="list-style-type: none"><li>• In the effort to apprehend and deal with the criminal, the criminal justice system cannot overlook the victim.</li><li>• Victims must be made aware of their rights and of the services that are available to them.</li></ul>

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# Law Enforcement

## Overview

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**Learning need** Peace officers must realize that law enforcement is not solely the function of police and sheriff agencies. There are many other federal, state, and local law enforcement agencies that are part of the criminal justice system.

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**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
List the primary federal, state, and local law enforcement agencies within the criminal justice system	2.02.EO14

---

**In this chapter** This section focuses on law enforcement agencies that comprise the law enforcement component of the criminal justice system. Refer to the chart below for a specific topic.

<b>Topic</b>	<b>See Page</b>
Law Enforcement Agencies	3-16

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# Law Enforcement Agencies

[2.02.EO14]

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## Introduction

There are many federal, state and local law enforcement agencies that are part of the criminal justice system.

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## Agencies with law enforcement responsibilities in California

Federal, state and local agencies have law enforcement responsibilities in California. Specific law enforcement authority (e.g., arrest/firearm authority) for each is determined by law. Some examples of such agencies are noted in the following table:

Federal Agencies
U. S. Department of Homeland Security (DHS) Federal Bureau of Investigation (FBI) Drug Enforcement Administration (DEA) U. S. Marshal Service Immigration and Naturalization Service (INS) Alcohol, Tobacco, and Firearms Division (ATF) Secret Service (SS) U.S. Postal Inspectors (USPS) Armed Forces Police

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*Continued on next page*

## Law Enforcement Agencies, Continued

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**Agencies  
with law  
enforcement  
responsibilities  
in California  
(continued)**

<b>State Agencies</b>
California Department of Corrections and Rehabilitation (CDCR) California Highway Patrol (CHP) Department of Alcoholic Beverage Control (ABC) Department of Fish and Game (F&G) Department of Forestry and Fire Protection (DOF) Department of Justice (DOJ) Department of Insurance (DOI) Department of Motor Vehicles (DMV) Department of Parks and Recreation (DPR) Franchise Tax Board (FTB) Office of State Fire Marshal (SFM) University/College Police Departments Department of Health Services (CDHS)

<b>Local Agencies</b>
Airport Police County Marshals Housing Police Municipal Police School District Police Sheriffs' Offices Transportation Police Port Authority Police Special Districts

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## Law Enforcement Agencies, Continued

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# Judicial System

## Overview

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**Learning need** Peace officers must understand the judicial component of the criminal justice system because much of their work results in cases that go to court.

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**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
Discuss the objectives of the judicial component of the criminal justice system	2.03.EO10
Discuss the organization of the California court system, including positions commonly recognized as part of the judicial system	2.03.EO11
Discuss the judicial process in criminal cases	2.03.EO12

---

**In this chapter** This section focuses on the judicial system. Refer to the chart below for a specific topic.

<b>Topic</b>	<b>See Page</b>
California Court System	3-20
Judicial Process for Criminal Cases	3-22

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# California Court System

[2.03.EO10, 2.03.EO11]

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## Introduction

According to the U.S. Constitution, the judicial power of the United States shall be vested in one Supreme Court “and such inferior courts as Congress may deem necessary.” This system of higher and lower courts makes up the judicial component of the criminal justice system.

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## Judicial system objectives

The objectives of the judicial component of the criminal justice system include:

- providing due process of the law
  - rendering fair judgments
  - dispensing just punishment
  - assuring victim’s rights
- 

## California court system organization and positions

The California court system is based upon the federal system. It is comprised of one State Supreme Court, lower **trial courts**, and higher courts called **appellate courts** to listen to **appeals** from the lower courts. The following table identifies the primary functions of the two levels of courts.

Level	Court	Primary Function
Lower	Trial Courts	Receive evidence and consider cases involving criminal activity or civil disputes.
Higher	Appellate Courts	Referred to as the <i>higher courts</i> of the judicial system. Hear appeals from lower trial courts.

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## California Court System, Continued

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**California  
court system  
organization  
and positions**  
(continued)

Several positions are commonly recognized as part of the judicial component of the criminal justice system. The following table identifies the primary positions within the judicial system.

	<b>Responsibilities</b>
<b>Judges</b>	<ul style="list-style-type: none"><li>• Administering justice in a fair and impartial manner by applying the facts of the law</li></ul>
<b>Prosecuting Attorneys</b>	<ul style="list-style-type: none"><li>• Prosecuting individuals accused of criminal activities</li><li>• Protecting public rights and privileges</li></ul>
<b>Defense Attorneys</b>	<ul style="list-style-type: none"><li>• Defending the accused</li><li>• Defending the rights and privileges of citizens</li></ul>

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# Judicial Process for Criminal Cases

[2.03.EO12]

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## Introduction

In criminal cases the judicial process begins once an offender has been arrested or indicted for a crime. The function of the judicial process in criminal cases is to determine a defendant's guilt or innocence.

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## Judicial process

Before a criminal case reaches **trial**, several preliminary proceedings must occur. The basic steps in a felony prosecution are shown below.

<b>Steps</b>	<b>Description</b>
<b><u>Arrest</u></b>	Taking a person into custody <ul style="list-style-type: none"><li>• in a case, and</li><li>• in the manner authorized by law</li></ul>
<b><u>Arraignment</u></b>	The legal procedure where the court informs defendants of <ul style="list-style-type: none"><li>• the nature of the charges against them</li><li>• their eligibility for bail, and</li><li>• their constitutional rights to<ul style="list-style-type: none"><li>- counsel at all stages of the judicial process</li><li>- plead guilty or not guilty to the charges</li><li>- a trial by court or by a jury</li></ul></li></ul>
<b><u>Right to Bail</u></b>	A defendant's constitutional right to <ul style="list-style-type: none"><li>• reasonable bail<ul style="list-style-type: none"><li>- to permit the unhampered preparation of a defense before trial</li></ul></li></ul>

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*Continued on next page*

## Judicial Process for Criminal Cases, Continued

**Judicial  
process**  
(continued)

<b>Proceeding</b>	<b>Description</b>
<b>Bail</b>	<ul style="list-style-type: none"> <li>• Right to Bail - A defendant's constitutional right to reasonable bail               <ul style="list-style-type: none"> <li>- to permit the unhampered preparation of a defense before trial</li> </ul> </li> <li>• A security deposited with a competent court or magistrate               <ul style="list-style-type: none"> <li>- to ensure that the accused person will appear for trial when summoned</li> </ul> </li> </ul>
<b><u>Preliminary hearing</u></b>	<p>A screening procedure used in felony cases to determine</p> <ul style="list-style-type: none"> <li>• if there is enough evidence               <ul style="list-style-type: none"> <li>- to hold a defendant for trial</li> </ul> </li> </ul>
<b><u>Indictment</u></b>	<ul style="list-style-type: none"> <li>• An indictment is an accusation in writing formally charging a person with a crime or public offense.</li> <li>• Many states, including California, also use the <b><u>grand jury</u></b> indictment process to bring serious felony criminal cases to trial.</li> <li>• It is the grand jury's responsibility to determine if there is sufficient cause to believe that a person has committed a crime and should be made to stand trial.</li> <li>• A grand jury indictment is filed with the superior court by the district attorney. The court then issues a warrant and the offender is arrested. The defendant is then held for arraignment in superior court.</li> </ul>

*Continued on next page*

## Judicial Process for Criminal Cases, Continued

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**Judicial  
process**  
(continued)

<b>Proceeding</b>	<b>Description</b>
<b><u>Trial</u></b>	<ul style="list-style-type: none"><li>• A formal, judicial examination and determination of issues (law or fact) between parties</li></ul>
<b><u>Sentencing</u></b>	A judgment that is formally pronounced by the court <ul style="list-style-type: none"><li>• upon the defendant<ul style="list-style-type: none"><li>- after conviction</li><li>- in a criminal prosecution</li></ul></li></ul>
<b><u>Grand Jury</u></b>	A body of a set number of citizens from within a county <ul style="list-style-type: none"><li>• sworn to receive<ul style="list-style-type: none"><li>- complaints</li><li>- accusations in criminal cases</li></ul></li><li>• responsible for determining if there is sufficient cause to believe that an individual<ul style="list-style-type: none"><li>- has committed a crime</li><li>- should be made to stand trial</li></ul></li></ul>

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# Corrections, Parole and Probation

## Overview

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**Learning need** Peace officers should recognize that the California Department of Corrections and Rehabilitation (CDCR) is a component of the criminal justice system. Officers must also be familiar with the differences between parole and probation conditions, and their role in the enforcement of those conditions.

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**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
Discuss the objectives and responsibilities of the correction's component of the criminal justice system	2.04.EO1

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**In this chapter** This section focuses on the corrections system. Refer to the chart below for a specific topic.

<b>Topic</b>	<b>See Page</b>
Corrections	3-26

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# Corrections

[2.04.EO1]

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## **Introduction**

When an offender is arrested by law enforcement and found guilty by the judicial process, the government has the right to punish the offender. A wide range of punishment and treatment options are available to the government.

---

## **Corrections objectives**

The objectives of the corrections component of the criminal justice system include:

- confining prisoners
  - rehabilitating prisoners
  - supervising parolees and probationers in the community
  - assuring victim's rights
- 

## **Correction agencies' responsibilities**

The State of California and local agencies have distinct responsibilities in the corrections component of the criminal justice system.

The California Department of Corrections and Rehabilitation (CDCR), Juvenile Division of the State of California is responsible for the oversight of both major components of the state's correctional system for convicted felons:

- California Department of Corrections and Rehabilitation (CDCR), is responsible for the incarceration of convicted adults (generally 21 years or older)
    - The Board of Prison Terms (BOPT) is responsible for the administration of parole conditions of prisoners (21 years or older) released from CDCR institutions
- 

*Continued on next page*

## Corrections, Continued

### Corrections agencies' responsibilities (continued)

- The California Department of Corrections and Rehabilitation (CDCR), Juvenile Division, is responsible for the incarceration of convicted youthful offenders (generally ages 13 years to 25 years of age)
  - The Youthful Offender Parole Board (YOPB) is responsible for the administration of parole conditions of wards (13 years to 25 years of age) released from the custody of CDCR – Division of Juvenile Justice

The following table identifies these responsibilities.

