FLORIDA BASIC RECRUIT TRAINING PROGRAM

FLORIDA CORRECTIONAL PROBATION OFFICER TRAINING PROGRAM

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Criminal Justice Standards and Training Commission
Florida Department of Law Enforcement

Copyright Information

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The training in this course is provided to familiarize students with issues that may involve high liability and/or high-stress activities. FDLE urges students to ensure that their practices are correct in accordance with their agencies' policies and procedures. Employing agencies are solely responsible for guiding their employees' actions in actual situations.

TABLE OF CONTENTS

Introduction to Correctional Probation

Course Number: CJK_0260

Course Hours: 14 hours

Course Structure: 4 units, 8 lessons

Course Outcomes

At the end of this course, you will:

- ✓ understand the responsibilities, values, and ethics of a correctional probation officer
- ✓ understand the criminal justice system and chain of command
- ✓ be familiar with the role of the Criminal Justice Standards and Training Commission
- ✓ understand officer certification and compliance
- ✓ understand the consequences of sexual harassment
- ✓ recognize and manage stress

Course Requirements

You are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. There will also be a written exam covering all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation, Vol. 1 (Chapter 1)
Florida Statutes

Information Provided by Training Center

- ✓ course schedule
- ✓ attendance policy
- ✓ grading policy
- ✓ instructor's office hours and contact information

Chapter Introduction

Correctional probation officers have the authority to enforce laws and maintain civil order by managing offenders under supervision. Officers should never take this responsibility lightly and always act within the boundaries of their authority to uphold the recognized standards of the profession’s code of conduct. This chapter contains an overview of the correctional probation officer program and the requirements necessary for students to become certified officers. It provides you with instruction on basic criminal justice values and ethics, identifies the consequences of sexual harassment, and presents information to help officers manage stress. You will also receive a basic understanding of the structure, components, and chain of command of the criminal justice system.

COURSE OUTLINE

Unit 1 Overview of Correctional Probation

Lesson 1 Responsibilities of Correctional Probation

Lesson Goal

At the end of this lesson, you will understand the mission of the Florida Department of Corrections and the role of the probation officer in offender re-entry and reducing recidivism.

The Florida Department of Corrections (FDC) has a mission and values statement that provide an overview of the goals and expectations that the Department has for all of its employees:

> ***Agency Mission***
> *To provide a continuum of services to meet the needs of those entrusted to our care, creating a safe and professional environment with the outcome of reduced victimization, safer communities and an emphasis on the premium of life. (FDC, 2016).*

> ***Values***
>
> ***Respect***
> *We treat people as they should be treated, without demeaning, degrading, or devaluing any individual or group.*
> ***Integrity***
> *We demonstrate uncompromising ethical conduct in all our actions.*
> ***Courage***
> *We face fear, danger and adversity, both physical and moral, to accomplish our mission, demonstrating commitment to do what is right, based on our shared values and moral reasoning, despite the potential of adverse consequences.*
> ***Selfless Service***
> *We put the welfare of the Nation, our state and others, both staff and inmates/offenders, before our own.*
> ***Compassion***
> *We practice empathy and recognize the challenges endured by inmates, offenders and their families and take actions to alleviate it, while supporting each other on and off duty as an FDC family. (FDC, 2020).*

The Florida Department of Corrections has correctional facilities statewide, including prisons, private partner prisons, prison annexes, work camps, state-run work release centers, private work release centers, road prisons, forestry camps, and basic training camps. Since most of those who serve time in prison and on supervision will eventually transition back to Florida's communities, the Department strives to provide inmates and offenders with the tools they will need to become productive citizens through a variety of programs and services.

☑ **CP111.1. Describe the mission and values of the Florida Department of Corrections**

Transition From Prison to Community Initiative

The mission of the Florida Transition From Prison to Community Initiative (TPCI) is to reduce crime by implementing a seamless plan of services and supervision. The Department develops this plan with each offender through state and local collaboration from the time they enter prison throughout their transition, reintegration, and aftercare in the community.

As found on the Florida Department of Corrections website, http://www.dc.state.fl.us/pub/index.html, and through extensive research, we now know that offenders who receive interventions, such as substance misuse programs and cognitive behavioral therapy programs, are less likely to reoffend and return to the correctional system. A balance needs to exist between custody and control as well as programs aimed at promoting behavioral change. The Department has implemented many community-based programs for offenders that allow them to address their needs while on supervision and decrease the possibility that they will reoffend. The use of these programs will provide necessary support, especially for the increased number of female offenders who struggle with substance misuse and mental health issues.

Re-entry and Recidivism

John Augustus is often called the "Father of Probation" in America. In the mid-nineteenth century, he pioneered a probation movement by agreeing to pay the bail for and supervise people accused of minor crimes. He believed that reforming offenders would improve lives and make communities safer.

The ideals of John Augustus parallel the goals of re-entry. The Department of Corrections defines ***re-entry*** as the process of an offender transitioning from incarceration in a facility to supervision within the community while enhancing public safety and reducing recidivism. ***Recidivism*** is a measure of the likelihood that an inmate will reoffend within three years of release from incarceration. The re-entry process includes comprehensive needs assessments and a range of treatment and training programs designed to increase the likelihood that offenders will successfully transition into society as productive, law-abiding citizens.

☑ **CP111.2. Describe the philosophy of correctional probation within the Florida Department of Corrections**

Re-entry begins from the time that the Department first has contact with an inmate or offender. During intake, the Department assesses offenders to determine their needs and refer them to the appropriate services. Examples of services include treatment programs, employment services, and educational services. The Department follows up to document the progress of an offender and make adjustments and recommendations as needed. The re-entry process continues throughout an offender's incarceration or period of supervision or both. The re-entry process is crucial to reducing recidivism. Research shows that offenders who have a difficult time finding employment are more likely to reoffend. The goal is to make every effort to reduce the likelihood that an offender will return to the correctional system.

☑ **CP111.3. Describe the relationship between the re-entry process and recidivism as implemented by the Department of Corrections**

Primary Responsibilities of Probation Officers

Section 943.10(3), F.S., defines a ***correctional probation officer*** as a person responsible for the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within the Department of Corrections' institutions or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers.

☑ **CP111.4. Define correctional probation officer as established by the Florida Statutes**

A correctional probation officer is responsible for:

- performing professional work to investigate and assess offenders
- making sure that offenders comply with any statutory or special conditions of supervision ordered by the sentencing authority
- evaluating offender progress and making recommendations throughout the period of supervision
- assisting offenders in securing employment and maintaining contact with local employers in their community
- referring offenders to specialized treatment services such as substance misuse counseling and mental health counseling
- maintaining an awareness of offenders' activities and providing direction as needed
- managing cases of all assigned offenders

Probation officers perform fieldwork as necessary or required, making regular visits to the residences and places of employment of offenders under supervision. Officers also conduct random drug tests on offenders and follow up with needed action. The probation officer's job focuses on helping offenders; however, ensuring compliance with supervision orders and reporting non-compliance with the sentencing authority may place you in harm's way. When necessary, officers file violation of probation (VOP) reports to the court or the Florida Commission on Offender Review and arrest offenders. Officers also represent the Department at court hearings or conditional release/parole hearings.

Probation officers work regularly with offenders who have behavioral, mental health, or substance misuse issues. This is where an officer's training in the academy and on the job will play a key role in handling challenging situations. Good judgment and reasoned decision-making are an integral part of doing the job well. Probation officers have the opportunity to change the lives of offenders, and an officer's actions can have a positive or negative impact on offenders they supervise. In summary, the role of a probation officer is to ensure public safety while assisting in the successful re-entry of offenders assigned to their caseload.

☑ **CP111.5. Identify the core functions and primary responsibilities of a probation officer in the Department of Corrections**

Some counties employ misdemeanor probation officers, employed through the county, the court, the sheriff's office, or a private entity. This type of probation officer supervises an offender who bonds out of jail and is waiting on the disposition of their case or for offenders who are sentenced to misdemeanor probation. This ensures an offender is under continuous supervision before and after the disposition. An offender can be under state and county probation at the same time, which will require you to maintain contact with these types of probation officers.

☑ **CP111.6. Describe the role of a misdemeanor probation officer in providing continuous supervision of offenders**

Leadership in Supervision

To be an effective probation officer, you need to be a good leader. Leaders display confidence in their abilities and have a can-do attitude. Officers should possess qualities such as honesty, a positive attitude, intuition, discernment, and the ability to inspire and motivate. Come to work each day ready to use your leadership skills to assist offenders in becoming successful. Probation officers also strive to increase their knowledge and abilities through experience and post-academy training. They model themselves after good leaders and focus on representing their agency in a positive and professional manner. The Department of Corrections expects officers to strive for excellence while modeling the best qualities of leadership.

☑ **CP111.7. Describe the probation officer's leadership qualities for directing and managing an offender under supervision**

Many of the offenders you will supervise every day have had very little positive reinforcement or role models in their lives. You may be one of the people they look to for guidance and leadership during their supervision. You must not only be able to apply Department policy, but you must also be able to inspire and encourage an offender under your supervision to make a positive change in their life. Demonstrate consistent and effective leadership while remaining fair and impartial in your decision-making. Your evaluations and decisions will affect not only an offender, but also the community in which you live and work.

Maintain a balance between your role as a criminal justice officer and your responsibility to provide offenders a continuum of services that meet their needs.

Demonstrate assertiveness when needed, but remember to show compassion and empathy when appropriate. You will deal with many types of offenders, from hardened criminals to first-time offenders, and you must demonstrate a consistent and fair approach. You will interact with victims, community partners, families of offenders, law enforcement, courts, and many others inside and outside of the Department, including your chain of command. Your ability to adapt and work with a variety of people will determine your success as a probation officer.

☑ **CP111.8. Describe the leadership strategies that are specific to a probation officer managing offenders under supervision**

As you embark on your career as a probation officer, you will encounter many opportunities to lead. Strive to practice the above principles, look for opportunities to improve your performance through training, and use advice from effective leaders.

LESSON VOCABULARY

correctional probation officer

recidivism

re-entry

UNIT 2 THE CRIMINAL JUSTICE SYSTEM

LESSON 1 STRUCTURE OF THE CRIMINAL JUSTICE SYSTEM

Lesson Goal

At the end of this lesson, you will be familiar with the criminal justice system and its functions, including the areas of law enforcement, courts, corrections, and probation.

Criminal Justice

Correctional probation officers play an important role in the criminal justice system and interact regularly with other parts of the system. Your ability to interact effectively within the system directly affects your job performance.

Criminal justice refers to the structure, functions, and decision-making processes of those agencies that deal with the management and control of crime and criminal offenders. The three main components of the criminal justice system are law enforcement, the court system, and corrections.

Law Enforcement

Law enforcement is responsible for enforcing and maintaining civil order. The court system is responsible for the interpretation of laws and sentencing. The Florida Department of Corrections is responsible for ensuring public safety and for enforcing punishment as defined by the court system.

The systems of law enforcement are city or municipal, county, state, and federal. City or municipal and county law enforcement agencies are local law enforcement. State law enforcement agencies are responsible for enforcing state laws within their state boundaries. Federal law enforcement agencies enforce federal laws on federal property or in more than one state within the United States. This includes tribal government or a military installation. Different jurisdictions have different laws, agencies, and criminal justice procedures.

☑ **CP121.1. Summarize the basic structure of the U.S. criminal justice system**

LOCAL OR MUNICIPAL LAW ENFORCEMENT AGENCIES

The single largest segment of American law enforcement is at the local level and comprises over 75% of total sworn personnel.

Police Departments: The local police department is responsible for enforcing the state laws and ordinances within its jurisdiction. For example, a city police department is responsible for law enforcement within the municipality limits; a college or university police department is responsible for law enforcement on campus property.

Public Safety Departments: Some Florida municipalities have public safety departments, which combine police, fire, and emergency medical services.

☑ **CP121.2. Describe the role of municipal law enforcement agencies in Florida**

COUNTY LAW ENFORCEMENT AGENCY

Sheriff's Office: County law enforcement agencies in Florida are composed of sheriff's offices. In Florida, the primary role of the sheriff's office is to enforce county ordinances and state laws. In the state of Florida, all county sheriffs are elected officials, not appointed. Traditionally, these agencies are responsible for law enforcement in the unincorporated areas of the county, the county jail, and civil processing. Civil processing involves law enforcement's assistance to the court system, including serving subpoenas, enforcing eviction notices, and acting as court bailiffs.