<b>Department</b>	<b>Responsibility</b>
<b>California Department of Corrections and Rehabilitation (CDCR)</b>	<ul style="list-style-type: none"> <li>• operates the State's adult prison system</li> <li>• confines felons who have been sentenced to state prison</li> </ul>
<b>California Board of Prison Terms</b>	<ul style="list-style-type: none"> <li>• supervises inmates who have been released on parole from CDCR</li> </ul>
<b>California Department of Corrections and Rehabilitation – Division of Juvenile Justice</b>	<ul style="list-style-type: none"> <li>• operates the State's youthful offender detention system</li> <li>• confines offenders (wards) between the ages of 13 and 25</li> </ul>
<b>Youthful Offender Parole Board (YOPB)</b>	<ul style="list-style-type: none"> <li>• supervises wards who have been released on parole from CDCR – Division of Juvenile Justice</li> </ul>
<b>Local Government Agencies</b>	<ul style="list-style-type: none"> <li>• oversees the operation of detention facilities that confine people               <ul style="list-style-type: none"> <li>- awaiting trial</li> <li>- sentenced to less than one year</li> </ul> </li> </ul>

# Chapter Synopsis

---

**Learning need** To be effective leaders, peace officers must be aware of the constitutional rights of all individuals within the United States, regardless of citizenship status, and the role the criminal justice system has in protecting those rights.

---

**Constitutionally protected rights** The basic rights and freedoms protected by the U.S. Constitution and its amendments apply to all individuals in the United States *regardless of citizenship status*.  
[2.01.EO1  
2.01.EO2,  
2.01.EO3,  
2.01.EO4,  
2.01.EO5,  
2.01.EO6,  
2.01.EO7]

---

**Components and primary goals** The criminal justice system is made up of three components:  
[2.01.EO8]

- law enforcement
- judicial
- corrections

There are seven primary goals of the criminal justice system:

- guarantee due process of the law
  - prevent crime
  - protect life and property
  - uphold and enforce the law
  - dispense equal justice
  - apprehend offenders
  - assure victims' rights
- 

*Continued on next page*

## Chapter Synopsis, Continued

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**Learning need** Peace officers must realize that law enforcement is not solely the function of police and sheriff agencies. There are many other federal, state, and local law enforcement agencies that are part of the criminal justice system.

---

**Law enforcement agencies with responsibilities in California [2.02.EO14]** Federal, state, and local agencies have law enforcement responsibilities in California. Specific law enforcement authority (e.g., arrest/firearm authority) for each is determined by law.

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## Chapter Synopsis, Continued

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**Learning need** Peace officers must understand the judicial component of the criminal justice system because much of their work results in cases that go to court.

---

**Judicial system objectives [2.03.EO10]** The objectives of the judicial component of the criminal justice system include providing due process of the law, rendering fair judgments, dispensing just punishment, and assuring victim's rights.

---

**California court system organization and positions [2.03.EO11]** The California court system is based upon the federal system. It is comprised of:

- one State Supreme Court
- lower trial courts
- higher courts, called appellate courts
  - to listen to appeals from the lower courts

There are several positions commonly recognized as part of the judicial component of the criminal justice system. The primary positions are judges, magistrates, prosecuting attorneys, and defense attorneys.

---

**Judicial process [2.03.EO12]** In criminal cases the judicial process begins once an offender has been arrested or indicted for a crime. The basic steps for a felony prosecution are:

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*Continued on next page*

## Chapter Synopsis, Continued

---

**Learning need** Peace officers should recognize that the California Department of Corrections and Rehabilitation (CDCR) is a component of the criminal justice system. Officers must also be familiar with the differences between parole and probation conditions, and their role in the enforcement of those conditions.

---

**Corrections objectives and responsibilities [2.04.EO1]** The objectives of the corrections component of the criminal justice system include:

- confining prisoners
- rehabilitating prisoners
- supervising parolees and probationers in the community
- assuring victim's rights

---

# Workbook Learning Activities

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## **Introduction**

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text you should be able to prepare a response.

---

## **Activity questions**

1. Specifically, whose rights are protected by the U.S. Constitution and its amendments? Would an illegal alien enjoy these protections? How about a person traveling in the country as a tourist?

2. List the three primary components of the criminal justice system. In your own words, describe how you think each component complements the others.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

3. Without looking back into the chapter, list as many of the primary goals of the criminal justice system as you can. Which one(s) do you most closely associate with your own reason(s) for pursuing a career in law enforcement? Explain your answer.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity questions**  
(continued)

4. Match the rights and privileges in the left column with the appropriate Amendment in the right column.

Right/Freedom	Amendment
a. Freedom from self-incrimination	_____ First Amendment
b. Freedom from excessive bail	_____
c. Freedom of the press	_____ Fourth Amendment
d. Right to equal protection of the law	_____ Fifth Amendment
e. Freedom from unreasonable searches and seizures	_____ Sixth Amendment
f. Right to a public trial by an impartial jury	_____ Eighth Amendment
g. Freedom of speech	_____ Fourteenth Amendment
h. Right to due process	_____
i. Right to be told of charges when arrested	_____
j. Right to counsel	_____
k. Freedom from cruel and unusual punishment	_____

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*Continued on next page*



## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

6. Give an example of an incident in which two or more local law enforcement agencies might combine efforts.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

7. List the primary positions commonly recognized as part of the judicial system, and describe their responsibilities.

8. List the different levels of courts in the California court system, and their primary functions.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity questions**  
(continued)

9. What are the differences between an arraignment and a preliminary hearing? What takes place during each procedure?

<b>Arraignment</b>	<b>Preliminary Hearing</b>

10. Consider the stated objectives of the corrections component of the justice system. How do these objectives serve to aid in attaining the major goals of the entire criminal justice system?

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
question**  
(continued)

11. In your own words, describe the differences between parole and probation.

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*Continued on next page*

## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

12. A peace officer must have reasonable suspicion of criminal activity in order to conduct a warrantless search of a parolee. A probationer with a search clause as a condition of his or her probation must submit to a warrantless search at any time. Give some possible reasons why there is a difference.

## Chapter 4

### Policing in the Community Learning Domain 3

#### Overview

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#### Community Policing

---

**Learning need** Peace officers need to know that their role in the community is to work in partnership with community members to resolve or reduce problems for the benefit of those who live and work there.

---

**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E.O. Code</b>
<ul style="list-style-type: none"><li>• Identify peace officer responsibilities in the community, including:<ul style="list-style-type: none"><li>- Maintaining order</li><li>- Enforcing the law</li><li>- Preventing crime</li><li>- Delivering service</li><li>- Educating and learning from the community</li><li>- Working with the community to solve problems</li></ul></li></ul>	3.01.EO16
<ul style="list-style-type: none"><li>• Differentiate between proactive and reactive policing</li></ul>	3.01.EO17
<ul style="list-style-type: none"><li>• Recognize peace officers' responsibilities to enforce the law, including:<ul style="list-style-type: none"><li>- Adhering to all levels of the law</li><li>- Fair and impartial enforcement</li><li>- Knowing the patrol beat or area of responsibility</li></ul></li></ul>	3.01.EO19

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## Overview, Continued

### Learning objectives (continued)

After completing study of this chapter, the student will be able to:	E.O. Code
<ul style="list-style-type: none"> <li>• Identify the elements of area/beat knowledge, including:               <ul style="list-style-type: none"> <li>- Critical sites</li> <li>- Locations requiring special attention, i.e., hot spots</li> <li>- Potentially dangerous areas</li> </ul> </li> </ul>	3.01.EO20
<ul style="list-style-type: none"> <li>• Discuss current and emerging issues that can impact the delivery of services by peace officers</li> </ul>	3.01.EO21
<ul style="list-style-type: none"> <li>• Discuss opportunities where peace officers educate and learn from community members</li> </ul>	3.01.EO23

### In this chapter

This section focuses on concepts of community policing and peace officer responsibilities. Refer to the following chart for specific topics.

Topic	See Page
Peace Officer Responsibilities in the Community	4-3

# Peace Officer Responsibilities in the Community

[3.01.EO16, 3.01.EO17, 3.01.EO19, 3.01.EO20, 3.01.EO21, 3.01.EO23]

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**Introduction** Peace officers have a responsibility to serve their communities on many levels through enforcement, education, and problem solving.

---

**Leadership** The philosophy and strategies of community partnership are not new to law enforcement, but the need to constantly rethink these ideas and to reaffirm the positive nature of law enforcement and community working together is every officer's responsibility. In an atmosphere of partnership, the "we together" must replace "us vs. them." The challenge to leadership is to find the "we together." Even though specialized units can be created to work on problems, it is the responsibility of everyone to find ways to engage the community and improve the quality of life.

---

**Ethics** Peace officers can undo the "us vs. them" at the same time that they acquire high levels of tactical and problem solving skills. These skills can then be employed to assist everyone in the community.

---

**Peace officer responsibilities** It is the responsibility of peace officers to:

- maintain order
- enforce the law
- prevent crime
- deliver service
- educate and learn from the community
- work with the community to solve problems

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## Peace Officer Responsibilities in the Community, Continued

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**Peace officer responsibilities**  
(continued)

To best carry out these responsibilities, peace officers need to work as generalists rather than specialists. Officers should adopt a proactive approach to developing a partnership between themselves, individuals, and groups in the community.

NOTE: These responsibilities are emphasized in every aspect of basic peace officer training.

The following table describes several peace officer responsibilities:

To be effective, peace officers should...	by...
adhere to all levels of the law	<ul style="list-style-type: none"> <li>• providing enforcement of:               <ul style="list-style-type: none"> <li>- statutory laws</li> <li>- city and county ordinances</li> <li>- court orders</li> </ul> </li> </ul>
be fair and impartial during enforcement	<ul style="list-style-type: none"> <li>• ensuring that enforcement decisions are based on:               <ul style="list-style-type: none"> <li>- the law</li> <li>- the court's interpretation of the law</li> <li>- agency policy</li> <li>- the officer's own judgement based on experience and the situation</li> </ul> </li> <li>• ensuring that enforcement decisions <i>are not</i> based on:               <ul style="list-style-type: none"> <li>- prejudices</li> <li>- attitudes</li> <li>- appearances</li> <li>- gratuities</li> </ul> </li> </ul>

*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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Peace officer responsibilities (continued)	To be effective, peace officers should...	by...
	know their patrol area (beat) or area of responsibility	<ul style="list-style-type: none"> <li>• being familiar with aspects, including:               <ul style="list-style-type: none"> <li>- size</li> <li>- boundaries</li> <li>- interconnecting routes for traffic directions</li> <li>- nearest emergency services</li> <li>- cultural, demographic, and socio-economic characteristics of the residents (including traditions, habits, and lifestyles)</li> </ul> </li> </ul>
	encourage the community to report and participate	<ul style="list-style-type: none"> <li>• encouraging and supporting the public, i.e., attending meetings, educating the public</li> <li>• collaborating and solving community problems</li> </ul>

### Proactive and reactive policing

**Proactive approach** means anticipating problems and acting in advance to address local concerns. By adopting a proactive approach, officers attempt to:

- eliminate or minimize crime related problems
- prevent problems from becoming worse
- reduce criminal opportunity
- deter potential offenders
- develop crime prevention strategies

**Reactive approach** means responding to criminal activity and problems after they have taken place. It typically involves handling each call or incident as a separate, unique occurrence.

*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

### Proactive and reactive policing (continued)

The following table provides some examples of proactive and reactive law enforcement.

Examples of Proactive Activities	Examples of Reactive Activities
<ul style="list-style-type: none"> <li>• Making self-initiated on view arrests</li> <li>• Monitoring areas of frequent criminal activity (i.e., hot spots)</li> <li>• Reducing criminal opportunity through awareness</li> <li>• Encouraging the public to be on the alert for potential criminal activity (e.g., Crime Prevention Units and Neighborhood Crime Watch programs)</li> <li>• Interacting with established organizations such as church groups, civil boards, fire fighters, social workers, hospitals, and youth groups to educate them about crime prevention tactics. (e.g., meetings, seminars, ride alongs)</li> <li>• Analyzing reports and crime trends to track possible locations and indications of potential criminal activity</li> <li>• Interacting with other law enforcement agencies to share case information and resources</li> <li>• Problem solving</li> <li>• Crime Prevention Through Environmental Design (CPTED)</li> </ul>	<ul style="list-style-type: none"> <li>• Apprehending suspects for violation of the law</li> <li>• Collecting and preserving physical evidence at a crime scene</li> <li>• Taking thorough field notes and writing complete and accurate reports</li> <li>• Testifying in court</li> <li>• Following the directions of court orders, warrants, and other official documents</li> <li>• Restricting activities and movements in controlled settings when necessary</li> <li>• Problem solving</li> </ul>

*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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### Community expectations

People in a community expect peace officers to ensure their safety.

From an officer's point of view, maintaining order means taking actions to protect lives and property. From the community member's point of view, maintaining order may mean ensuring an expected quality of life.

The following table describes actions officers can take to maintain order within their community:

Action	Influence on the Community
Patrol the community in a highly visible manner	<ul style="list-style-type: none"><li>Visible patrols let the public see the peace officer as an ever-present force to discourage criminal activity</li></ul>
Maintain the public peace	<ul style="list-style-type: none"><li>Handling both private and public disputes before they escalate to disturbances that can place members of the community at risk</li></ul>
Manage civil disturbances	<ul style="list-style-type: none"><li>Dealing with opposing factions during strikes, demonstrations, and work stoppages in a manner that maintains the public peace without infringing on the rights of the individuals</li></ul>

The community expects peace officers to address violations of applicable laws and regulations. Objective enforcement by officers demonstrates the equal and unbiased application of the law.

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*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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### Beat/area knowledge

To adequately enforce the law and prevent or reduce crime within a community, peace officers need to develop “beat/area knowledge.” This includes not just knowing the basic layout and makeup of the beat area, but also recognizing specific areas within the community that may require special attention and increased community interaction.

---

### Elements of beat/area knowledge

The following table further explains the elements of beat/area knowledge:

Area	Examples
<b>Critical Sites</b>	<ul style="list-style-type: none"><li>• schools</li><li>• hospitals</li><li>• airports</li><li>• bridges</li><li>• power plants</li><li>• chemical or industrial plants</li><li>• chemical storage facilities</li></ul>
<b>Locations Requiring Special Attention, i.e., “hot spots”</b>	<ul style="list-style-type: none"><li>• high crime areas (e.g., liquor stores, pawn shops, problem neighborhoods)</li><li>• isolated or low traffic areas</li><li>• traffic “choke points” (i.e., congested roadways)</li></ul>

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*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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Elements of beat/area knowledge (continued)	Area	Examples
	<b>Potentially Dangerous Areas</b>	<ul style="list-style-type: none"> <li>• local hazards (e.g., potholes, roads that freeze, etc.)</li> <li>• low lying areas that can easily flood</li> <li>• earthquake-prone zones</li> <li>• hillsides with a potential for mud slides</li> <li>• dry areas with a higher than average potential for fire</li> <li>• railroad crossings</li> </ul>
	<b>Information Gathering and Partnerships</b>	<ul style="list-style-type: none"> <li>• existing partnerships with the community, media, business, residents, government agencies</li> </ul>

*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

**Current and emerging issues affecting service**

Peace officers' ability to deliver effective service can be influenced by their ability to deal with current issues that impact their community.

The following table identifies several current and emerging issues that can impact the delivery of services by peace officers:

<b>Issue</b>	<b>Examples</b>	<b>Impact on Delivery of Service</b>
<b>Changing Community Demographics</b>	Rural to urban	Increase in calls for service
	Ethnic group representation	May require familiarity with a variety of customs and languages
<b>Economic Shifts</b>	Closure of a local factory or nearby military installation	Increased crime associated with unemployment
<b>Advanced Technologies</b>	Computers and the Internet	Increased white collar crime through the use of computers
	High-tech crime	Identity theft
<b>Jail Overcrowding</b>	Early Release Program	Increased crime/loss of respect
<b>Cultural Diversity</b>	Immigration patterns to the U.S.	Possible negative image of law enforcement

*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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**Current and emerging issues affecting service**  
(continued)

<b>Issue</b>	<b>Examples</b>	<b>Impact on Delivery of Service</b>
<b>Continuous Law Changes</b>	Additions and amendments to the Penal Code	Requires officers to continually update themselves on changes to the law in order to enforce it appropriately
<b>Homeland Security</b>	Terrorist threats/acts	Revising information sharing and intelligence gathering methods

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*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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### **Education and awareness**

When peace officers participate in educational programs for community youth and adults, officers and the community both benefit. Community members gain an increased sense of empowerment and security as well as positive relationships with individual officers. Peace officers have the opportunity to learn from individuals and the community.

Officers will identify valuable information sources by interacting with community.

Officers will also foster the community's positive attitudes toward law enforcement through sharing their knowledge, experiences, and perceptions.

**The community and peace officers can benefit from implementing their collaborative ideas and suggestions that result in reduced opportunities for criminal activity.**

---

### **Educating and learning from the community**

Opportunities for peace officers to educate and learn from community members can occur informally as well as formally. Any time an officer talks to an individual and useful information is exchanged, that officer is learning as well as serving in an educational role.

Other educational opportunities should involve officers participating in planned discussions, community activities, meeting with community service groups, or visiting local schools.

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*Continued on next page*

## Peace Officer Responsibilities in the Community, Continued

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### **Educating and learning from the community** (continued)

The following table identifies both formal and informal opportunities for learning from and educating community members regarding law enforcement and crime prevention:

<b>Formal opportunities may include...</b>	<b>Informal opportunities may include...</b>
<ul style="list-style-type: none"><li>• speaking at community meetings</li><li>• visiting local schools</li><li>• teaching courses on the law and its implications at both the high school and college levels</li><li>• using the news media to disseminate timely information to both wide and specific audiences</li><li>• participating in collaborative meetings with two-way communication</li></ul>	<ul style="list-style-type: none"><li>• initiating contacts and talking with individuals while on patrol</li><li>• being accessible and approachable whenever they are in the community</li><li>• talking to people who work and reside in the area</li><li>• using off-duty interactions as opportunities to educate</li></ul>

Each part of a community can provide peace officers with opportunities for learning from the community and providing educational services and programs.

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*Continued on next page*

## **Peace Officer Responsibilities in the Community, Continued**

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# Community Partnerships

## Overview

---

**Learning need** Peace officers need to understand that community partnerships provide opportunities to effect greater change than could be accomplished by any one group alone.