☑ **CP121.3. Describe the role of county law enforcement agencies in Florida**

FLORIDA STATE LAW ENFORCEMENT AGENCIES

Florida Department of Law Enforcement (FDLE): FDLE provides investigative, forensic, and protective services in several key investigative focus areas: major drug crime, violent crime, child predator cybercrime, public integrity, fraud/economic crime, and domestic security. FDLE also supports the Criminal Justice Standards and Training Commission in the establishment and oversight of criminal justice officers, standards, and training.

Florida Highway Patrol (FHP), Department of Highway Safety and Motor Vehicles: FHP promotes a safe driving environment through proactive law enforcement, public education, and safety awareness.

Florida Department of Juvenile Justice (DJJ): DJJ reduces juvenile delinquency through prevention, intervention, and treatment services.

Florida Fish and Wildlife Conservation Commission (FWC): FWC enforces environmental crimes (not disaster response) and aquaculture violations. FWC is also responsible for enforcing federal wildlife laws and patrolling state forest and recreation lands, greenways, and trails.

Florida Department of Environmental Protection (DEP): The DEP is responsible for responding to environmental disasters that have the potential to become public health threats. These can include events like petroleum spills, chemical plant incidents, and coastal oil spills.

Division of Alcoholic Beverages and Tobacco (ABT): ABT has law enforcement and investigation programs whose responsibilities include conducting criminal investigations related to alcohol and tobacco laws and statutes.

Department of Agriculture and Consumer Services: The Office of Agricultural Law Enforcement (AgLaw) inspects all agricultural products that cross the borders of Florida. AgLaw is also involved in investigations of consumer fraud, especially in the areas of telemarketing and vehicle repair.

Florida Department of Financial Services (DFS):

State Fire Marshal—the Bureau of Fire and Arson Investigations is the law enforcement branch of the Division of State Fire Marshal. It investigates possible criminal activities related to fire.

Division of Insurance Fraud—this division investigates possible criminal activities related to the insurance industries (life, health, title, workers' compensation).

Florida Office of the Attorney General (OAG):

Medicaid Fraud Control Unit—this unit investigates fraud committed by health care providers and the abuse, neglect, and exploitation of the elderly, ill, and disabled residents of healthcare facilities.

Consumer Protection Division—this division investigates all multi-circuit violations of the Florida Deceptive and Unfair Trade Practices Act and works with the Federal Trade Commission when investigating national companies.

☑ **CP121.4. Describe the role of state law-enforcement agencies in Florida**

FEDERAL LAW ENFORCEMENT AGENCIES

The Department of Justice

Federal Bureau of Investigation (FBI): The FBI investigates violations of federal criminal law to protect the United States from foreign intelligence and terrorist activities. The FBI also provides leadership and law enforcement assistance to federal, state, local, and international agencies.

Drug Enforcement Administration (DEA): The DEA enforces the U.S. controlled substances laws and regulations, and recommends and supports non-enforcement programs aimed at reducing the availability of illicit controlled substances in the domestic and international markets.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF): ATF enforces federal laws and regulations relating to alcohol and tobacco products, firearms and explosives, and acts of arson.

U.S. Marshals Service: The mission of the U.S. Marshals Service is to protect the federal courts and ensure the effective operation of the judicial system.

U.S. Customs and Border Protection (CBP): CBP safeguards and protects America's borders.

U.S. Citizenship and Immigration Services (USCIS): USCIS oversees lawful immigration to the United States. USCIS serves as an information resource for prospective immigrants, grants immigration, and citizenship benefits; promotes an awareness and understanding of citizenship; and ensures the integrity of our immigration system.

U.S. Coast Guard: The U.S. Coast Guard is a maritime law enforcement agency with a broad, multi-faceted jurisdictional authority. Its operations include areas of boating safety, drug interdiction, live marine resources, alien migrant interdiction, and response to vessel incidents involving violent acts or other criminal activity.

Federal Emergency Management Agency (FEMA): FEMA supports residents and first responders to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

U.S. Immigration and Customs Enforcement (ICE): ICE handles all issues related to U.S. immigration laws (i.e., the Immigration and Nationality Act and other related provisions of the U.S. Code), including violations, enforcement, terrorist financing, money laundering, smuggling, intellectual property rights, protective services for federal agencies, and customs intelligence.

U.S. Secret Service: The Secret Service works with the Department of Homeland Security to protect the nation's leaders and the financial and critical infrastructure of the United States.

Transportation Security Administration (TSA): The TSA protects the nation's transportation systems to ensure freedom of movement for people and commerce by providing the most effective transportation security in the most efficient way as a high performing counterterrorism organization.

Internal Revenue Service (IRS): The IRS investigates potential criminal violations of the Internal Revenue Code and related financial crimes.

Financial Crimes Enforcement Network (FinCEN): FinCEN supports law enforcement investigative efforts and fosters interagency and global cooperation in combating domestic and international financial crimes.

☑ **CP121.5. Describe the role of federal law enforcement agencies in the U.S. criminal justice system**

The Court System

The court system in the United States includes local, county, state, and federal courts. The people of Florida elect, or the governor appoints, state judges in Florida while the president appoints federal judges. The federal courts are the highest courts in the United States and generally take precedence over state courts.

The system has courts of general jurisdiction and limited jurisdiction. ***Jurisdiction*** refers to the types of cases in which the court can make decisions. Federal courts hear only cases that are violations of federal laws, including constitutional violations. State courts hear cases involving violations of state law. Courts of limited jurisdiction decide only a limited set of case types.

Some basic terminology you will need to understand involving the court system can include:

- ***judgment***—a formal decision made by the court, an obligation made by the ruling of a court
- ***court order***—defines a legal relationship between persons in a court proceeding; it requires someone to do or refrain from doing something. Court order examples include restraining orders, warrants, divorce decrees, and summonses. Types of court orders can include:
  - ***injunction***—a court order that requires someone to do or to refrain from doing something
  - ***warrant***—a court order that authorizes an officer to conduct a search or seizure or to make an arrest

FLORIDA STATE COURT SYSTEM

The state court system in Florida has four levels:

Florida County Courts: The 67 county courts have limited jurisdiction and handle the following legal issues:

- minor criminal offenses (misdemeanors), which provides a sentence of one year or less in the county jail
- county and municipal ordinance violations, including traffic infractions (some counties use hearing officers for these cases)
- civil cases involving amounts of $50,000 or less and small claims disputes (less than $8,000)
- the issuance of search and arrest warrants within the county

Florida Circuit Courts: The 20 circuit courts handle the following legal issues:

- domestic relations cases, such as dissolution of marriage (divorce), guardianship, and juvenile delinquency
- major criminal offenses (felonies), which can result in imprisonment in a state correctional institution
- probate matters, such as the processing of wills and settling of the estates of deceased persons

- civil cases involving amounts greater than $50,000
- Baker Act and Marchman Act cases, which includes involuntary short-term detention for mental health or substance misuse treatment
- the issuance of search and arrest warrants within the circuit
- appeals from county court judgments, except when a state statute or provision of the state constitution is held invalid
- injunctions (domestic, sexual, dating, repeat violence, and stalking) and violations of an injunction

Florida District Courts of Appeal (DCA): The six district courts of appeal decide appeals from circuit courts in most criminal and civil cases.

Florida Supreme Court: The highest court in Florida is the Florida Supreme Court, which consists of seven justices appointed by the governor. The supreme court hears cases that include final orders imposing death sentences and appeals from lower state courts.

FEDERAL COURT SYSTEM

U.S. District Courts: District courts are the federal trial courts presided over by U.S. district judges, assisted by magistrates. The district judges appoint magistrates who are responsible for issuing warrants, making pretrial motions, and presiding over some civil cases, misdemeanor trials, petty cases, and preliminary hearings.

U.S. Courts of Appeals: These 13 appellate courts make decisions on appeals from lower federal courts, which are subject to review in the U.S. Supreme Court. Florida is in the 11th appellate circuit court jurisdiction, which is located in Atlanta.

U.S. Supreme Court: The U.S. Supreme Court is the highest court in the United States and the chief authority in the judicial branch—one of three branches of the U.S. federal government. The Supreme Court hears appeals from the decisions of lower federal courts and state supreme courts, and it resolves issues of constitutional and federal law. It stands as the ultimate authority in constitutional interpretation, changed only by a constitutional amendment.

The Supreme Court's most important responsibility is to decide cases that raise questions of constitutional interpretation. It decides if a law or government action violates the Constitution. This power, known as judicial review, enables the Court to invalidate both federal and state laws when they conflict with its interpretation of the Constitution.

☑ **CP121.6. Describe the major components of the federal, state, and local court systems**

The Correctional System

County and Municipal Holding Facilities: These facilities provide a place for detainees while booking procedures are completed or until they can be transported to a county jail.

County Jails: County jails provide booking and temporary detention of defendants awaiting trial or disposition on federal or state charges and of convicted offenders sentenced to short-term detention (a year or less).

Prisons (federal and state): Prisons are correctional institutions maintained by the federal and state governments for the confinement of convicted felons or inmates with immigration detainers.

THE FLORIDA DEPARTMENT OF CORRECTIONS

The Florida Department of Corrections is Florida's largest state agency with over 24,000 members. The Department is responsible for the administration of state prisons and state probation in Florida. The Department employs correctional officers and correctional probation officers to provide security and supervision for inmates and offenders. There are over 1,900 probation officers in Florida. The Florida Department of Corrections has two main divisions overseeing inmates and offenders: the Office of Institutions and the Office of Community Corrections.

Office of Institutions: The Office of Institutions is responsible for the supervision of all four institutional regions and operational management of all correctional facilities, including:

- auditing security at facilities and maintaining accreditation standards
- performing special operations (Correction Emergency Response Teams (CERT), Rapid Response Teams, Crisis Negotiation Teams)
- maintaining membership on the State Emergency Response Team (SERT)
- tracking incident reports
- maintaining records on all inmates
- assisting law enforcement in their investigations
- monitoring and interpreting court orders
- establishing security standards for all facilities
- maintaining the inmate transportation system
- conducting training programs on security issues, classification, records, sentence structure, and court orders as well as other related areas
- establishing policy and direction for all classification and record functions from reception to release

Office of Community Corrections: The Office of Community Corrections oversees supervision programs. This office assists the administration in carrying out its mission for public safety by providing support, technical assistance, and policy for the Community Corrections staff in the state. There are two bureaus under the direction of the Office of Community Corrections:

- Bureau of Interstate Compact and Probation and Parole Field Services
- Bureau of Community Programs and Victim Services

Probation is a sentence placing a person under the supervision of a probation officer for a specified length of time instead of in confinement. The offender is required to abide by all conditions ordered by the court. Violation of these conditions may result in revocation of probation by the court and imposition of any sentence that originally placed the offender on probation. The probationer is generally required to pay the cost of supervision to the State of Florida. The probationer may have additional conditions requiring payment of restitution, court costs, and fines, perform community service, and participate in various types of treatment programs.

Parole is a post-prison supervision program where eligible inmates (offenses committed before October 1, 1983) have the terms and conditions of parole set by the Florida Commission on Offender Review.

The Florida Department of Corrections provides parole supervision. Parole is a conditional extension of the limits of confinement after an offender has served part of their sentence. The period of parole cannot exceed the balance of the sentence.

Community control is a closely monitored form of house arrest that is more restrictive than probation or parole and includes surveillance on weekends and holidays.

A ***community supervision offender*** is a person placed on supervision by the court or the Florida Commission on Offender Review. The offender can transfer from another state or be supervised based on a pre-trial agreement.

An ***interstate compact*** is an agreement between the Florida Department of Corrections and any corrections department outside of Florida to supervise offenders on probation or parole according to Florida's policy and procedures for supervision.

The ***sentencing authority*** orders offenders sentenced to supervision where an offender must complete specific conditions. The two sentencing authorities in Florida are the county or state courts and the ***Florida Commission on Offender Review (FCOR)***, a quasi-judicial body independent from the Florida Department of Corrections. The legislature charges FCOR to determine conditions of supervision for specific offenders, including those on parole and conditional release. FCOR sets the conditions of supervision for these offenders, rather than a judge.