---

**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E. O. Code</b>
<ul style="list-style-type: none"><li>• Define community partnerships</li></ul>	3.02.EO11
<ul style="list-style-type: none"><li>• Discuss the key elements for developing trust between community partners, including:<ul style="list-style-type: none"><li>- Truth</li><li>- Respect</li><li>- Understanding</li><li>- Support</li><li>- Teamwork</li></ul></li></ul>	3.02.EO12
<ul style="list-style-type: none"><li>• Discuss the relationship of ethics to the badge of office</li></ul>	3.02.EO13
<ul style="list-style-type: none"><li>• Discuss leadership skills in community policing</li></ul>	3.02.EO16

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*Continued on next page*

## Overview, Continued

### Learning objectives (continued)

After completing study of this chapter, the student will be able to:	E. O. Code
<ul style="list-style-type: none"> <li>Define communication</li> </ul>	3.02.EO17
<ul style="list-style-type: none"> <li>Recognize the components of a message in communications with others, including:               <ul style="list-style-type: none"> <li>Content (words)</li> <li>Voice characteristics</li> <li>Nonverbal signals</li> </ul> </li> </ul>	3.02.EO18
<ul style="list-style-type: none"> <li>Recognize the potential effects of negative nonverbal signals</li> </ul>	3.02.EO19
<ul style="list-style-type: none"> <li>Give examples of effective communication techniques for:               <ul style="list-style-type: none"> <li>Active listening</li> <li>Establishing effective lines of communication</li> <li>Overcoming barriers to communication</li> </ul> </li> </ul>	3.02.EO20

### In this chapter

This section focuses on the concepts of community partnerships. Refer to the following chart for specific topics.

Topic	See Page
Community Partnerships	4-17
Leadership	4-20
Communication	4-21

# Community Partnerships

[3.02.EO11, 3.02.EO12, 3.02.EO13]

---

## Introduction

Policing involves outreach that is designed to promote **community partnerships**. In this effort, officers and local resources work together to identify and solve common problems. The phrase, “The whole is greater than the sum of all its parts,” exemplifies the importance of developing trust between community partners.

---

## Definition

Community partnerships are relationships comprised of two or more individuals, groups, or organizations working together to address an issue.

Community partnerships are any combination of, but not limited to, the following resources:

- neighborhood residents
  - schools
  - businesses
  - faith based organizations
  - news media
  - victim services organizations
  - health care providers
  - community service groups
  - law enforcement agencies
  - city and county departments
  - government agencies
- 

## Developing trust

Trust is vital to building long-lasting, innovative community partnerships capable of solving problems and improving the community’s quality of life.

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*Continued on next page*

## Community Partnerships, Continued

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**Developing trust**  
(continued)

The key elements of building trust are:

- **T**ruth - Open and honest communication among partners is essential. Be truthful about what you can and cannot do, what you want to accomplish and what you are willing to do as a partner.
- **R**espect - Partners must become aware of each other's strengths. By mapping and engaging existing community assets and learning about your partners' gifts, talents, experiences or resources, you can better understand and respect each other.
- **U**nderstanding - It is vital to appreciate the diversity of each partner. Understanding issues from another person's perspective is valuable to building strong partnership bridges.
- **S**upport - Partners should develop specific roles and responsibilities, strategies, objectives, goals and action plans. Necessary support in the form of time, labor, money or materials is essential to the partnership's foundation.
- **T**eamwork - Each partner can play a role in problem-solving efforts. Working together and celebrating success as a team is important to the long-term viability of the group.

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## Community Partnerships, Continued

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### **Ethics and badge of office**

Law enforcement is based on a standard of ethical conduct and is symbolized by a badge of office. This badge is a symbol of public trust. The character of the person behind the badge is more important than the authority the badge represents. Forming effective community partnerships is difficult, if not impossible, without trust and integrity.

---

### **Essential partnering skills**

It is critical that peace officers develop and use partnering skills. Partnering skills that are essential for partnership development are:

- leadership
  - communication
  - facilitation, and
  - community mobilization
-

# Leadership

[3.02.EO16]

---

## **Introduction**

Peace officers are expected to be leaders in the community. They are also expected to identify neighborhood problems. The success of problem-solving partnerships depends upon the leadership of officers.

---

## **Definition**

Leadership is the practice of influencing people while using ethical values and goals to produce an intended change.

---

## **Ethical leadership skills in community policing**

Leadership by peace officers may be the most important element for successful police-community partnerships. In a contemporary policing environment, officers with ethical leadership skills:

- conduct themselves ethically
  - embrace change
  - think creatively
  - demonstrate decisiveness
  - promote trust
  - delegate responsibility
  - decentralize decision-making
  - take action
  - communicate well
  - share command
  - articulate a vision
  - demonstrate integrity
  - demonstrate commitment
-

# Communication

[3.02.EO17, 3.02.EO18, 3.02.EO19, 3.02.EO20]

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## Introduction

The development of police-community partnerships requires officers to communicate effectively. Skillful **communication** is an important officer safety tool. Knowing and applying a variety of communication techniques enhances an officer's ability to successfully communicate with all segments of the community.

*To perform competently, it is essential that peace officers develop effective communication skills.*

Although a significant portion of an officer's job is based upon a body of knowledge (penal codes, regulations, case laws, vehicle codes, etc.), it is unrealistic to expect the public to understand all of the language associated with the officer's knowledge. Officers should avoid using "police jargon" when speaking with the public.

---

## Definition

Communication is the sending and receiving of messages, both verbal and nonverbal, between two or more people.

---

## Essential elements of communication

Communication involves four essential elements:

- sender
  - receiver
  - message
  - circumstances under which the communication occurs
- 

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## Communication, Continued

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### Communication process

For communication to be effective, the message the sender gives should be the same message the receiver gets. In many instances some form of external or internal interference may alter the message that is received.

Good communication techniques are used to clarify issues and accurately exchange information.

**Feedback** is the receiver's response to the message. Feedback tells the sender whether the receiver has an accurate understanding of the message. Peace officers must train themselves to recognize feedback that can tell them how their messages are received.

---

### Peace officer visibility

Policing is a highly visible profession which demands good communication skills. When officers communicate with members of the public, they represent:

- their agency executive (e.g., chief, director, sheriff, commissioner)
- the government (e.g., city, county, state, and federal)
- the public interest
- authority (i.e., laws, the Constitution, the Bill of Rights)
- the law enforcement profession as a whole

It is essential that information flowing *to and from* these various points be accurate and clearly received.

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## Communication, Continued

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### Message components

The message that is communicated between a receiver and a sender is comprised of more than words. The total message communicated is comprised of the following components:

- Content (words)
  - Voice characteristics
  - Nonverbal signals
- 

### Content

Peace officers need to recognize that the content (words) they choose may account for only a small portion of the message they communicate.

Officers must choose words carefully to make sure their message is clear and precise. If receivers pick up even one mistake (error or untruth) in the content, credibility is lost and communication breaks down.

Officers also need to be aware that a person's words do not always reflect what the person really means. Words are not always identical to the meaning of the message being sent. Officers need to consider their words in the context of the situation.

#### Example:

A burglary victim waited two hours for an officer to arrive. When the officer appeared at the door, the victim was angry and said, "Where have you been? What took you so long? My taxes pay your salary!" In this situation, the individual was really angry at the situation but he vented that anger toward the officer. He was feeling personally violated, wanted help, and wanted his lost property back. It was important for the officer to respond to the *real meaning* of the man's message by placing the words in context, instead of reacting to the spoken words alone.

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*Continued on next page*

## Communication, Continued

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### Voice characteristics

Voice characteristics may account for a greater portion of the information sent in a message. The following table describes four primary voice characteristics that receivers evaluate when they decode a message:

<b>Voice Characteristic</b>	<b>Description</b>
<b>Tone</b>	<p>Tone refers to the manner of speaking. It conveys the emotion or intention behind the words.</p> <ul style="list-style-type: none"><li>• When a listener perceives a conflict between the message's content and the speaker's tone of voice, the listener is likely to believe the speaker's tone of voice.</li><li>• Ninety percent of personnel complaints against peace officers occur because of improper use of tone. (Not "what" was said, but "how" it was said.)</li><li>• An oppressive tone of voice discourages communication.</li></ul>
<b>Pace</b>	<ul style="list-style-type: none"><li>• Pace is the speed at which a person speaks (i.e., fast or slow).</li><li>• A change in pace can signal to the listener that something is about to happen. (This is important for officers to remember not only when they speak, but also as they listen and evaluate others.)</li></ul>
<b>Pitch</b>	<ul style="list-style-type: none"><li>• Pitch refers to how high or low a person is speaking. It is also used to describe whether a voice is soft or loud.</li><li>• High pitch may indicate excitement or elevated emotions.</li></ul>

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*Continued on next page*

## Communication, Continued

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### Voice characteristics (continued)

Voice Characteristic	Description
<b>Modulation</b>	<ul style="list-style-type: none"><li>• Modulation refers to the rhythm in the voice. Rhythm is changed by varying which words are stressed in a sentence.</li><li>• Modifying the modulation or emphasis placed on different words in a message can completely change the message's meaning.</li><li>• An officer's professional conduct is determined, in part, by modulation.</li></ul>

---

### Example

- (1) The following example illustrates how modifying the modulation changes the meaning of a sentence. Read the following sentence aloud six times. Each time emphasize the bold, italicized word(s).

“**I** never said you stole the money.”  
“I *never* said you stole the money.”  
“I never **said** you stole the money.”  
“I never said **you** stole the money.”  
“I never said you **stole** the money.”  
“I never said you stole **the money**.”

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## Communication, Continued

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### Nonverbal signals

Nonverbal signals may account for the largest portion of the message being conveyed. If there is a conflict between a speaker's voice and a speaker's nonverbal signals, the listener is likely to give more weight to the nonverbal message.

Nonverbal actions include:

- body language (e.g., failure to look a person in the eye)
  - **proxemics** (spatial relationship or positioning of the speaker relative to the listener)
- 

### Nonverbal danger signals

If an officer sees contradictions between a person's body language and what the person is saying, the officer should give more weight to the nonverbal message.

Officers should look for danger signals in a person's nonverbal action. These nonverbal danger signals include, but are not limited to, the following:

- backing or turning away from the officer
  - poor eye contact
  - extreme hand motion or concealment
- 

### Negative nonverbal signals

Officers should be aware of their own nonverbal signals. Being conscious of the signals their bodies send can help officers better convey their intended messages to a victim, witness, suspect, or other members of the community. The effects of negative nonverbal signals or mannerisms may include:

- making a poor impression
  - contradicting what an officer is saying verbally
  - potentially escalating situations
- 

*Continued on next page*

## Communication, Continued

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### Negative nonverbal signals (continued)

The following table describes nonverbal signals that usually have a negative impact on the message receiver:

Signal Type	Examples
<b>Gestures</b>	<ul style="list-style-type: none"><li>• signaling “stop” with the hand</li><li>• pointing at a person</li><li>• glancing at a watch while someone else is talking</li></ul>
<b>Facial Expressions</b>	<ul style="list-style-type: none"><li>• rolling the eyes</li><li>• sneering</li><li>• frowning</li><li>• poor eye contact</li></ul>
<b>Physical Actions or Mannerisms</b>	<ul style="list-style-type: none"><li>• clenching fists to the side (shows anger)</li><li>• crossing arms across the chest</li><li>• shrugging shoulders</li></ul>

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### Example

- (1) Deputy Jones used an empathetic tone of voice while interviewing a rape victim, but he also glanced at his watch frequently while she was talking. Because of the officer’s negative nonverbal signals, the victim began to feel that the officer was thinking about other things and did not really care about what had happened to her. The victim felt even more demeaned and stopped talking.
- (2) An officer verbally encouraged a witness to include any details she could remember regarding an armed robbery. As the woman spoke, one officer kept looking over to his partner and rolling his eyes when he thought the witness would not notice. The woman did notice and felt that the officer did not care about what she was saying and was making fun of her. Because of the officer’s nonverbal signals, the witness completed her account abruptly and may have unintentionally left out important details.

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*Continued on next page*

## Communication, Continued

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### **Active listening and communication techniques**

**Active listening** is a critical part of effectively translating messages. Active listening involves the listener's *deliberate* and *conscious* concentration on what is being said. It also provides information to the sender that the message is being received.

Officers must recognize that before they try to send a message, they must first actively listen to the intended audience. This listening will allow the officer to read the audience and eliminate as much interference as possible in the message they send in return.

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*Continued on next page*

## Communication, Continued

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**Active listening and communication techniques**  
(continued)

The following table presents four steps for active listening:

Step	Action
1	Be open and unbiased
2	Hear literally what is said (don't cloud the message with interpretation at this point)
3	Interpret what is said
4	Provide an appropriate response (reflecting that the message was received)

Active listening is a way to hear precisely what is meant and responding in a manner that promotes mutual understanding. Some of the benefits of active listening are:

- helping to avoid misunderstandings
- allowing opportunities for people to open up
- diffusing tension

**NOTE:** Active listening also helps officers maintain their personal safety by becoming more aware of the people with whom they are interacting.

Peace officers should project that they are active listeners. Use of certain techniques can help demonstrate to others that you are attentive and interested in accurately understanding the message.

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*Continued on next page*

## Communication, Continued

Active listening and communication techniques (continued)

Communication Technique	Description
<b>Paraphrasing or Restating</b>	<ul style="list-style-type: none"> <li>• an officer puts the other person’s meaning into the officer’s own words. e.g.: (Speaker) “I can’t figure her out. First she agrees, then she disagrees.” (Officer) “She confuses you.”</li> <li>• to check your meaning restate basic facts. e.g.: (Officer) “I believe I heard you say...” “Let me be sure I understand you. You said...”</li> </ul>
<b>Summarizing</b>	<ul style="list-style-type: none"> <li>• creates sense of decisiveness and authority</li> <li>• can be used to reconnect communication that is interrupted</li> <li>• restate what has been said accurately, briefly and clearly. e.g.: “Let me be certain I understand...”</li> </ul>
<b>Ask Questions/ Clarify</b>	<ul style="list-style-type: none"> <li>• recognize appropriate questioning strategies</li> <li>• vary question with wrong interpretation to get speaker to explain. e.g.: “Did you say the person entered through a window...” “When did the incident happen?”</li> </ul>

*Continued on next page*

## Communication, Continued

Active listening and communication techniques (continued)

Communication Technique	Description
<b>Empathizing</b>	<ul style="list-style-type: none"> <li>• project sincere, empathetic attitude by:               <ul style="list-style-type: none"> <li>- treating the other person as the officer would want to be treated in the same circumstances</li> <li>- developing a sense of what it might be like to see through the eyes of the other person and trying to construct a verbal way to relate to them - recognizing that people have a right to their own points of view</li> </ul> </li> <li>• encourage the speaker; use neutral words; don't agree or disagree. e.g.: "would you tell me more about the person?"</li> </ul>

NOTE: Empathizing does not imply agreement. It requires that officers understand the perspective of the person with whom they are communicating.

In addition to verbal techniques, use of effective non-verbal techniques is beneficial, i.e., good eye contact, appropriate silence and facial expressions.

*Continued on next page*

## Communication, Continued

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### **Active listening and interpretation**

Frequently, the most difficult step in active listening is the interpretation of the speaker's message. Peace officers must learn, through practice, to react to what people mean, not just what they say.

Example:            A victim appeared to be angry and told the responding deputy, "What took you so long to get here?" Although the literal message is a question about response time, the victim's real meaning may be, "I'm afraid and I need your help!" A deputy practicing active listening would reassure the victim and help calm him or her, rather than becoming defensive.

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### **Lines of communication**

For an officer to converse effectively, the lines of communication must be as clear of interference as possible. Officers can help keep lines of communication clear in many situations by:

- conveying an attitude of self-confidence and professionalism
  - showing an understanding of the situation
  - demonstrating a caring attitude
  - being attentive to what is being said, and how it is being said
  - using language and vocabulary that are appropriate to the situation
- 

*Continued on next page*

## Communication, Continued

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### **Community barriers to communication**

Members of the community are unique in their heritage, beliefs, customs, gender, age, economic status, sexual orientation, lifestyle, and ethnicity. All of these factors combine to make communication challenging.

In general, officers can help break down communication barriers by:

- always treating people in a professional manner
  - responding promptly to any call
  - being courteous to all individuals contacted
  - avoiding pre-judging individuals
  - remembering not to underestimate people based on their appearance
  - maintaining self control at all times
  - becoming familiar with cultural customs of different community groups
- 

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## **Communication,** Continued

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# Chapter Synopsis

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**Learning need** Peace officers need to know that their role in the community is to work in partnership with community members to resolve or reduce problems for the benefit of those who live and work there.

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**Current and emerging issues affecting service [3.01.EO16]** Peace officers ability to deliver effective service can be influenced by their ability to deal with current issues that impact their community such as, changing community demographics, economic shifts, advanced technologies, jail overcrowding, cultural diversity, law changes, and homeland security.

---

**Community components [3.01.EO17]** To effectively educate and learn from the public, officers must know how to reach people in their communities. The first step is to recognize that communities are made up of a number of overlapping groups. These groups can provide officers with forums through which they can talk to people with common interests and needs.

---

**Community resources [3.01.EO19]** By involving themselves in community activities, peace officers give community members the opportunity to see them as *part of the community*. Some resources include community forums and community advisory groups.

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**Community attitudes [3.01.EO20]** Recognition of common community attitudes toward law enforcement and the origins of those attitudes can help peace officers understand how to further develop positive relationships with community members.

---

**Government expectations [3.01.EO21]** All levels of government (federal, state, and local) hold certain expectations of peace officers. These expectations include, but are not limited to reducing and controlling crime, providing community service, enforcing the law, and reducing or eliminating civil liability.

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## Chapter Synopsis, Continued

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**Educating and Learning from the Community**  
**[3.01.EO23]**

Opportunities for peace officers to educate and learn from community members can occur informally as well as formally. Anytime an officer talks to an individual and useful information is exchanged, that officer is learning as well as serving in an educational role.

Other educational opportunities should involve officers participating in planned discussions, community activities, meeting with community service groups, or visiting local schools.

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## Chapter Synopsis, Continued

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**Learning need** Peace officers need to understand that community partnerships provide opportunities to effect greater change than could be accomplished by any one group alone.

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**Definition of community partnerships [3.02.EO11]** Community partnerships are relationships comprised of two or more individuals, groups, or organizations working together to address an issue.

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**Developing trust between law enforcement and the community [3.02.EO12]** Trust is vital to building long-lasting, innovative community partnerships capable of solving problems and improving the community's quality of life. Key elements of building trust are truth, respect, understanding, support and teamwork.

---

**Ethics and badge of office [3.02.EO13]** Law enforcement is based on a standard of ethical conduct and is symbolized by a badge of office. This badge is a symbol of public trust. The character of the person behind the badge is more important than the authority the badge represents. Forming effective community partnerships is difficult, if not impossible, without trust and integrity.

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## Chapter Synopsis, Continued

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**Ethical leadership skills in community policing**  
[3.02.EO16]

Leadership by peace officers may be the most important element for successful police-community partnerships (Dantzker, 2002, Meese & Ortmeier 2003). In a contemporary policing environment, officers should demonstrate their ability to conduct themselves ethically, embrace change and think creatively.

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**Definition of communication**  
[3.02.EO17]

The sending and receiving of messages, both verbal and nonverbal, between two or more people.

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**Message components of communication**  
[3.02.EO18]

The message that is communicated between a receiver and a sender is comprised of more than words. The total message communicated is comprised of Content (words), voice characteristics, and nonverbal signals.

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**Potential effects of negative nonverbal signals**  
[3.02.EO19]

Officers should be aware of their own nonverbal signals. Being conscious of the signals their bodies send can help officers better convey their intended messages to a victim, witness, suspect, or other members of the community. The effects of negative nonverbal signals or mannerisms may be making a poor impression, contradicting what an officer is saying verbally, or potentially escalating situations.