☑ **CP121.7. Describe the individual roles of the components of the correctional system in Florida**

LESSON VOCABULARY

community control

community supervision offender

court order

criminal justice

Florida Commission on Offender Review (FCOR)

injunction

interstate compact

judgment

jurisdiction

parole

probation

sentencing authority

warrant

LESSON 2 CHAIN OF COMMAND

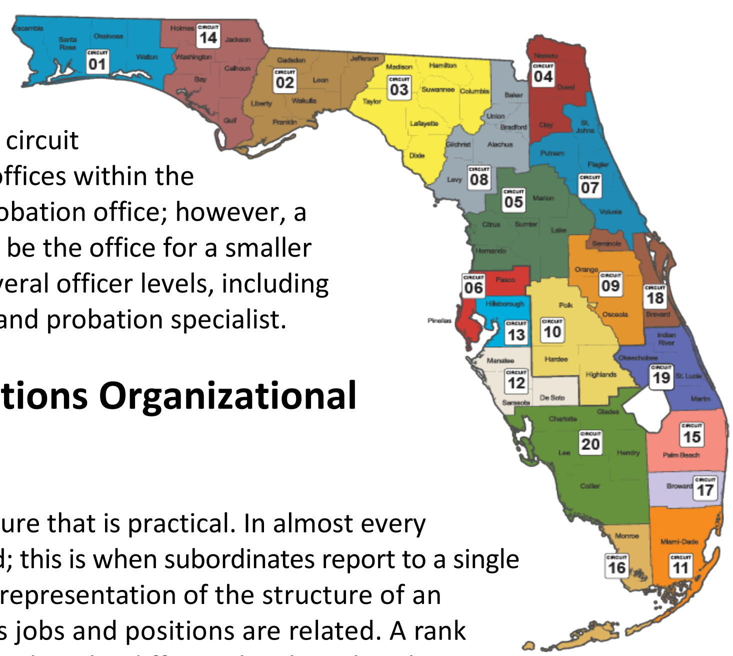
Lesson Goal

At the end of this lesson, you will understand the importance of following the proper chain of command, vertical and lateral communication, and the associated consequences of not following the proper chain of command.

Organizational Structure

An organization is a group of two or more people who cooperate to accomplish a single or several objectives. The mission statement, goals, and objectives are organizational statements that describe the intended results of the organization's work. To function properly and provide prompt service to the community, all criminal justice agencies must organize themselves. A good organizational structure and communication system is crucial to a successful, properly functioning organization. The purpose of having an organizational structure is to encourage communication among employees, and the structure of an organization defines groups of employees that perform the work of the organization. In Florida, the Office of Community Corrections mirrors the geographical organization of the states attorney's circuits.

Community Corrections Circuit Map



Florida has 20 circuits, with some circuits covering only one county and others covering several counties. Each circuit within the Department of Corrections has a circuit administrator, who oversees all probation offices within the circuit. Most counties have a designated probation office; however, a probation office in a larger county may also be the office for a smaller county. Each office has a supervisor and several officer levels, including probation officer, senior probation officer, and probation specialist.

Florida Department of Corrections Organizational Chart

Most criminal justice agencies have a structure that is practical. In almost every organization, the hierarchy approach is used; this is when subordinates report to a single superior. An organizational chart is a visual representation of the structure of an organization and describes how the various jobs and positions are related. A rank structure of a law enforcement agency describes the different levels within the organization. You can find the Florida Department of Corrections Organization Chart on its website, http://www.dc.state.fl.us/org/orgchart.html.

THE OFFICE OF COMMUNITY CORRECTIONS ORGANIZATIONAL STRUCTURE

1. Secretary
2. Deputy Secretary of Community Corrections
3. Regional Director
4. Assistant Regional Director
5. Circuit Administrator
6. Deputy Circuit Administrator
7. Correctional Probation Senior Supervisor
8. Correctional Probation Supervisor
9. Correctional Probation Specialist
10. Correctional Probation Senior Officer
11. Correctional Probation Officer

☑ **CP122.1. Describe the organizational structure within the Office of Community Corrections**

LAW ENFORCEMENT/CORRECTIONAL INSTITUTION ORGANIZATIONAL STRUCTURE

1. Sheriff/Chief/Warden
2. Undersheriff/Deputy Chief/Assistant Warden
3. Colonel
4. Major
5. Captain
6. Lieutenant
7. Sergeant
8. Corporal
9. Officer

☑ **CP122.2. Recognize the differences in officer ranks across criminal justice disciplines**

Chain of Command

Chain of command is the order of authority within an organization. It provides the links of authority and responsibility that join one level within an organization to another. Most organizations use the chain of command as a means of communicating and making decisions. Following a chain of command facilitates coordination, reduces confusion, and enhances the efficiency of the organization. Strive to operate within the chain of command and keep your immediate supervisor informed of your activities. Consult with your immediate supervisor before turning to a higher-level manager.

Insubordination is the failure to follow orders from a superior in the chain of command and is a serious offense. Violations of the chain of command can result in the miscommunication of important information and data. If an order appears to violate policy, you must follow the order; under certain limited circumstances, the Department has the legal authority to vary from its own policies. When you do not follow and respect the chain of command, everyone within the agency may suffer. Follow all orders that are consistent with all federal, state, or local laws.

☑ **CP122.3. Define the function of the chain of command within an organization**

Communication

Uniform channels for communication within the organizational structure help manage the accomplishment of objectives. These channels include both vertical and lateral communication.

Vertical communication is information that flows down from the chief executive officer through the supervision levels to the lowest levels of the organization. The information that flows up from the lowest levels to the highest is equally important.

Lateral communication is communication across a level of the organization to employees on the same level within the chain of command.

☑ **CP122.4. Differentiate between vertical and lateral communication within the proper chain of command**

Delegation of Authority

Whether it is the secretary, regional director, or circuit administrator, the consequences of everything that happens within the Department ultimately rests on one person. To manage an organization effectively, the person in command needs to assign decision-making authority to those under their command. This granting of power by the person with authority to another person is called the ***delegation of authority***.

On each level of the chain of command, there is a distribution of authority and responsibility. Knowing who has the authority to make decisions and who has the responsibility for the follow-through is the foundation of an effective organization. Ultimate responsibility remains with the highest officer in the chain of command, never to a subordinate.

☑ **CP122.5. Describe the importance of the delegation of authority within the proper chain of command in the Office of Community Corrections**

LESSON VOCABULARY

chain of command

delegation of authority

insubordination

lateral communication

vertical communication

UNIT 3 OVERVIEW OF OFFICER CERTIFICATION

LESSON 1 THE ROLE OF THE CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

Lesson Goal

At the end of this lesson, you will be familiar with the role of the Criminal Justice Standards and Training Commission and the requirements for officer certification and certification maintenance.

Primary Responsibilities of the Commission

The Criminal Justice Standards and Training Commission (CJSTC) oversees the certification, employment, training, and conduct of Florida law enforcement, correctional, and correctional probation officers during quarterly meetings. The Commission's mission is "to ensure that the citizens of the State of Florida are served by the most qualified, well-trained, competent, and ethical criminal justice officers in the nation."

Section 943.12, F.S., explains the CJSTC's duties as follows:

- establish uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement, correctional, and correctional probation officers
- establish and maintain officer training programs, curricula requirements, and certification of training schools and training school instructors
- certify officers who complete a Florida Basic Recruit Training Program or who are diversely qualified through experience and training and who meet minimum employment standards
- review and administer appropriate administrative sanctions in instances when an officer, instructor, or training school is found to be in violation of the Florida Statutes and CJSTC standards
- promulgate rules and procedures to administer the requirements of ss. 943.085–943.255, F.S.
- conduct studies of compensation, education, and training for correctional, correctional probation, and law enforcement disciplines
- maintain a central repository of records for all certified criminal justice officers
- develop, maintain, and administer the State Officer Certification Examination for criminal justice officers

☑ **CP131.1. Describe the mission and primary responsibilities of the Criminal Justice Standards and Training Commission (CJSTC) as established by the Florida Statutes**

Officer Certification Requirements

Correctional probation officers, like all criminal justice personnel, are held to a high standard of conduct. The knowledge and skills that you learn during basic recruit training will prepare you for a rewarding and satisfying career. The CJSTC, the training center, and the Department are devoted to ensuring that each recruit is fully trained and ready to assume the duties of a Florida probation officer.

Section 943.13, F.S., sets the minimum requirements and standards for employment as a criminal justice officer. A person must:

- be at least 19
- be a U.S. citizen
- be a high school graduate or its equivalent
- not have been convicted of any felony or misdemeanor that involves perjury or a false statement, regardless of the withholding of adjudication or a suspended sentence
- not have received a dishonorable discharge from any of the U.S. Armed Forces
- have processed fingerprints on file with the employing agency
- have passed a physical examination by a licensed physician based on specifications established by the CJSTC
- have a good moral character as determined by a background investigation under procedures established by the CJSTC
- submit an affidavit attesting to compliance (a signed document agreeing to abide by all CJSTC rules)

Section 943.13, F.S., also sets the minimum requirements and standards that people must meet to be eligible for certification as a criminal justice officer. A person must:

- complete a CJSTC-approved basic recruit training program for the applicable criminal justice discipline, unless exempt
- achieve an acceptable score on the State Officer Certification Examination for the applicable criminal justice discipline
- comply with the continuing training or education requirements

To become certified as a correctional probation officer, you must:

- possess a college degree
- meet all the minimum requirements and standards
- complete the approved basic recruit training
- pass the State Officer Certification Examination
- become actively employed with the Department of Corrections in a full-time officer position

> Simply completing the basic recruit training and passing the certification exam does not mean that a person is a certified officer.

A recruit has four years from the starting date of basic recruit training to complete the certification process.

For example, if a recruit begins basic recruit training on October 1, 2024, they must obtain certification by September 30, 2028. If the recruit does not meet these requirements by that date, they will have to repeat the basic recruit training program, at which time a new four-year period begins. When the Department hires the recruit, the Department will apply for and maintain their certification. If the recruit separates from the Department for more than four years, the certification will expire.

State Officer Certification Examination

Upon completing a basic recruit training program, a person must then pass the State Officer Certification Examination (SOCE) to be eligible for certification as a correctional probation officer. An applicant must pass the SOCE within three attempts.

Information about the SOCE is in the Florida Department of Law Enforcement Candidate Handbook, available at criminal justice training centers or online at http://www.fdle.state.fl.us/. Other information on the website includes SOCE schedules, registration information, and exam topics.

☑ **CP131.2. Describe the requirements for certification as a correctional probation officer, established by the Florida Statutes**

Lesson 2 Officer Compliance

Lesson Goal

At the end of this lesson, you will understand the importance of officer compliance and the disciplinary action for violations.

Disciplinary Action

In addition to certifying criminal justice officers, the CJSTC has the authority under the Florida Statutes (F.S.) and the Florida Administrative Code (F.A.C.) to impose discipline on an officer’s certification if the officer fails to maintain the required standards of conduct.

When the Department hires a recruit, the Department will conduct a thorough background investigation to determine moral character before employment. If a recruit enters the academy before employment, the recruit is subject to the same moral character requirements as active certified officers. The CJSTC may deny certification if evidence indicates non-compliance with these requirements.

The CJSTC may suspend or revoke an officer’s certification, based on the Florida Statutes and the F.A.C., if the officer does any of the following:

- pleads *nolo contendere* or guilty to, or is found guilty of any felony
- pleads *nolo contendere* or guilty to, or is found guilty of, a misdemeanor involving perjury or false statement
- fails to maintain good moral character
- commits any act constituting a felony offense, regardless of criminal prosecution
- tests positive for controlled substances by a urine or blood test
- is found guilty of excessive use of force under color of authority
- engages in sexual harassment involving physical contact or misuse of official position
- misuses the official position
- engages in sex while on duty
- has an unprofessional relationship with an inmate, detainee, probationer, parolee, or community controlee
- has written or oral communication that is intended to facilitate conduct which is prohibited by CJSTC rule
- engages in any physical contact not required in the performance of official duties that is normally associated with the demonstration of affection or sexual misconduct
- makes false statements during the employment process
- commits conduct that subverts or attempts to subvert the SOCE process
- commits conduct that subverts or attempts to subvert the CJSTC-approved training examination process or an employing agency’s promotional examination process

☑ **CP132.1. List reasons the Criminal Justice Standards and Training Commission (CJSTC) may suspend or revoke a correctional probation officer’s certification**

Penalties for Violations

Following an established set of penalty guidelines, the CJSTC may impose discipline on an officer. The penalties include written reprimand, probation, suspension, or revocation of certification. When the CJSTC revokes an officer’s certification according to s. 943.1395, F.S., the officer can no longer work as a certified probation officer in Florida.

While these guidelines are specific to certified officers, it is important to remember that the CJSTC and the academy expect recruits to adhere to the standards of conduct during basic recruit training. Violations may result in the denial of officer certification.