---

**Effective communication techniques**  
[3.02.EO20]

Officers must recognize that before they try to send a message, they must first actively listen to the intended audience. This listening will allow the officer to read the audience and eliminate as much interference as possible in the message they send in return. The lines of communication must be as clear of interference as possible. Officers can help break down communication barriers by always treating people in a professional manner, responding promptly to any call, being courteous to all individuals contacted, avoiding pre-judging individuals, remembering not to underestimate people based on their appearance, maintaining self control at all times, and becoming familiar with cultural customs of different community groups.

---

# Workbook Learning Activities

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## **Introduction**

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text you should be able to prepare a response.

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## **Activity questions**

1. A group of local junior high school students congregate before and after school on a low wall just off school property. They verbally harass passing students, and smoke cigarettes, and some students have reported that drugs are being used in the area. The property is owned by the parents of one of the teens. They are unaware of the situation because it occurs while they are at work. Identify and describe at least one proactive response officers could take (or propose) to help the situation.

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## Workbook Learning Activities, Continued

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**Activity questions**  
(continued)

2. How do you think “beat knowledge” contributes to officers’ abilities to effectively perform each of their roles in the community? Explain how this knowledge helps officers:
  - maintain order
  - prevent crime
  - educate and learn from the community
  - enforce the law
  - deliver service
  - work with the community to solve problems
  
3. What is community policing? The evolution of policing? How can community policing benefit law enforcement?

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## Workbook Learning Activities, Continued

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**Activity  
questions**  
(continued)

6. Assume you are a deputy responding to a call regarding a dispute between two roommates. When you arrive, one roommate becomes angry that the other has called law enforcement officers over the argument. The individual begins to direct his anger, in the form of verbal abuse, toward you for interfering in what he perceives is a private matter. Describe how you could deal with the verbal abuse without escalating the situation.

# Chapter 5

## Crimes Against the Justice System Learning Domain 39

### Overview

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### Identifying and Classifying Crimes of Obstruction of Law Enforcement

---

#### Learning need

Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes that obstruct law enforcement in their duties and to correctly categorize these crimes as misdemeanors or felonies.

---

#### Learning objectives

The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E. O. Code</b>
<ul style="list-style-type: none"><li>Recognize the crime elements required to arrest for:<ul style="list-style-type: none"><li>Resisting, delaying, or obstructing a public officer peace officer, or emergency medical technician</li><li>Obstructing or resisting an executive officer by use of threats or force</li><li>Threatening a public officer</li></ul></li></ul>	39.02.EO1 39.02.EO2 39.02.EO3
<ul style="list-style-type: none"><li>Recognize the crime classification as a misdemeanor or felony</li></ul>	39.02.EO12

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## Overview, Continued

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**In this chapter** This section focuses on crimes related to the obstruction of law enforcement. Refer to the chart below for specific topics.

Topic	See Page
Resisting an Officer	5-3

---

# Resisting an Officer

[39.02.EO1, 39.02.EO2, 39.02.EO3, 39.02.EO12]

---

**Introduction** Resisting, delaying or obstructing peace officers in the discharge of their duties is a crime. The crime, often referred to as “resisting arrest,” involves preventing officers from performing their duties.

---

**Penal code section** The crime of resisting, delaying, or obstructing any public officer, peace officer, or emergency technician is covered under *Penal Code Section 148(a)(1)*.

---

**Crime elements** To arrest a person for resisting, delaying, or obstructing any public officer, peace officer, or emergency technician, the necessary crime elements are:

- every person who
- willfully resists, delays, or obstructs
- any public officer, peace officer, or emergency technician
- in the discharge or the attempt to discharge
- any duty of that officer’s office or employment

---

**Classification** The crime of resisting, delaying, or obstructing any public officer, peace officer, or emergency technician is a misdemeanor.

---

**Peace officers** The term **peace officer** includes, but is not limited to, the following:

- any county sheriff, undersheriff, or deputy sheriff
- any city or district chief of police or any police officer
- any marshal or deputy marshal of a municipal court
- any DA investigator
- any member of the California Highway Patrol

NOTE: *Penal Code Section 830 et. al.*

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*Continued on next page*

## Resisting an Officer, Continued

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### Public officers

The term **public officer** includes, but is not limited to, the following:

- building inspectors
  - health inspectors, et. al
- 

### Physical contact

*No physical contact* between the suspect and the officer is necessary for the crime of resisting, delaying, or obstructing any public officer, peace officer, or emergency technician to be complete. Verbal threats or interference can pose sufficient obstruction for the crime to take place.

---

### Obstructing executive officers

**Executive officers** are charged with the responsibility of enforcing the law. This includes peace officers, district attorneys, city attorneys, and police commissioners.

---

### Penal code section

The crime of obstructing or resisting an executive officer is covered under Penal Code Section 69.

---

### Crime elements

To arrest a person for obstructing or resisting an executive officer, the necessary crime elements are:

- every person who attempts
  - by means of threat or violence
  - to deter or prevent
  - any executive officer from the performance of that officer's duties, or
  - knowingly resists any executive officer
  - by the use of force or violence
  - in the performance of that officer's duties
- 

### Classification

It is a felony to attempt to deter or prevent executive officers from the performance of their duties. This includes a threat of future harm against the officer.

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*Continued on next page*

## Resisting an Officer, Continued

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**Threatening  
public  
officers**

Public officers are individuals employed by governmental agencies with certain specified law enforcement powers.

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**Penal  
code  
section**

The crime of threatening public officers and employees, and school officials are identified under *Penal Code Section 71*.

---

**Crime  
elements**

To arrest a person for threatening public officers and employees, and school officials, the necessary elements are:

- every person who
  - with the intent to cause
  - attempts to cause, or causes
- any:
  - public officer or employee, or
  - officer or employee of any public or private educational institution
- to do or refrain from doing
- any act in the performance of their duties
- by means of a threat
- directly communicated to the person
- to inflict an unlawful injury upon that person or that person's property, and
- it reasonably appears that the threat could be carried out

NOTE: "Directly communicated" includes, but is not limited to, communication by telephone, letter, etc.

---

**Classification**

It is a felony to use threats to prevent public officers from performing their duties.

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*Continued on next page*

## Resisting an Officer, Continued

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### Example

- (1) A man was being arrested for stealing a bicycle that had been locked up in front of a convenience store. While being handcuffed, he broke free from the peace officer's grip and ran away. The officer eventually subdued the man. Along with the original crime, the man committed the crime of resisting a peace officer.
  - (2) A man was distraught by what he felt were false charges brought against his son. He contacted the assistant district attorney in charge of the case and threatened to harm the attorney's son if the charges were not dropped. Even though the attorney was not influenced by the threat, the man committed the crime of attempting to deter an executive officer from the performance of his duties.
  - (3) A college mathematics instructor found a note on his windshield stating that he would be sorry if he didn't give a passing grade to a particular athlete on the school's football team. Although the instructor ignored the first note, he took the second note seriously when he found it taped to a broken window of his home. An officer questioned the athlete mentioned in the notes and the athlete admitted that he had written the notes himself. Along with the crime involving the destruction of property, the young man committed the crime of threatening public officers, employees, or school officials.
-

# Identifying and Classifying Crimes Related to False Information

## Overview

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**Learning need** Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to false information and to correctly categorize these crimes as misdemeanors or felonies.

---

**Learning objectives** The chart below identifies the student learning objectives for this chapter.

<b>After completing study of this chapter, the student will be able to:</b>	<b>E. O. Code</b>
<ul style="list-style-type: none"><li>• Recognize the crime elements required to arrest for:<ul style="list-style-type: none"><li>- Providing a false identity to a peace officer</li><li>- Falsely reporting a criminal offense</li><li>- Falsely reporting an emergency</li><li>- Falsely reporting a destructive device</li></ul></li></ul>	39.03.EO5 39.03.EO7 39.03.EO8 39.03.EO9
<ul style="list-style-type: none"><li>• Recognize the crime classification as a misdemeanor or felony</li></ul>	39.03.EO10

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*Continued on next page*

## Overview, Continued

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**In this chapter** This section focuses on crimes related to false information. Refer to the chart below for specific topics.

<b>Topic</b>	<b>See Page</b>
Providing False Identification	5-11
Falsely Reporting a Crime, Emergency, or Destructive Device	5-13

---

# Providing False Identification

[39.03.EO5, 39.03.EO10]

---

## **Introduction**

Failure to truthfully identify oneself to an officer can prevent the officer from performing a lawful duty. Such an action is considered an obstruction of justice.

---

## **Penal code section**

The crime of presenting a false identification to a peace officer is covered under *Penal Code Section 148.9*.

---

## **Crime elements**

To arrest a person for presenting a false identification to a peace officer, the necessary crime elements are:

any person who:

- falsely represents or identifies oneself as another person (real or fictitious)
  - to a peace officer
  - upon a lawful detention or arrest
  - to evade the:
    - process of the court, or
    - proper identification of that person by an investigating officer
- 

## **Classification**

The crime of presenting a false identity to a peace officer is a misdemeanor.

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*Continued on next page*

## Providing False Identification, Continued

---

### Example

- (1) A man was detained for shoplifting. When the officer requested identification, the man told the officer he left his wallet along with all of his identification at home. Believing that he could avoid prosecution for theft, he identified himself with a fictitious name and address. The man committed the crime of providing a false identity to a peace officer.
- 

### Related statute

The following identifies additional statutes related to crimes identified in this lesson.

- Providing false information to a peace officer is a violation. (*Vehicle Code Section 31*, a misdemeanor). This statute is related to those identified in this lesson.
  - False **personation** of another in private or official capacity; bail or surety; verification, acknowledgement of instrument, acts imposing liability or conferring benefit; punishment, a violation of Penal Code Section 529.
-

# Falsely Reporting a Crime, Emergency, or Destructive Device

[39.03.EO7, 39.03.EO8, 39.03.EO9]

---

**Introduction** Falsely reporting a crime or emergency is not only an obstruction of justice by the misuse of personnel, facilities, and equipment, it can also jeopardize the safety and well-being of law enforcement officers and the public.