☑ **CP132.2. List the penalties established in the officer discipline process by the Criminal Justice Standards and Training Commission (CJSTC)**

Officer Bill of Rights

Section 112.532, F.S., provides certain protections for law enforcement, correctional, and correctional probation officers whenever an officer “is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal.” These protections include:

- informing the officer under investigation of the nature of the complaint and the identity of the complainant
- providing the opportunity to review all evidence before the interrogation
- conducting the interrogation at a reasonable hour, preferably while the officer is on duty
- conducting the interrogation at the office of the command
- informing the officer under investigation of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all people present during the interrogation
- asking all questions by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation
- limiting interrogation sessions to reasonable periods of time
- not subjecting the officer under interrogation to threats or coercion
- recording the interrogation
- providing the officer under investigation the right to counsel
- giving the officer the right to address interrogation findings before imposing any discipline

If a criminal justice agency does not follow any of the above provisions, follow the procedures outlined in s. 112.534, F.S.

☑ **CP132.3. Summarize the rights of a correctional probation officer as established in the Officer Bill of Rights**

CJSTC Officer Discipline Cases

Case # 35980 False Official Statement

The respondent (probation officer) resigned before the conclusion of an internal investigation which sustained the charges of Willful Violation of Rules, Regulations, Directives, or Policy; Failure to Comply with All Rules and Regulations; and Submitting an Inaccurate or Untruthful Record or Report. On January 15, 2013, deputies with the sheriff's office went to a probation office and informed the respondent and other probation officers of a planned arrest initiative the agency was going to conduct. The initiative involved arresting offenders on felony supervision who had not registered with the sheriff's office as required. The respondent gave the deputies the name of one of his offenders who had not registered. On January 17, 2013, the deputies went to the offender's place of employment to arrest him for failing to register. As the deputies approached, the offender informed them that he knew why they were there and that he had already registered after being told of the arrest initiative by the respondent. The offender could not recall the date that the respondent warned him but indicated that he went and registered on the same day. Records show that the offender registered with the sheriff's office on January 16, 2013. A review of the respondent's case notes showed that the respondent indicated that on January 13, 2013, he told the offender he needed to register. Further investigation of the Department of Corrections' internal database revealed that the respondent did not enter that case note until January 30, 2013. No criminal charges filed.

Penalty Guideline: Prospective Suspension to Revocation

Disciplinary Action by the Commission: The Probable Cause Panel placed the respondent in a Probable Cause Intervention Program for a period of six months and required the completion of an approved ethics course.

Case # 35340 Misuse of Official Position

The Department terminated employment of the respondent subsequent to an internal investigation, which sustained conduct unbecoming, willful violation of an order, use of Department materials for personal purpose, and staff/offender relationship. On June 20, 2012, the Department received information that the respondent accessed the Department of Corrections Data Center (CDC) to view the probation records of an offender who was not on her probation caseload. The offender was a member of the same motorcycle club of the respondent's husband. The internal investigation revealed that a computer trace was in place to identify anyone who accessed the offender's information. This offender reportedly provided information to the authorities that led to the arrest and incarceration of numerous members of the motorcycle club involved in a burglary in 2009. The Department altered the offender's information in CDC and in the Florida Drivers' License website to protect his whereabouts because the motorcycle club and an inmate's girlfriend have made efforts to find the offender. The internal investigation report noted that the respondent's husband is the current president of the club and that the respondent maintained a personal relationship with the inmate's girlfriend. The inmate was the former president of the club and was involved in the 2009 burglary. Furthermore, a review of the respondent's internet access revealed that she used her state-issued computer to access the Clerk of Court website (CCIS) on March 2, 2012; March 6, 2012; March 7, 2012; March 12, 2012; and July 12, 2012, to review information about her husband's criminal court case. On May 30, 2012, the court placed the respondent's husband on pretrial intervention supervision [which is defined later in the textbook]. A few days later, the supervisor instructed the respondent not to have contact with her husband's probation officer and not to access Department of Corrections databases to search for information regarding her husband's criminal court case. During a sworn interview, the respondent admitted she had an affiliation with the motorcycle club. When asked if she knew several individuals who were identified throughout the course of the 2009 burglary investigation, she stated that she knew the former president of the club and his girlfriend. She stated that she knew another individual who gave the authorities additional information regarding the 2009 burglary. The respondent then admitted that she searched CDC for information on the offender who provided information to the authorities because she was nosy and hoped that he was in trouble. The respondent also admitted that she searched for information on two other members of the motorcycle club who were once on probation (not related to the 2009 burglary). She stated that she probably accessed the offender's information in June of 2012 because he crossed her mind in the same manner as the others did and that she "probably" looked them all up because she was curious. She further stated that she "may" have accessed the Clerk of Court website as well to look up information on the offender but not the Florida Driver's License website. She denied that her husband or anyone else asked her to gather information about the offender and denied any animosity toward him. She stated that she "may" have told her husband that the offender was not on probation any longer and "may" have told her husband that the Department was going to release the former president of the club from prison. In addition, she admitted that she accessed her husband's criminal court case information on five separate occasions using a state-issued computer and sign-on information. She stated she probably searched the CCIS website the first time to see if the Department posted her husband's warrant so she could turn him in to jail. She also stated that she searched CCIS to determine if the Department filed her husband's supervision and to see if payment of his monetary obligations had posted. Lastly, she admitted that she accessed the CCIS website even after her supervisor had advised her not to look for information about her husband.

Penalty Guideline: Suspension

Staff recommended that the Department revoke the respondent's certification after she failed to respond to the Administrative Complaint.

Disciplinary Action by the Commission: The Commission accepted staff's recommendation.

Unit 4 Officer Professionalism

Lesson 1 Criminal Justice Values and Ethics

Lesson Goal

At the end of this lesson, you will understand the importance of ethics, values, and professionalism, both in your personal life and in your role as a probation officer, and be able to make ethical decisions using the model suggested in this lesson.

Exhibiting Professional Behavior

Maintain professional attire when meeting and interacting with offenders. Overly casual or soiled clothing, or poor hygiene and grooming may convey a sense of laxity or disrespect for the profession. Be familiar with Department dress policy for specific situations, such as the office, fieldwork, or attendance in court.

Professionalism is behavior that demonstrates good character, marked by pride in self and career. Examples of these characteristics include service, integrity, respect, quality, fairness, honesty, courage, compassion, moral and ethical leadership, trustworthiness, and common sense. Ethics, personal values, and professionalism are essential, intertwined elements in a probation officer's personal and professional life.

Ethics are the standards of conduct based on the principles of right and wrong. Ethics indicates how a person should behave. ***Ethical principles*** are rules of conduct derived from ethical values. Those values may give rise to many principles in the form of specific dos and don'ts.

Values are principles, standards, or qualities considered worthwhile or desirable. They are core beliefs or desires that guide and motivate a person's attitudes and actions. ***Personal values*** are convictions about what is right and wrong based on religious beliefs, cultural roots, family background, personal experiences, laws, organizational values, professional norms, and political habits. These values shape a person's decision-making and behavior and include traits such as honesty, integrity, accountability, ability to work with others, dependability, and a strong work and duty ethic.

Ethical behavior is principled, value-based decision-making that is practiced daily for personal or professional reasons. Ethical behavior includes treating the public, offenders under your supervision, office visitors, and colleagues with courtesy, dignity, equity, fairness, and impartiality. Ethical behavior in an officer also includes abiding by all federal, state, and municipal criminal laws as well as those governing the conduct of state employees and all laws and regulations protecting an individual's civil and legal rights. Ethical behavior in an officer also means respecting confidential and privileged information, as well as avoiding conflicts of interest by neither accepting nor granting favors.

☑ **CP141.1. Describe professional behaviors an officer should exhibit on and off duty**

Consistent ethical behavior both on and off duty is the cornerstone of the Department of Correction's Code of Conduct:

> *I will never forget that I am a public official sworn to uphold the Constitutions of the United States and the State of Florida.*
>
> *I am a professional committed to the public safety, the support and protection of my fellow officers and co-workers, and the supervision and care of those in my charge. I am prepared to go in harm's way in fulfillment of these missions.*
>
> *As a professional, I am skilled in the performance of my duties and governed by a code of ethics that demands integrity in word and deed, fidelity to the lawful orders of those appointed over me, and, above all, allegiance to my oath of office and the laws that govern our nation.*
>
> *I will seek neither personal favor nor advantage in the performance of my duties. I will treat all with whom I come in contact with civility and respect. I will lead by example and conduct myself in a disciplined manner at all times.*
>
> *I am proud to selflessly serve my fellow citizens as a member of the Florida Department of Corrections.*

The Department of Corrections Oath of Allegiance states:

> *I do solemnly swear or affirm that I will uphold the Constitutions of the United States and the State of Florida, that I will obey the lawful orders of those appointed over me, and that I will perform my duties faithfully and in accordance with my mission to ensure the public safety, the support and protection of my co-workers, and the care and supervision of those in my charge, so help me God.*

CP141.2. Identify the Department of Corrections Code of Conduct and Oath of Allegiance

Maintaining Professional Relationships

When working with offenders, remember that your relationship should always remain professional; never let it become personal. Require offenders to address you by your title and last name; communicating on a first-name basis creates a familiarity that could compromise your supervision over an offender. Treat an offender with respect and courtesy, and demand the same in return. Avoid personal interaction with offenders; for example, if you encounter an offender that you supervise as a server in a restaurant, make sure that you sit in an area not served by them.

CP141.3. Describe appropriate relationships an officer should maintain with offenders under supervision on and off duty

It can sometimes be difficult to differentiate between supervising an offender, encouraging the successful completion of conditions of supervision, and being too helpful. Refrain from placing yourself in a situation where you are obligated to do something for an offender that is outside your role as a probation officer. Do not allow an offender to persuade you into a friendship. Under no circumstance should you engage in a romantic or sexual relationship with an offender under supervision.

☑ **CP141.4. Describe inappropriate relationships an officer should avoid with offenders under supervision on and off duty**

Unprofessional Behaviors to Avoid

Society considers certain types of behavior unethical, and laws criminalize some unethical behavior. Unethical behaviors to guard against include engaging in bribery, misusing your position or authority, and violating confidentiality. Avoid divulging privileged communications, engaging in situations that present a conflict of interest, or accepting inappropriate gratuities.

Section 838.015, F.S., defines ***bribery*** as follows:

> *"Bribery" means to knowingly and intentionally give, offer, or promise to any public servant, or, if a public servant, to knowingly and intentionally request, solicit, accept, or agree to accept for himself or herself or another, any pecuniary or other benefit not authorized by law with an intent or purpose to influence the performance of any act or omission which the person believes to be, or the public servant represents as being, within the official discretion of a public servant, in violation of a public duty, or in performance of a public duty.*

Perjury is the offense of lying in court after taking an oath. Criminal violations differ depending on the situation in which a person commits perjury. Perjury is a felony in official proceedings, for example, testifying in court or giving a deposition.

Misuse of Position of Authority

A correctional probation officer should never misuse the authority entrusted to them. Section 112.313(6), F.S., states that no employee of a government agency may use their position of trust to secure a special privilege, benefit, or exemption for themselves or others.

Section 815.06, F.S., makes it a felony to "willfully, knowingly, and without authorization" access or allow access to any computer, computer system, or computer network. Officers accessing any criminal justice databases, such as the Florida Driver and Vehicle Information Database (DAVID), the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC), and the Florida Criminal Justice Network (CJNET) for curiosity purposes risk being prosecuted under s. 815.06, F.S. In addition, the courts may hold officers civilly liable for this type of activity.

☑ **CP141.5. Describe unethical behaviors an officer should avoid on and off duty**

Violating Confidentiality

You will spend a great deal of time collecting information. Privacy, trust, and loyalty are important to maintain when people volunteer information or act as informants. Use discretion when divulging job-related information in unofficial situations. Avoid gossiping, discussing, or posting on social media information about cases with friends, relatives, the public, or others. This obligation extends to both on- and off-duty time. Examples of inappropriate sharing are divulging information obtained from a criminal justice database, protected health information, or identification of victims, witnesses, or suspects. Doing so may jeopardize ongoing Departmental investigations and result in serious consequences for you and the Department.

If you divulge privileged information for non-corrections purposes, you could face Department and CJSTC disciplinary action. For example, an offender has a mental illness and a family member calls demanding medical information, including how treatment is progressing. You cannot disclose this information without a waiver signed by the offender.

☑ **CP141.6. Avoid inappropriate disclosure by recognizing privileged communication**

Avoiding Conflict of Interest

For the public to maintain its faith in the integrity and impartiality of probation officers and the Department, you must avoid taking or influencing official actions that could conflict with your responsibilities. There are several prohibitions describing the standards of conduct related to a conflict of interest. ***Conflict of interest*** refers to situations or actions that could conflict with your official responsibilities or that could cause a clash of professional obligations and personal interest. You cannot influence the actions of other officers regarding supervising an offender who is an immediate family member, a relative, or a person with whom you have any significant personal, business, or employment relationship. You cannot supervise a family member or someone with whom you have or have had a previous relationship, such as a former classmate or family friend, or someone whom you employ in a second employment. Should you have a family member in Department custody or under supervision, you are required to notify your immediate supervisor. In addition, you must not engage in any off-duty employment if the position compromises or would reasonably tend to compromise your ability to impartially perform probation duties.

A ***gratuity*** is anything of value intended to benefit the giver more than the receiver; it is something given to a person because of that person’s position or authority. Whenever a situation involving a gratuity arises, ask yourself, and respond honestly to the following questions:

- Does this person want something from me?
- Would I be offered this if I were not a probation officer?
- What is expected in return?

For example, you are supervising an offender who operates a small repair business. They offer you a discount on their repair services. You must decline.

☑ **CP141.7. Recognize conflict of interest situations an officer should be aware of on and off duty**

Influences on Ethical Problem-Solving

The personal values that you bring to your career shape your behavior. Your personal values may not be the best values for making ethical decisions as an officer—not because they lack importance, but because they are not universal.

Many factors affect how individuals solve problems and whether they do so in an ethical manner. Some officers come from families that emphasize strong values while others believe that everything is acceptable as long as no one catches them. Other individuals grow up in violent neighborhoods, possibly exposed to inappropriate activities. The influence of family members and peers can greatly affect how you solve problems. Values instilled during childhood can affect your decisions in adulthood. Home life is especially important: It can affect everything, from your view of the world to your behavior and decision-making. A good support system in place at home can give you confidence in your opinions. Honest communication and working out differences at home can enhance your ability to communicate with others on the job.

Your past is by no means the only thing that influences your current problem-solving abilities. Co-workers can influence the way you respond to a problem by their attitudes alone, whether they are positive and upbeat or cynical and negative.

Your time in the academy can also influence how you respond to situations both in and outside the criminal justice field. Take advantage of the fact that instructors are experts in their fields. Instructors should display professionalism and act as mentors and role models, extending respect and courtesy to all members of the academy.

Criminal justice professionals may face unique and stressful situations regarding the people they protect and serve. Some people within the communities you will visit may voice or show negative feelings toward officers, and this negativity might encourage you to react unprofessionally. You must try to respond respectfully in these situations.

☑ **CP141.8. Recognize factors that have an influence on ethical problem solving in the performance of an officer's job duties**

Ethical Decision-Making

The Ethical Decision-Making Tool is an instrument that can help you make decisions in difficult ethical situations. It guides you through a series of questions that encourage you to think through what you plan to do. It analyzes alternative actions that can accomplish the goal.

Is my action legal?

If no, stop! What action should I take?

If yes, ask the next question.

Will the result of my action be good?

If no, stop!

If yes, ask the next question.

Will what I plan to do actually work?

If no, stop!

If yes, ask the next question.

Is there a less harmful alternative?

If yes, stop and use the less harmful alternative!

If no, ask the next question.

Does it undermine an equal or more important value?

If yes, stop!

If no, go ahead with the decision.

Does a good end ever justify a bad means?

No!

Will I be able to justify my action if my decision becomes public knowledge?

If no, stop!

If yes, go ahead with the decision.

☑ **CP141.9. Apply an assessment tool for making decisions in difficult ethical situations on and off duty**

LESSON VOCABULARY

bribery

conflict of interest

ethical behavior

ethical principles

ethics

gratuity

perjury

personal values

professionalism

values

Lesson 2 Sexual Harassment

Lesson Goal

At the end of this lesson, you will understand what sexual harassment is, how to recognize sexual harassment, what your required response to sexual harassment must be, and what the consequences are for this inappropriate behavior.

Sexual Harassment Behaviors

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The courts have held that intent is not a factor in determining what constitutes sexual harassment. Rather, it focuses on the impact of the conduct on the victim. Stating, "I didn't mean anything by it" has no relevance to a determination of whether sexual harassment occurred.

To determine if behavior constitutes sexual harassment, courts use the ***reasonable person legal standard***, the standard to which most people would find that such behavior is offensive, or would substantially affect their environment, if they were subject to the sexual harassment. It is not what message the offending party intended to give but whether a reasonable person in the same circumstances as the complainant would find the behavior offensive.

☑ **CP142.1. Describe the elements of sexual harassment, including the reasonable person legal standard**

Discrimination, which is the negative treatment of a person or group based on color, race, sex, age, religion, ethnic and national origin, disability, or marital status, is a form of sexual harassment. Some examples of this behavior include verbal, non-verbal, and physical actions. Verbal actions can include giving sexual compliments, pressuring someone for dates, or ridiculing someone with a sexual message. Non-verbal actions can include making facial gestures, displaying nude pictures, or using suggestive body language. Physical actions may include touching and brushing against someone, hugging and patting, or horseplay.

The harasser or the victim may be an officer, an offender, or a person of any gender. The victim does not have to be of the opposite sex. The victim can also be a third party affected by the offensive conduct. For example, someone could be offended by overhearing lewd banter between consenting parties. The third party may make a complaint against the people engaging in the lewd conversation.

☑ **CP142.2. Describe behaviors that constitute sexual harassment that an officer should avoid**

Responses to Sexual Harassment

When harassment occurs, the person being offended has several options. For one, they can inform the person that the behavior is unwelcome. Personally discussing the offense with the people involved may resolve the issue without further action. The harassed person must make it clear that they want the words and behavior to stop. If the conduct becomes criminal, the affected party may make a report to the appropriate law enforcement agency.

Consequences of Sexual Harassment

Do not engage in this type of behavior with an offender and avoid situations that create the potential for overfamiliarity. An officer who engages in sexual harassment may face severe consequences. The Department may impose internal disciplinary action such as mandatory retraining, leave without pay, loss of rank, and termination. The CJSTC could revoke the officer's certification, and if someone files a lawsuit, the courts may impose monetary damages. In a criminal case such as stalking, battery, assault, or official misconduct, an officer could face imprisonment.

☑ **CP142.3. Describe the possible disciplinary action imposed on an officer who engages in sexual harassment**

Preventing Sexual Harassment

Like all acts of discrimination, sexual harassment is not always easy to define, so training and communication are the keys to understanding and preventing sexual harassment. To prevent liability, follow the law and Department policy. Avoid engaging in behavior that someone could misinterpret. Act professionally at all times. Address any inappropriate behavior as soon as it occurs to prevent escalation.

☑ **CP142.4. Apply effective strategies for preventing sexual harassment**

LESSON VOCABULARY

discrimination

reasonable person legal standard

sexual harassment

LESSON 3 IDENTIFYING AND MANAGING STRESS

Lesson Goal

At the end of this lesson, you will understand the different types of stress and their effect on your ability to remain professional. You will be able to apply stress management techniques to maintain a healthy emotional and physical well-being.

Stress Defined

Your job is stressful and, if not properly managed, may affect how you respond to your duties and could lead to unprofessional conduct.

Stress is a physical or emotional reaction to an event or situation. Stress may come from a perceived or real threat, or it can be a physiological or psychological response to a demanding situation or change. Not all stress is negative.

Eustress is a form of stress that is helpful or gives an individual a feeling of fulfillment, such as exercise. It is normally short-term and can challenge and improve performance by motivating and focusing energy. Examples of eustress include getting married or having a child, receiving a promotion, participating in a competitive sport, or taking educational classes.

Distress is a form of stress causing anxiety, strain, or suffering that affects the mind or body. It can be short- or long-term, decrease performance, and lead to mental and physical problems. Examples of negative stress include the death of a family member, divorce or separation, injury or illness, bankruptcy, or legal problems. Distress can raise awareness of a potentially dangerous situation and prepare you to react, such as in the case of the ***fight-or-flight response***. This is the body's response to either fight a threat or flee the situation. However, some negative stress can slow reaction time, make you question your decisions, or cloud your judgment during a stressful situation.

☑ **CP143.1. Differentiate between the impact of stress, eustress, and distress on the physical and emotional responses of the body**

Categories of Stress

The level of stress an officer feels in a given situation depends on their perspective and personality, as well as the type of threat. There are four general categories:

- ***Acute stress*** is immediate, short-lived, and similar to what people experience before taking a test or testifying in court.
- ***Chronic stress*** is stress that continues over an extended period, such as the stress of a field training program or working with a difficult co-worker or supervisor.
- ***Cumulative or routine stress*** is stress that builds from common behaviors or responses and results from a variety of sources over time, for example, an individual with domestic, financial, and career problems.

- ***Delayed stress*** lies dormant for a period of time and then resurfaces. For example, an officer observes a case of severe child abuse and ignores the stress of the situation. Later, the officer has a child that suffers an injury, and the officer associates this event with the previous child abuse case; it triggers delayed stress.

☑ **CP143.2. Recognize the levels of stress an officer may experience in performing job duties**

Identifying Stressors

Stressors are factors that may cause stress. They fall into four general categories: environmental, personal, self-induced, and work-related, though some factors fall into multiple categories.

Environmental stress involves elements of your surroundings, such as the weather, lighting conditions, or high noise levels that could add mental or physical strain. For example, having to work during a natural disaster can be physically stressful.

Personal stress involves issues in your personal or family life and can be particularly distracting, because these can affect your focus on the job. These may include trauma related to injury or health issues, lack of sleep, or financial or family difficulties.

Self-induced stress affects an individual's perception of situations and events. Causes are very specific to the individual and include personal attitudes toward their work, perceptions of others, and work or academic goals. Examples include your attitude toward change in general, unpleasant interactions with an individual, or perfectionism.

Work-related stress involves elements of an officer's job that cause physical or emotional distress. Some may be from forces outside the officer's agency. For example, officers may deal with ineffectual or delayed court proceedings. Stress may also come from daily interactions with difficult offenders, co-workers, supervisors, contact with the public, court appearances, and performance standards.

☑ **CP143.3. Recognize the factors that may cause stress for an officer when performing job duties**

Signs of and Responses to Stress

Stress affects an individual in many ways. Assess yourself and co-workers periodically for warning signs of stress. These signs are often specific to an individual, but a few of the most common are sudden behavioral changes, erratic work habits, excessive accidents or injuries, fatigue, sleeping and eating disorders, excessive worry, excessive alcohol or drug use, and complaints from peers, offenders, or others.

Short-term stress responses include temporary increases in anxiety, tension, and irritability, or changes in temper, patience, and concentration.

Health-related stress responses may include headaches, blood-pressure changes, loss of sleep, and eating disorders. Job performance-related stress responses may include erratic work habits and decreased productivity. Domestic stress may cause relationship problems, displacement of anger toward family and friends, and withdrawal from domestic and social activities.

Long-term stress responses related to personality may include psychosis, chronic depression, or suicidal thoughts. Long-term effects of stress may include chronic disease, high blood pressure, and coronary heart disease. Other health problems that could occur include asthma attacks, diabetes, alcoholism, and substance misuse.

Post-traumatic Stress Disorder

Like military personnel, officers may suffer from ***post-traumatic stress disorder (PTSD)***. PTSD is a psychological disorder that occurs after a person experiences a highly stressful event, such as war, physical violence, or a natural disaster. People with PTSD may display symptoms, such as depression, anxiety, recurring nightmares, and flashbacks. The person can have violent reactions to noises or movement and have difficulty reacting "normally" in everyday situations. Sometimes the affected person is not the person who was threatened by the situation; rather, it may be someone who witnessed a violent incident or whose family is a victim of violent crime.

☑ **CP143.4. Recognize the signs of and responses to stress that an officer may exhibit when performing job duties**

Stress Reduction and Management Techniques

A healthy lifestyle decreases stress, and it can include getting seven to nine hours of sleep at night and avoiding excessive amounts of fat, sugar, caffeine, drugs, and alcohol. Participation in activities with community organizations, religious affiliations, sports, and hobbies can be effective stress relievers. Regular vacations or time off the job can also alleviate the effects of stress.

Regular physical exercise is also a good source of stress relief. Aerobic exercises, such as running, swimming, or bicycling, are methods of achieving physical fitness and relieving stress, as is anaerobic activity such as yoga or meditation. An exercise and wellness program should be an essential part of your fitness for duty. Being in poor physical and mental condition endangers you, your co-workers, law enforcement, the public, and offenders. This personal, conscious choice demonstrates pride in your job, self-esteem, confidence, and the ability to employ a command presence. ***Command presence***, which is developed through training, is an officer's demeanor and confidence exhibited by personal appearance, erect posture, alertness, and attention to surroundings. You will learn more about command presence in Chapter 7, Field Supervision.