---

**Penal code section** The crime of falsely reporting a criminal offense is covered under *Penal Code Section 148.5*.

---

**Crime elements** To arrest a person for the crime of falsely reporting a criminal offense, the necessary crime elements are:

- every person who
- reports to any peace officer, district attorney, or deputy district attorney
- that a felony or misdemeanor has been committed
- knowing that the report is false

---

**Classification** The crime of falsely reporting a criminal offense is a misdemeanor.

---

*Continued on next page*

# Falsely Reporting a Crime, Emergency, or Destructive Device, Continued

---

**Introduction** An **emergency** is any condition which results in, or could result in response of a public official in an authorized emergency vehicle (e.g., patrol vehicle, ambulance, fire equipment, etc.), or any condition that jeopardizes public safety and results or could result in evacuation. (*Penal Code Section 148.3(c)*)

---

**Penal code section** The crime elements of falsely reporting an emergency is covered under Penal Code Section 148.3 (a).

---

**Crime elements** To arrest a person for falsely reporting an emergency, the necessary elements are:

- any individual who
  - reports, or causes any report to be made
  - to a specified governmental department or agency
  - that an emergency exists
  - knowing that such a report is false
- 

**Classification** Falsely reporting an emergency is a misdemeanor.

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*Continued on next page*

# **Falsely Reporting a Crime, Emergency, or Destructive Device, Continued**

---

**Introduction** It is a felony to falsely report that a bomb or other explosive has been, or will be, placed in a public or private location.

---

**Penal code section** The crime of falsely reporting a destructive device is covered under Penal Code Section 148.1 (a).

---

**Crime elements** To arrest a person for falsely reporting a destructive device, the necessary crime elements are:

- any person who
- reports to specified personnel
- that a bomb or other explosive
- has been, or will be
- placed or hidden
- in any public or private place
- knowing that the report is false

NOTE: Specified personnel can include, but are not limited to, peace officers, employees of the media, employees of airlines or other forms of public transportation, occupants of a building, telephone company personnel, etc. (*Penal Code Section 148.1(a)*)

---

**Classification** The crime of falsely reporting a bomb, or other explosive is a felony.

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## **Falsely Reporting a Crime, Emergency, or Destructive Device, Continued**

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### **Example**

- (1) A young man reported to a peace officer that his car had been stolen from the parking lot of a local shopping area. The young man falsely reported the crime because he did not want his father to find out that he damaged the car in a minor traffic accident. The young man committed the crime of falsely reporting a crime.
  
  - (2) A high school principal received a phone call from an unidentified person stating that a bomb had been placed in a student locker in the school building. Law enforcement officials were notified and the building was evacuated. After the building was thoroughly searched, the report was deemed to be false. Later it was determined that a student, on a dare from some of his friends, had made the phone call and falsely reported the bomb. The student committed the crime of falsely reporting a destructive device.
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## Chapter Synopsis

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**Learning need** Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes that obstruct law enforcement in their duties and correctly categorize these crimes as misdemeanors or felonies.

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**Resisting an officer**  
[39.02.EO1,  
39.02.EO2,  
39.02.EO3,  
39.02.EO12]

Resisting any public officer is covered under *Penal Code Section 148(a)(1)*.

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*Continued on next page*

## Chapter Synopsis, Continued

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**Learning need** Arrest and successful prosecution depend on the development of probable cause. Peace officers must know the elements required to arrest for crimes related to false information and to correctly categorize these crimes as misdemeanors or felonies.

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**Providing false identification**  
[39.03.EO5,  
39.03.EO10] The crime of presenting a false identification to a peace officer is covered under *Penal Code Section 148.9*.

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**Falsely reporting a criminal offense**  
[39.03.EO7,  
39.03.EO10] The crime of falsely reporting a criminal offense is covered under *Penal Code Section 148.5*.

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**Falsely reporting an emergency**  
[39.03.EO8,  
39.03.EO10] The crime of falsely reporting an emergency is covered under *Penal Code Section 148.3 (a)*.

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**Falsely reporting a destructive device**  
[39.03.EO9,  
39.03.EO10] The crime of falsely reporting a destructive device is covered under *Penal Code Section 148.1 (a)*.

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## Workbook Learning Activities, Continued

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### Activity questions

3. Under what circumstances would it be a felony to provide a false identity to a peace officer?

## Supplementary Material

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### Contents

Topic	See Page
Law Enforcement Code of Ethics	S-2
Code of Professional Conduct and Responsibility for Peace Officers	S-3
References and Suggested Readings	S-20

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# Law Enforcement Code of Ethics

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## Law enforcement code of ethics

As a law enforcement officer, my fundamental duty is to serve mankind:

- to safeguard lives and property
- to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder
- to respect the Constitutional rights of all men to liberty, equality and justice

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my agency. Whatever I see or hear of confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession..... law enforcement.

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# Code of Professional Conduct and Responsibility for Peace Officers

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## Preamble

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Cannons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public;

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

---

## General statement

Peace officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics but must also abide by these Cannons of Ethics and Ethical Standards which constitute this **Code Of Professional Conduct and Responsibility for Peace Officers** as a means of internal regulation.

The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this **Code of Professional Conduct and Responsibility for Peace Officers** is established for the peace officer profession.

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*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

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## General statement (continued)

Nothing in the *Code of Professional Conduct and Responsibility for Peace Officers* is intended to limit or supersede any provision of law referring to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this *Code of Professional Conduct and Responsibility for Peace Officers*.

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## Definitions

This *Code of Professional Conduct and Responsibility for Peace Officers* is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of Disciplinary Rules and Enforcement Procedures are included as an addendum for individual agency consideration. Following are definitions of these terms, as used in the context of the Code:

Term	Definition
<b>Peace Officer</b>	A regular employed and full-time sheriff, undersheriff, or deputy sheriff of a county; a chief of police, or any police officer of a city or any chief of police or police officer of a district authorized by law to maintain a police agency; or any other person within the state who is defined as a peace officer

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*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

**Definitions**  
(continued)

<b>Term</b>	<b>Definition</b>
<b>Canons</b>	Statements which express in general terms, standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.
<b>Ethical Standards</b>	Statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.
<b>Disciplinary Rules</b>	Specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule that applies to these canons and standards is guilty of unprofessional conduct and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.

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# Code of Professional Conduct and Responsibility for Peace Officers, Continued

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**Definitions**  
(continued)

<b>Term</b>	<b>Definition</b>
<b>Enforcement Procedures</b>	The fundamental rights of an accused officer which are applicable to a disciplinary investigation or proceeding against the officer.
<b>Administrative Investigation</b>	An investigation conducted to determine whether an officer has violated any provision of this code or agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.
<b>Formal Discipline</b>	This is the final adjudication of administrative or disciplinary charges. Formal discipline shall be deemed final only after an officer has exhausted or waived all legal remedies available and actual discipline has been invoked.

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*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics

Canon One	Ethical Standards	
<p><b>Peace officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority</b></p>	Standard 1.1	Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.
	Standard 1.2	Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
	Standard 1.3	Peace officers shall diligently study principles and new enactments of the laws they enforce.
	Standard 1.4	Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.
	Standard 1.5	Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
	Standard 1.6	Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Two	Ethical Standards	
<p><b>Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities</b></p>	Standard 2.1	Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
	Standard 2.2	Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.
	Standard 2.3	Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.
	Standard 2.4	Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Three	Ethical Standards	
<p><b>Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve</b></p>	Standard 3.1	Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
	Standard 3.2	Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
	Standard 3.3	Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
	Standard 3.4	Peace officers shall safely and efficiently use equipment and material available to them.
	Standard 3.5	Peace officers shall be prepared to and shall respond effectively to the demands of their office.
	Standard 3.6	Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

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# Code of Professional Conduct and Responsibility for Peace Officers, Continued

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Canons of ethics (continued)

Canon Three (continued)	Ethical Standards	
<b>Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve</b>	Standard 3.7	Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
	Standard 3.8	Peace officers shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four	Ethical Standards	
<p><b>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession</b></p>	Standard 4.1	Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.
	Standard 4.2	Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.
	Standard 4.3	Peace officers shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.
	Standard 4.4	Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four (continued)	Ethical Standards	
<p><b>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession</b></p>	Standard 4.5	Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.
	Standard 4.6	Peace officers shall not engage in illegal political activities.
	Standard 4.7	Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.
	Standard 4.8	Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.
	Standard 4.9	Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Four (continued)	Ethical Standards	
<p><b>Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust, and morality demanded of a member of the peace officer profession</b></p>	Standard 4.10	Peace officers shall not be disrespectful in their official dealings with the public, fellow officers, superiors and subordinates.
	Standard 4.11	Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.
	Standard 4.12	Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.
	Standard 4.13	Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

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# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Five	Ethical Standards	
<p><b>Peace officers shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without just, legal and necessary cause</b></p>	Standard 5.1	Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally and reasonably apply the law.
	Standard 5.2	Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.
	Standard 5.3	Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

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# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Six	Ethical Standards	
<p><b>Peace officers shall assist in maintaining the integrity and competence of the peace officer profession</b></p>	Standard 6.1	Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
	Standard 6.2	Peace officers shall perform their duties in such a manner as to discourage double standards.
	Standard 6.3	Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
	Standard 6.4	Peace officers shall maintain the integrity of their profession, through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.
	Standard 6.5	Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Six (continued)	Ethical Standards	
<p><b>Peace officers shall assist in maintaining the integrity and competence of the peace officer profession</b></p>	Standard 6.6	Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.
	Standard 6.7	Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.
	Standard 6.8	Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Seven	Ethical Standards	
<p><b>Peace officers shall cooperate with other officials and organizations who are using legal and ethical means to achieve the goals and objectives of the peace officer profession</b></p>	Standard 7.1	Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.
	Standard 7.2	Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.
	Standard 7.3	Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession and keep them apprised of conditions which threaten the maintenance of an ordered society.