Monitor your emotional well-being by being aware of your particular signs of stress, such as difficulty sleeping, lack of energy, or loss of interest in activities you have previously enjoyed. The consequences of not monitoring your emotional well-being can affect your personal life and job performance. Poor job performance may lead to poor judgment, liability issues, absenteeism, and complaints.

Effective techniques for managing stress on the job can include:

- breaking up larger tasks to be dealt with one piece at a time
- prioritizing important tasks
- decreasing clutter in your workspace
- taking a walk or a break
- not taking your work home with you
- recognizing it is okay to say no
- not overextending yourself
- accepting things you cannot control

Work-related assistance programs are available to access counseling services anonymously to address stress-related problems.

The state-sponsored Employee Assistance Program (EAP) provides referrals to professional, anonymous services that address issues including:

- personal problems
- loss of a loved one
- family matters, including relationship issues
- job loss
- financial and legal issues
- alcohol or drug abuse problems
- mental health
- traumatic events

EAP is available to members of the Department free of charge. If you are having issues performing your job due to personal problems, consult your supervisor. Probation is a high liability field, and you must be able to focus wholly on your job.

☑ **CP143.5. Use stress reduction and management techniques to promote officer wellness and effective job performance**

LESSON VOCABULARY

acute stress

chronic stress

command presence

cumulative or routine stress

delayed stress

distress

eustress

fight-or-flight response

post-traumatic stress disorder (PTSD)

stress

Legal Foundations for Correctional Probation Officers

Course Number: CJK_0264

Course Hours: 44 hours

Course Structure: 6 units, 15 lessons

Course Outcomes

At the end of this course, you will:

- ✓ understand basic concepts of the U.S. Constitution and legal system
- ✓ understand civil and criminal liability related to an officer's performance of job duties
- ✓ know what constitutes a lawful search and seizure
- ✓ know what constitutes a lawful arrest
- ✓ be able to articulate the legal justification for the use of force
- ✓ understand levels of criminal involvement
- ✓ understand the legal rules and concepts of evidence
- ✓ understand the subpoena process
- ✓ understand legal proceedings and provide testimony
- ✓ be familiar with the different categories and classes of offenses
- ✓ understand enhanced penalties and alternative sentencing
- ✓ be able to interpret a scoresheet

Course Requirements

You are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. A written exam will cover all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation, Vol. 1 (Chapter 2)
Florida Statutes

Information Provided by Training Center

- ✓ course schedule
- ✓ attendance policy

- ✓ grading policy
- ✓ instructor’s office hours and contact information

Chapter Introduction

The job duties of probation officers include a variety of responsibilities, such as enforcing conditions of supervision, monitoring offenders through field contacts, conducting investigations, and testifying at court hearings and depositions. All of these job duties require a foundational knowledge of the law and the ability to apply that law to specific incidents without infringing on individual rights. This chapter will provide a solid legal foundation from which you may act confidently and within the boundaries of your legal authority.

COURSE OUTLINE

UNIT 1 INTRODUCTION TO LAW

LESSON 1 THE U.S. LEGAL SYSTEM

Lesson Goal

At the end of this lesson, you will have a foundational understanding of the functions and roles of federal, statutory, and case law, including the U.S. Constitution, Bill of Rights, and amendments, and the Florida Constitution.

Your job duties as a probation officer will require you to have a basic understanding of the U.S. legal system. Law is critical to keeping the peace, enforcing standards of conduct, and promoting social justice. Different sources and types of laws exist. Become familiar with these so that you can understand the impact on society as well as your own actions and those of the offenders you supervise.

The U.S. Constitution protects the basic rights of individuals and is the highest source of law in the United States. The first 10 of the 27 amendments are a special group known as the Bill of Rights. These amendments to the Constitution address specific freedoms, such as speech, religion, trial by jury, and due process. Be familiar with rights and limitations in the Constitution and its amendments; they directly affect your work supervising offenders and protecting the community.

What Is Law?

Law is a form of social control and a method of encouraging people to behave in a certain way. In a simple society, written laws are unnecessary. Violence or removal from the community controls the behavior of its inhabitants.

In a complicated modern society, written laws are necessary to maintain order. English common law forms the basis for the American legal system and represents the codification of a naturally developed set of rules that govern society. In addition to maintaining order, laws serve to protect ownership of property, regulate certain businesses, and raise revenue. Several forms of law govern the way we live in the United States, including statutory law, case law, and constitutional law.

☑ **CP211.1. Define the law within a social context and how the evolution of the law governs our communities**

Statutory Law

Congress, state legislatures, or local governing authorities, in response to a perceived need, write and enact ***statutory law***. Statutory law includes criminal, civil, and administrative laws.

Within statutory law, some provisions define unacceptable behaviors and government prosecution of those who commit them. These statutes, or ***criminal law***, must clearly describe the unacceptable behavior and set a punishment. Criminal law regulates social conduct and preserves the moral welfare of people. It punishes those who violate these laws. Criminal elements define the crime, which varies in severity and resulting punishment. Criminal law differs from civil law, where emphasis is on dispute resolution and victim compensation rather than on punishment.

Civil law pertains to the legal action a person takes to resolve a private dispute with another person. The courts provide a forum for the parties to resolve disputes through legal action. In civil lawsuits, the person filing the lawsuit must have a recognized cause of action. A cause of action is to a civil case what a criminal statute is to a criminal case. In many situations, crime victims also have causes of action that allow them to sue the perpetrators of the crimes. Sometimes, law enforcement's actions in enforcing a law can generate a civil lawsuit.

☑ **CP211.2. Describe the differences between criminal and civil statutory law**

Ordinances are statutes enacted by a municipal (city) or county government. Local governments create ordinances, which regulate matters of narrow application, such as curfews for minors, restrictions on the hours for selling alcohol, or parking regulations. Ordinances apply only within the jurisdiction of the governmental entity that enacted them. Some ordinance violations are criminal while others are civil infractions. These laws cannot conflict with state or federal law, including case law.

☑ **CP211.3. Describe the importance of a probation officer maintaining familiarity with local ordinances in the performance of their job duties**

Administrative law, sometimes called regulatory law, is the body of law that allows for the creation of public regulatory agencies. It contains all the statutes, judicial decisions, and regulations that govern them. Florida Administrative Code (F.A.C.) chapter 33-302 governs Probation and Parole Services. F.A.C. is an important example of administrative law and guides the Department in fulfilling its statutory obligations.

☑ **CP211.4. Describe how administrative law affects the job duties of a probation officer**

Case Law

The decisions of the court system, the judicial branch, form ***case law***. The court's interpretation of constitutional provisions clarifies the meaning of a statute or rule as applied to a specific set of facts. Once an appellate court creates a rule, known as precedent, you are required to follow that rule, unless a higher court changes the rule. Each circuit court ruling is also binding in that jurisdiction. Because of this, there could be a different case law in neighboring circuits. What is legal in Florida may not be legal in another state and vice versa. It is important that you understand that court decisions influence how you perform your job duties. Be aware of conflicting rulings and follow the case law in your jurisdiction.

☑ **CP211.5. Describe how case law affects the job duties of a probation officer**

Constitutional Law

The purpose of government is to secure and protect constitutional rights. The government is the agent of the people, not the master. The U.S. Constitution sets parameters within which the government operates and establishes laws. The decisions of the U.S. Supreme Court and other appellate courts resolve issues or conflicts that arise under the Constitution.

Constitutional law defines our form of representative government and identifies the powers and limitations of its three branches (executive, legislative, and judicial). It consists of standards in the Constitution, and, in court decisions, interpretation of the Constitution handed down by U.S. District Courts and the Supreme Court.

The state of Florida has its own state constitution that generally parallels the U.S. Constitution. This means that the Florida Constitution affords rights to Florida's residents that are at least at the same level as the rights they derive from the U.S. Constitution. The ***supremacy clause*** is a significant idea incorporated into the U.S. Constitution by the country's founders. In Article VI, the supremacy clause states that when laws conflict, federal law generally overrules state and local law. State law can be more restrictive than federal law, but it cannot undermine the federal standard.

☑ **CP211.6. Describe the correlation between the powers of the U.S. Constitution and the Florida Constitution**

You are required to abide by the U.S. Constitution and the case law decisions that interpret it. The Constitution protects individuals from governmental abuse of power and defines your authority to act. In any situation, you must be able to determine how to follow the law.

The Articles of the Constitution

The seven Articles of the Constitution form the Constitution's main body. The purpose of the Articles is to form a contract between the people of the United States and the U.S. government, which spells out the responsibilities and authority of the government. The Constitution divides the government into three branches to avoid the risk of tyranny and maintain a balance of power.

The president heads the executive branch, which carries out and recommends federal laws, directs national defense and foreign policy, and performs ceremonial duties. Presidential powers include directing government, commanding the armed forces, dealing with international powers, acting as chief law enforcement officer, and vetoing laws.

Congress directs the legislative branch, which includes the House of Representatives and the Senate. The main task of these two bodies is to make the laws. Powers of the legislative branch include passing laws, originating spending bills (House), impeaching officials (Senate), and approving treaties (Senate).

The Supreme Court heads the judicial branch. Its powers include interpreting the Constitution, reviewing laws, and deciding cases involving states' rights.

☑ **CP211.7. Describe the role of the three branches of government as outlined in the Articles of the U.S. Constitution**

THE AMENDMENTS TO THE CONSTITUTION

The 27 current amendments to the U.S. Constitution affect law enforcement, correctional, and correctional probation officers more than any other part of the Constitution. Their purpose is to make sure that the government does not infringe upon the rights of the individual. Amendments to the Constitution are improvements, corrections, or revisions to the original content.

☑ **CP211.8. Describe the role and purpose of the amendments to the U.S. Constitution**

THE BILL OF RIGHTS

According to the U.S. Constitution, all people stand equal before the law and therefore share certain rights. The first 10 amendments to the Constitution, known as the Bill of Rights, describe these rights—such as freedom of speech, protection against unreasonable searches and seizures, and prohibition of cruel and unusual punishment. Although many of these amendments focus on the courts and the legislature, some, such as the Fourth, Fifth, and Sixth Amendments, focus on activities related to the job duties of a probation officer.

The First, Second, Fourth, Fifth, Sixth, and Eighth Amendments are of particular importance to law enforcement and probation officers, as they concern issues of officer liability.

Amendment	Officer Liability Subjects
1st Amendment	protects the freedom of speech, press, peaceful assembly, and religion
2nd Amendment	guarantees the right to bear arms
4th Amendment	prohibits unreasonable search and seizure and generally requires a warrant signed by an independent magistrate (judge). Federal and Florida case laws have held that warrantless searches by probation officers under certain circumstances are reasonable under the Fourth Amendment.
5th Amendment	best known for prohibiting compelled self-incrimination; requires grand jury indictment for capital crimes; prohibits double jeopardy and deprivation of life, liberty, or property without due process of law
6th Amendment	guarantees the defendant's right to have information regarding the nature of the charges, counsel, a speedy and public trial; to confront witnesses; and to face an impartial jury
8th Amendment	prohibits excessive bails and fines and cruel and unusual punishment. Probation officers sometimes make bail recommendations as part of their job duties.

☑ **CP211.9. Describe the functions of the amendments included in the Bill of Rights**

DUE PROCESS

The original intent of the Bill of Rights was to restrict the actions of only the federal government. The Fourteenth Amendment's ***due process clause*** expands the application of the Bill of Rights to state and local governments as well.

> *No state shall make or enforce any law which shall abridge the privileges and 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.*

The Fifth Amendment also contains a due process clause, but it is limited only to the actions of the federal government. Simply put, the due process clauses of the Fifth and Fourteenth Amendments require government to be fair when taking away someone's life, liberty, or property.

Two main components of ***due process*** are substantive and procedural. ***Substantive due process*** is the fair and consistent enforcement of the law. ***Procedural due process*** refers to the steps that protect an individual's rights during a criminal justice process. Failure to abide by these rules may result in the suppression of evidence and confessions, and civil or criminal liability to you or the Department.

☑ **CP211.10. Describe the role of the due process clause as described in the Fifth and Fourteenth Amendments to the U.S. Constitution**

Keeping Current With the Law

The rules under which officers operate are constantly changing based upon revisions in statutes and the case law interpreting those statutes. The Department of Corrections will post any changes in policy based on legislative updates to the Department of Corrections intranet. You are responsible for keeping up with these changes. Avoid obtaining legal knowledge from unofficial sources such as newspapers, television, radio, unofficial websites, and word of mouth.

Violating case law holdings may have the same consequences as violating statutory law. When an officer violates these principles, they may risk exclusion of evidence at trial, case dismissal, administrative discipline, civil liability, and criminal prosecution.

☑ **CP211.11. Maintain current knowledge of legal developments in constitutional, statutory, and case law, to perform the job duties of a probation officer effectively**

LESSON VOCABULARY

administrative law

case law

civil law

constitutional law

criminal law

due process

due process clause

law

ordinances

procedural due process

statutory law

substantive due process

supremacy clause

Unit 2 Civil and Criminal Liability

Lesson 1 Types of Liability

Lesson Goal

At the end of this lesson, you will have a basic understanding of the liability that may result from the improper performance of your job duties, and you will know how to reduce potential exposure to lawsuits.

A career as a probation officer is exciting and full of challenges. It provides opportunities to make a difference in people's lives. However, liability issues are inherent in the job. These issues arise when an officer improperly performs or does not do a task that they reasonably should have done. If you do not fully understand and limit situations that give rise to liability, the potential for harm to both the Department and you is great. Officers can suffer severe consequences, including job loss, assessment of devastating monetary awards, or even a prison sentence if found liable of criminal wrongdoing.

Liability

The most recognized types of liability are criminal and civil. ***Criminal liability*** occurs when the court finds a person guilty of committing a crime, sentencing them to incarceration or other penalties.

☑ **CP221.1. Define criminal liability as established in constitutional law and the Florida Statutes**

Civil liability is responsibility for a wrongful act or an omission that injures a person or property and most often involves negligence. Penalties for civil liability are normally payment of money damages to the victim or the victim's heirs.

☑ **CP221.2. Define civil liability as established in constitutional law and the Florida Statutes**

Criminal liability and civil liability are not mutually exclusive; the courts may prosecute an officer criminally and civilly for the same act. For example, the court can try an officer for murder (criminal liability) and the decedent's family can sue the officer for wrongful death (civil liability). In such cases, the court generally addresses criminal charges first.

Acquittal or the court clearing a person on charges in a criminal case does not necessarily mean that they will or will not incur any civil liability. If an officer shoots and kills an offender during an altercation, both the officer and the Department may be sued civilly, even if the officer was not prosecuted criminally or was not found guilty in the criminal case.

TORTS

A ***tort*** is a civil wrong (liability) in which the action or inaction of a person or entity violates the rights of another person or entity and can serve as grounds for a lawsuit. Torts may be intentional, such as battery or false imprisonment, or unintentional, such as negligence. The difference is intent. Very seldom does a person deliberately crash their vehicle into another person's vehicle; usually it is an accident. If the at-fault driver was speeding or looking at a cell phone rather than the road, the victim could sue the driver for the unintentional tort of negligence.

The Department develops policies and procedures to help guide its officers in performing their duties. These policies are carefully researched to ensure that they comply with legal and ethical guidelines. Department policies are developed and published for your benefit, and by following such policies, you can avoid liability for acts done while on duty. Attending required and optional training also helps you stay informed of current law and Department practices and helps you to avoid liability that results from either an intentional or an unintentional tort.

☑ **CP221.3. Recognize how a tort may affect liability for an officer and the Department of Corrections**

Negligence

A common definition of ***negligence*** is failure to use due or reasonable care in a situation that results in harm to another. For example, an officer is looking at a phone while driving a Department vehicle. The officer does not see the traffic has stopped and rear-ends the car in front of them. Since the officer breached their duty to act with reasonable care, the court may hold the officer and the Department liable for the damages caused by the crash.

Another example of negligence is an off-duty officer who leaves a loaded weapon on the kitchen counter in reach of a child. The child takes the weapon to show a neighborhood friend and accidently fires the pistol, killing the friend. The court could hold the officer liable for the accidental death of the child because of negligence.

The term ***omission*** means neglecting to perform what the law or duty requires. Officers may be liable for not only performing required actions improperly but also for failing to perform actions required of them. One example of omission would be allowing an offender's supervision to expire without completing court-ordered provisions.

ELEMENTS OF NEGLIGENCE

To convict a defendant of a crime, the state must prove in criminal court that the defendant committed all elements of a particular offense. In a civil negligence action, the plaintiff must prove a different set of elements to find the defendant negligent. The elements of civil negligence are (1) a duty to act with care, (2) breach of the duty to act, (3) causation or proximate cause, and (4) damages.

Statute or a contract usually creates a duty. Duties may be general or specific. For instance, everyone who drives a vehicle in the state of Florida has a general duty to do so using reasonable care. According to *Black's Law Dictionary*, ***duty to act*** is "a duty to take some action to prevent harm to another, and for the failure of which one may be liable depending on the relationship of the parties and the circumstances." Your duty to act is performing the requirements of the job; it is a contractual or legal operation within the context of your position as a probation officer.

The second element of negligence is a breach of duty. A breach is a failure of some kind. The term ***breach of duty*** means that the defendant unreasonably failed in the duty they were obligated to perform. Evidence that a defendant violated a law or generally accepted practices proves a breach of duty. A breach of duty can occur by not taking action when a reasonable officer should have taken action. For example, if an officer decides to wait for EMS instead of performing CPR on an injured offender who is not breathing and that person dies or suffers brain damage from lack of oxygen, then the officer is liable for those consequences because the officer breached the duty of care.

The third element of negligence is causation or proximate cause, which means that the breach caused the harm. ***Proximate cause*** is the legal phrase for the link between the breach of duty and the harm caused (damages). In deciding proximate cause, the judge and jury will have to determine if the harmful event was a foreseeable outcome of the defendant's act or failure to act.

The final element of negligence is damages. Two main categories of damages are: compensatory and punitive.

Compensatory damages intend to reimburse for the actual property damage, harm, or injury that the plaintiff suffers. Compensatory damages may include general, special, or nominal damages. General damages are those presumed to result from the defendant's actions. They include awards for pain and suffering, discomfort, humiliation, fright, and emotional distress. Special damages are those actually caused by the injury. They are available to the plaintiff for lost earnings, medical expenses, destruction of personal property, and attorney's fees. Nominal damages are damages in name only, awarded when the jury believes the defendant violated the plaintiff's rights, but there is insufficient proof of measurable financial harm.

Punitive damages are damages awarded in addition to actual damages when the defendant acted with recklessness, malice, or deceit. They punish defendants for their actions and warn others from doing the same. Punitive damages can be very high.

☑ **CP221.4. Describe the types of damages that may result from negligence by an officer**

PROVING NEGLIGENCE

One must prove all four elements in a civil negligence action to recover damages. If any of the four elements are missing, the court cannot find the defendant negligent. An example of the four elements of civil negligence can be the following scenario. A probation officer notices an offender is slurring his words and has the smell of alcohol on his breath. The officer ignores the signs of intoxication and allows the offender to get in a vehicle and drive home. The offender then kills a pedestrian while driving. The officer and the Department may be subject to civil liability.

☑ **CP221.5. Describe negligence as it applies to the performance of an officer's job duties**

Acts That Lead to Civil Liability

For probation officers, types of civil liability may relate to searches, use of force, improper operation of Department vehicles, and neglect of duty, such as failure to enforce an order of probation. The same unlawful acts that result in civil liability may also subject you to criminal charges. Negligently driving a Department vehicle and causing damage to another vehicle or property will likely lead to civil liability.

A probation officer's excessive use of force against an offender can lead to both civil and criminal liability. An officer may use only the amount of force that is reasonable and necessary under the circumstances.

☑ **CP221.6. Provide examples of common types of acts that lead to civil or criminal liability for an officer**

Civil Rights

A ***civil rights violation*** is an unlawful interference with the fundamental rights of another person, such as the rights to due process and equal protection under the law. Officers' use of force is often the basis for civil rights lawsuits, and officers who violate an offender's civil rights may be subject to civil liability and criminal prosecution.

CRIMINAL VIOLATIONS OF CIVIL RIGHTS

Being a correctional probation officer does not give you the right to commit acts that violate the law. Violating the law can result in criminal liability. For example, if you commit an act that violates state or local law, the state attorney may bring charges against you, and if you commit an act that violates federal law, the U.S. Attorney's Office may file criminal charges.

When you act or purport to act in the performance of official duties under any law, ordinance, or regulation, you are acting under the ***color of authority,*** sometimes called *color of law.* Your illegal act that causes injury or other serious consequences to a person may result in an FBI investigation to determine if you violated federal law. For example, an offender's death due to a probation officer's use of force could result in a federal investigation regardless of whether the Department of Corrections, a law enforcement agency, or the state attorney's office fully investigates the incident.

Federal law in 18 U.S.C. § 242 prohibits anyone acting under color of law or color of authority from intentionally depriving another person of a constitutional or other civil right. Penalties for doing so range from imprisonment for one year to life or may include the death penalty, depending upon the circumstances of the crime and the resulting injury.

> *Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.*

☑ **CP221.7. Describe the importance of an officer acting under the color of authority**

The Fifth Amendment's double jeopardy bar does not prohibit criminal prosecution for civil rights violations even after acquittal of state criminal charges because the state and federal governments are two separate and distinct sovereigns. Each government operates its own criminal court system under its own set of laws. For example, an officer charged with aggravated battery for beating an offender while resisting arrest may be acquitted of all charges by the state court, but after the acquittal, the federal government may indict the officer for a criminal civil rights violation for the same incident. A state crime and a federal civil rights violation are different offenses, even though they may arise from the same facts.

CIVIL VIOLATIONS OF FEDERAL CIVIL RIGHTS

In addition to criminal prosecution, an officer who violates a person's civil rights may be subject to civil liability in federal court. The most common federal statutory basis used to sue probation officers is 42 U.S.C. § 1983. The provisions of an action for civil rights violations are similar to the criminal provisions contained in 18 U.S.C. § 242. Before imposing liability, both sections require proof that the officer acted under the authority of their agency and intentionally violated a clearly established constitutional or civil right of the victim. Negligence does not give rise to an action under 42 U.S.C. § 1983. Officers who violate the civil rights of others may also be subject to discipline by the CJSTC and the Department of Corrections.

☑ **CP221.8. Describe the differences between criminal and civil violations of federal civil rights**

Effects of Liability on Officers

Being found criminally or civilly liable for actions taken while working can result in consequences to an officer that range from minor to catastrophic. It can cost an officer their freedom and result in financial ruin. Although a civil conviction may result in nothing more than a reprimand or brief suspension from work, a criminal conviction can lead to loss of employment and decertification as an officer. Financial ruin can result if the court orders an officer to pay punitive damages. Under state law, the officer's employing agency cannot pay the punitive damages; the individual officer must pay them.

Department Liability

The officer may not be the only defendant in a civil suit. Most suits also name the Department, its chief, or other governmental officials because, in most cases, the officer acted within the scope and course of their authority. A plaintiff may sue the Department because it normally has more money than the individual officer does. If the plaintiff proves at trial that the officer committed a tort or violated civil rights as part of their job duties, the Department is likely to be liable for damages through direct or vicarious liability.

Direct liability arises in cases in which the officer committed an intentional or a negligent tort in violation of Department orders or policies. An example is an officer's illegal use of force. Action the Department took or failed to take regarding the officers alleged policy violation determines the Department's liability. Direct liability may result from negligent hiring of a problem employee, negligent assignment of job duties to a person who is not able to perform them, negligent retention of a problem employee, or failure to adequately train an employee.

Vicarious liability occurs when the court holds one person or entity liable for the negligent actions of another person, even though the first person or entity was not directly responsible for the injury. The Department can be vicariously liable for damages caused by an officer's actions. For example, the Department may be required to pay damages if the court finds an officer guilty of sexual harassment even though the Department did not know of the harassment when it occurred.

☑ **CP221.9. Describe the differences between direct and vicarious liability as they apply to the responsibilities of the Department of Corrections**

LESSON VOCABULARY

breach of duty

civil liability

civil rights violation

color of authority

compensatory damages

criminal liability

direct liability

duty to act

negligence

omission

proximate cause

punitive damages

tort

vicarious liability

Lesson 2 Protection Against Liability

Lesson Goal

At the end of this lesson, you will understand the consequences of both officer and Department liability and how to reduce the risk of liability.

Specific federal and state laws protect criminal justice officers against civil and criminal liability and provide legal defenses. The officer may claim as their legal defense sovereign immunity under chapter 111, F.S., qualified immunity, good faith, reasonable manner, justified acts, or emergency doctrine.