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Eight	Ethical Standards	
<p><b>Peace officers shall not compromise their integrity, nor that of their agency or profession, by accepting, giving, or soliciting any gratuity</b></p>	Standard 8.1	<p>Peace officers shall refuse to offer, give, or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices or relatives, where appropriate.</p>
	Standard 8.2	<p>Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.</p>

*Continued on next page*

# Code of Professional Conduct and Responsibility for Peace Officers, Continued

Canons of ethics (continued)

Canon Nine	Ethical Standards	
<p><b>Peace officers shall observe the confidentiality of information available to them through any source, as it relates to the peace officer profession</b></p>	Standard 9.1	Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.
	Standard 9.2	Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.
	Standard 9.3	Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.
	Standard 9.4	Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.
	Standard 9.5	Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

## References and Suggested Reading Material

The following references and suggested readings may provide useful information and training resources.

---

Aldag, Ramon, J. and Joseph, Buck. (2000), *Leadership & Vision: 25 Keys to Motivation*. New York, New York. Lebhar-Friedman Books.

Anderson, Terry D. (2000). *Every Officer Is A Leader: Transforming Leadership in Police, Justice, and Public Safety*. Boca Raton, Fl. LRC Press LLC.

Covey, Stephen R. (1989). *The Seven Habits Of Highly Effective People: Restoring The Character Ethic*. New York, New York. Fireside.

Crank, John P. (2000). *Police Ethics: The Corruption Of Noble Cause*. Cincinnati, OH. Anderson Publishing Co.

International Association of Chiefs of Police and U.S. Department of Justice, Office of Community Oriented Policing Services.(2002) *Ethics Toolkit: Enhancing Law Enforcement Ethics In A Community Policing Environment*. Available on-line at [www.theiacp.org](http://www.theiacp.org)

Harari, Oren. (2002). *The Leadership Secrets of Colin Powell*. New York, New York. McGraw-Hill.

Heifetz, Ronald & Linsky, Marty. (2002) *Leadership On The Line: Staying Alive Through The Dangers Of Leading*. Boston, MA. Harvard Business School Press.

Josephson, Michael. (2003). *Making Ethical Decisions*. Los Angeles, CA. Josephson Institute of Ethics. [www.josephsoninstitute.org](http://www.josephsoninstitute.org)

Rost, Joseph C. (1993). *Leadership For The Twenty-First Century*. Wesport, CT. Praeger Publishers.

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## References and Suggested Reading Material,

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U.S. Department of Justice, National Institute of Justice & Office of Community Oriented Policing Services. (1997). *Police Integrity: Public Service With Honor*. Washington, D.C. U.S. Government Printing Office. NCJ 1638111. [www.cops.usdoj.gov](http://www.cops.usdoj.gov)

California POST: [www.post.ca.gov](http://www.post.ca.gov)

Center for American and International Law Institute for Law Enforcement Administration-Ethics Center. [www.cailaw.org/ethics](http://www.cailaw.org/ethics)

Ken Blanchard Companies. [www.kenblanchard.com](http://www.kenblanchard.com)

Ethics Resource Center. [www.ethics.org](http://www.ethics.org)

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## References and Suggested Reading Material, Continued

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# Glossary

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**Introduction**      **The following glossary terms apply to the PC 832 Student Workbook, Volume One: Leadership, Diversity, Policing in the Community and the Justice System.**

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**active listening**      The listener's deliberate and conscious concentration on what is being said

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**amendments**      Modifications or changes made for the better, such as amendments to the U.S. Constitution

---

**appeals**      Requests to a higher court to review or revise decisions made by lower court

---

**appellate courts**      Referred to as the higher courts of the judicial system; hear appeals from lower trial courts

---

**arraignment**      Legal procedure where the court informs defendants of the nature of the charges against them and of their constitutional rights to have counsel, to plead guilty or not guilty, and to have a jury trial

---

**arrest**      Taking a person into custody in a case, and in the manner authorized by the law

---

**authority**      A peace officers right to influence others that is granted by law

---

**bail**      A security deposited with a competent court or magistrate to ensure that the accused person will appear for trial when summoned

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**Bill of Rights**      The first ten amendments to the U.S. Constitution

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## Glossary, Continued

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<b>canons</b>	General statements of the standards of professional conduct expected of peace officers
<b>commitment</b>	An outward manifestation of an internal agreement/willingness to embrace the leadership values and agency goals
<b>communication</b>	The sending and receiving of messages, both verbal and nonverbal, between two or more people
<b>community partnerships</b>	Relationships comprised of two or more individuals, groups or organizations working together to address an issue
<b>compliance</b>	Acceptance of a person's authority. It yields to an outward change in behavior, without an accompanying alteration of attitude
<b>constitution</b>	A written document that embodies the basic laws of a nation or state
<b>cultural diversity</b>	The representation or existence of individuals with distinctly different group affiliations within one organization, community, state, nation, or other social system. Such group affiliations can be based on culture, ethnicity, gender, sexual orientation, etc.

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## Glossary, Continued

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<b>discrimination</b>	An action or behavior that is prompted or based on prejudiced thought. Includes differential treatment based on an unsubstantiated or unfair categorization
<b>double jeopardy</b>	Protection against a second prosecution after acquittal or conviction
<b>due process</b>	A course of legal proceedings according to the rules and principles which have been established by the government; basic rights of a defendant in judicial proceedings and the requisites for a fair trial
<b>emergency</b>	Any condition which results in, or could result in, the response of a public official in an authorized emergency vehicle (e.g., patrol vehicle, ambulance, fire equipment, etc.), or any condition that jeopardizes public safety and results or could result in evacuation ( <i>Penal Code Section 148.3(c)</i> )
<b>ethical standards</b>	The criteria set for professional conduct. Statements of the specific objectives for which peace officers should strive are found in the <i>Code of Conduct</i>
<b>ethics</b>	The accepted principles of conduct governing decisions and actions based on professional values and expectations
<b>executive officer</b>	Any people charged with the responsibility of enforcing the law. This includes peace officers, district attorneys, city attorneys, and police commissioners
<b>feedback</b>	The receiver's response to the message; tells the sender whether the receiver has an accurate understanding of the message

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*Continued on next page*

## Glossary, Continued

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**grand jury**

A body of a set number of citizens from within the county who are sworn to receive complaints and accusation in criminal cases; responsible for determining if there is sufficient cause to believe a person has committed a crime and should be made to stand trial

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**indictment**

An accusation in writing formally charging a person with a crime or public offense

---

**intervention**

The act of attempting to prevent or attempting to stop the inappropriate or unlawful behavior of another officer

---

**leadership**

The practice of influencing people while using ethical values and goals to produce an intended change

---

**organizational values**

The collective beliefs that characterize an organization

---

**parole**

A conditional release from confinement which allows an individual to serve the remainder of a sentence outside of prison

---

**peace officer**

Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county. Any chief of police, employed in that capacity, of a city, or any police officer, employed in that capacity and appointed by the chief of police or the chief executive of the agency, of a city. Any chief of police or the chief executive of the agency, of a city. Any marshal or deputy marshal of a municipal court. Any member of the California Highway Patrol whose primary duty is the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways as that duty is set forth in the Vehicle Code

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## Glossary, Continued

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**personal values** The individual beliefs that a person relies on in making the personal decisions in his/her daily life

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**personation** The act of assuming the person or identity of another, without that person's consent, for a fraudulent purpose (*Penal Code Section 529*)

---

**power** capacity to influence and inspire others

---

**prejudice** A prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known

---

**preliminary hearing** A screening procedure used in felony cases to determine if there is enough evidence to hold a defendant for trial

---

**principles** Ethical standards that people rely on for guidance in decision making

---

**proactive approach** Attempting to eliminate or minimize crime-related problems, reduce criminal opportunity, and deter potential offenders

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## Glossary, Continued

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**professional values**

The beliefs that are fundamental to and characterize a specific vocational group or discipline

---

**professionalism**

Adherence to high standards of behavior and training required for employment in a particular occupation or profession

---

**proxemics**

Spatial relationship or positioning of the speaker relative to the listener

---

**public officer**

Individuals employed by a governmental agency with certain specified law enforcement powers

---

**public trust**

The foundation of a peace officer's authority and power, by virtue of a social contract with the government

---

**racism**

A doctrine that one race is inherently superior (physically, intellectually, or culturally) to another

---

**reactive approach**

Responding to criminal activity after it has taken place

---

**right to bail**

A defendant's constitutional right to reasonable bail to permit the unhampered preparation of a defense before trial

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## **Glossary, Continued**

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**sentencing** A judgement that is formally pronounced by the court upon a defendant after conviction in a criminal trial

---

**stereotype** A preconceived or over-simplified generalization involving negative or positive beliefs about another group

---

**trial** A formal judicial examination and determination of issues (law or fact) between parties

---

**trial courts** Referred to as the lower courts; receive evidence and consider cases involving criminal activity or civil disputes

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# PC 832 Student Workbooks

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## **Volume One: Leadership, Diversity, Policing in the Community and the Justice System**

Learning Domain 1: Leadership, Professionalism and Ethics

Learning Domain 42: Cultural Diversity/Discrimination

Learning Domain 2: Introduction to the Criminal Justice System

Learning Domain 3: Policing in the Community

Learning Domain 39: Crimes Against the Justice System

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## **Volume Two: Law and Evidence**

Learning Domain 5: Introduction to Criminal Law

Learning Domain 15: Laws of Arrest

Learning Domain 16: Search & Seizure

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## **Volume Three: Investigations**

Learning Domain 17: Presentation of Evidence

Learning Domain 18: Investigative Report Writing

Learning Domain 30: Crime Scene, Evidence and Forensics

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## **Volume Four: Use of Force Skills**

Learning Domain 20: Use of Force

Learning Domain 33: Arrest Methods/Defensive Tactics

Learning Domain 35: Firearms

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# PC 832 Student Workbook Volume One

Leadership, Professionalism & Ethics  
Learning Domain/Learning Objective Cross-Reference

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