Sovereign Immunity

Sovereign immunity is a legal doctrine that protects state and local government agencies and officials, including criminal justice, against civil suit or criminal prosecution. The sovereign immunity law found in s. 768.28, F.S., is a limited waiver of this immunity.

The sovereign immunity law provides one of the most important protections for governmental employees and state agencies. It includes a list of circumstances and requirements that the claimant must meet before suing a state, county, municipality, or state department or any of its employees in a state tort action. It also protects individual officers and government employees from personal liability. This means that unless an officer or employee fails to act or acts with willful or wanton disregard of someone's rights or property, the claimant must dismiss the officer or employee from a state civil tort action.

Because the sovereign immunity law covers only state tort actions, it does not protect officers and employees named in federal civil rights actions. However, before a plaintiff can prevail in such a case, they must show more than mere negligence on the part of the officer or employee.

☑ **CP222.1. Describe sovereign immunity as it applies to an officer in the performance of their job duties**

Scope of Employment

Chapter 111, F.S., protects public employees, including probation officers, charged with civil and criminal actions, if those actions occurred within the scope and course of employment.

Acting within the scope of employment refers to the range of reasonable and foreseeable activities that an employee does while carrying out the employer's business. If an employee acts outside the scope of employment, the court may hold the employee individually liable.

To make sure that your actions are within the scope and course of your employment, do not willfully or wantonly infringe on others' rights, act in bad faith, or act with a malicious purpose. Section 111.065, F.S., contains the following provisions that the employing agency may:

- but is not required to, reimburse legal costs for its employees sued or charged with a crime
- provide legal counsel for its employees sued in either state tort actions or federal non-criminal civil rights actions

An employing department may opt not to defend an employee in a civil case, even if the action arose from within the scope of employment. However, if the employee prevails, the department must reimburse court costs and reasonable attorney's fees. The employing department may pay any final judgment, including damages, costs, and attorney's fees arising from a complaint for damages or injury that resulted from any act or omission of the employee in a civil or civil rights lawsuit.

If the action is for an alleged civil rights violation under 42 U.S.C. § 1983 or a similar federal statute, the employing department may make payments for the full amount of the judgment unless the final judgment states that the officer intentionally caused harm. This section also allows the employing department to pay any pretrial settlement of any claim or litigation.

☑ **CP222.2. Describe acting within the scope of employment addressed in chapter 111, F.S.**

Qualified Immunity

The defense of ***qualified immunity*** protects "government officials . . . from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." See *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). Qualified immunity protects public officials from damages, unless they violated a "clearly established" law of which a reasonable official in their position would have known. Qualified immunity protects public officials from damages of litigation in performing the discretionary functions of law. The court is less likely to hold you liable if you follow Department procedure.

☑ **CP222.3. Describe qualified immunity as it applies to an officer in the performance of their job duties**

Acts Done in Good Faith

To act in good faith, officers must be faithful to their duty and honestly intend to avoid taking undue advantage of others without malice, ill will, or the intent to harm anyone unjustly.

Acts Done in a Reasonable Manner

Officers must act in a reasonable manner when responding to any law enforcement situation. Reasonableness involves acting professionally within the law and Department policy. Your actions can range from having a reasonable belief that an offender has committed a violation of probation and requesting an arrest warrant, to determining what type of first aid to perform, to knowing what type of force to use in a given situation. Judge your actions objectively by asking if a reasonable officer in the same situation would have acted the same way.

Acts Justified Under the Law

Acts justified under the law occur in situations in which case law or statutory law provides a defense for an individual's actions. For example, s. 776.012(1), F.S., provides that a person may use force, except deadly force, against another if the person reasonably believes that such conduct is necessary to defend themselves or another against the imminent use of unlawful force. In addition, s. 776.012(2), F.S., provides that a person may use deadly force in self-defense or defense of another if the person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to themselves or another, or to prevent the imminent commission of a forcible felony.

☑ **CP222.4. Describe acts that protect an officer from liability when performing job duties**

Emergency Doctrine

When sudden peril requires instinctive action, you are not required to use the same degree of care as when there is time to reflect. As established in *Vantran Indus., Inc. v. Ryder Truck Rental, Inc.,* the sudden ***emergency doctrine*** requires all of the following:

- The claimed emergency actually or apparently existed.
- The perilous situation was not created or contributed to by the person confronted.
- The alternative courses of action in meeting the emergency were open to such person.
- The action or course taken was such as would or might have been taken by a person of reasonable prudence in the same or similar situation.

You are required to use due care as an officer. The standard of care required is that which a reasonable person would have used under the same facts and circumstances. Reckless disregard of others does not qualify as an appropriate response. To be entitled to claim the emergency doctrine as a defense, you must not have been the person who created the emergency.

☑ **CP222.5. Define the emergency doctrine as established in case law**

Limiting Liability

The Department of Corrections issues policies to help guide officers in performing their job duties. The Department carefully develops these policies to make sure they comply with legal and ethical guidelines, and publishes them for the officer’s benefit. By following Department policies, officers may avoid liability for acts done while on duty. Attending required and optional training helps officers stay informed of current law, policies, and procedures and avoid liability.

☑ **CP222.6. Describe how officers can protect themselves and the Department of Corrections against liability**

LESSON VOCABULARY

acting within the scope of employment

emergency doctrine

qualified immunity

sovereign immunity

UNIT 3 LEGAL CONCEPTS

LESSON 1 SEARCH AND SEIZURE

Lesson Goal

At the end of this lesson, you will understand your legal authority and limitations for searching an offender's residence, property, vehicle, and person.

An offender under supervision does not have the same legal status as an ordinary citizen. An offender is entitled to some, but not all, of the due process rights to which an ordinary citizen is entitled. The limitation of rights for an offender under supervision includes the search and seizure of property and person.

A Probation Officer's Authority to Search

The Fourth Amendment of the Constitution protects people from governmental intrusion into areas where they have a reasonable expectation of privacy. A ***search*** is any government intrusion into a place in which a person has a reasonable expectation of privacy.

PLAIN VIEW OBSERVATION

A ***plain view observation*** is the most common type of search and is limited to what an officer can plainly see in an unobstructed fashion. Plain view observation is a visual survey, without moving any objects, when visiting an offender at their residence or place of employment. This is accomplished with a walk-through visual inspection that makes sure an offender is complying with their conditions of supervision.

In a ***walk-through visual inspection***, the officer observes the offender's living quarters, areas occupied only by the offender, any surrounding property, and the exterior of the offender's vehicle for contraband. If contraband is in plain view, you can seize that object as the result of a plain view observation.

Contraband refers to anything that is illegal for an offender to possess, such as illegal drugs or a firearm. Any contraband or evidence found during a walk-through visual inspection can be used to violate the offender's probation. If the contraband or evidence found during a plain view observation supports a violation of probation, you will need supervisory approval to conduct a warrantless planned search. At this time, you will stop and request additional correctional probation, supervisory, or law enforcement assistance.

If during a plain view observation, you find contraband or evidence that leads you to believe it is evidence to support a new law violation, leave the premises and immediately contact your supervisor. If there is a possibility that more evidence is present to support new criminal activity, coordinate with your supervisor and law enforcement to determine if they want to get a search warrant to find more evidence of new law violations. Law enforcement would apply for this search warrant based on the probable cause that you gathered. If the court grants a search warrant, law enforcement will take over the scene. If the court does not grant a search warrant or law enforcement does not want to obtain a search warrant, you will follow the directions from your supervisor and follow Department policy.

☑ **CP231.1. Describe the authority of a probation officer to conduct a search in the performance of their job duties**

WARRANTLESS PLANNED SEARCH

A law enforcement officer must have a warrant or probable cause to conduct a legal search of a person, residence, vehicle, and other areas. However, the authority of a probation officer to conduct a search of an offender under supervision is different from that of a law enforcement officer. A probation officer can conduct a search without a warrant, known as a ***warrantless planned search***. An offender does not have a reasonable expectation of privacy and is subject to searches at any time while under supervision.

In the case of *Grubbs v. State of Florida,* 373 So. 2d 905 (1979), the Florida Supreme Court recognized that it would be impossible to properly supervise an offender if the probation officer did not have the legal authority to conduct warrantless searches. This case law enables a probation officer to observe an offender's lifestyle and to allow a reasonable search of both the offender and their residence. The court further stated that it would be unreasonable to require a probation officer to supervise an offender without such search authority. Granting the same powers of warrantless searches to a law enforcement officer would violate the Fourth Amendment and the Florida Constitution.

☑ **CP231.2. Describe the scope of a warrantless planned search legally permitted for a probation officer when supervising an offender**

Seizure

Seizure is an act that occurs when the government affects a person's right to have or control their property, usually by physically taking that property. As the result of seeing items during a walk-through visual inspection, you have the authority to initiate seizure of evidence of a violation of probation. However, if the contraband is evidence of a new criminal offense, law enforcement can obtain a search warrant for seizure of contraband, as there is probable cause of evidence of a new crime. The offender is entitled to a search warrant and reasonable requirement protections of the Fourth Amendment, as this is a new law violation.

☑ **CP231.3. Describe the authority of a probation officer to seize contraband when conducting a search of an offender under supervision**

LESSON VOCABULARY

contraband

plain view observation

search

seizure

walk-through visual inspection

warrantless planned search

LESSON 2 LAWS OF ARREST

Lesson Goal

At the end of this lesson, you will understand the authority to make an arrest and the circumstances for making an arrest with or without a warrant.

Section 948.06, F. S., gives probation officers the authority to make arrests. An ***arrest*** is depriving a person of their liberty by legal authority. There are two types of arrests under Florida law: arrest with a warrant and warrantless arrest.

Arrests by Warrant

An ***arrest warrant***, as it applies to a probation officer, is a court order authorizing the officer to take into custody the individual named on a violation of probation warrant to answer for charges specified in the warrant. However, contact a law enforcement officer to transport an offender.

Section 948.06(1)(b), F.S., states that a judge may issue a warrant for arrest if the judge finds reasonable grounds to believe that an offender has violated probation in a material respect, or willfully and substantially, by committing a new violation of law. A judge may also issue an arrest warrant for an offender based upon facts made known to the judge by an affidavit written by someone with knowledge of the facts. An ***affidavit*** is a written, sworn statement used as evidence in court.

Warrantless Arrests

A ***warrantless arrest*** is a seizure, forcible restraint, or taking of a person into custody by legal authority, without the use of a warrant.

Section 948.06(1)(a), F.S., authorizes a probation officer to arrest or request a county or municipal law enforcement officer to arrest an offender on probation without a warrant. The officer must have reasonable grounds to believe an offender has violated probation in a material respect. Warrantless arrests are more likely to occur during field supervision, that is, when making visits to an offender's residence or place of employment.

Probable cause is necessary for a probation officer to make a warrantless arrest. ***Probable cause,*** as it relates to a probation officer, means a fair probability or reasonable grounds to believe that an offender violated probation, based on the totality of circumstances. ***Totality of circumstances*** means all factors known to an officer at the time of the incident.

☑ **CP232.1. Describe a probation officer's authority to make an arrest of an offender under supervision, with or without a warrant, as established in the Florida Statutes**

Your authority to conduct a warrantless arrest of an offender under supervision is different from law enforcement's authority to conduct a warrantless arrest. Law enforcement can arrest anyone if the officer has probable cause that there is a violation of the law. A probation officer can arrest an offender under supervision if the officer has probable cause that there is a violation of probation. The exception to this is that you do not have the authority to arrest an offender under pretrial intervention.

☑ **CP232.2. Distinguish between the authority of a probation officer and law enforcement officer to conduct a warrantless arrest of an offender under supervision**

Examples of warrantless arrests include the following scenarios:

- A probation officer is completing fieldwork, conducting residence and employment checks. The officer happens to drive by a park and recognizes an offender on the ball field with young children. The offender is a sex offender under Department supervision with a condition to stay away from children. The officer calls their supervisor, explains the situation, and requests to conduct a warrantless arrest. With the supervisor's approval, the officer calls local law enforcement, who arrests the offender without an arrest warrant.
- In the evening, a probation officer is riding with law enforcement to complete residence checks on offenders. They arrive at the residence of an offender known to have anger issues. As they approach the front door, they can see inside the front window of the residence that the offender is physically attacking his wife. The officer conducts a warrantless arrest, and charges the offender with a new crime involving battery and domestic violence.
- A probation officer learned that the county jail was holding an offender under supervision on a new charge of attempted murder. With the supervisor's approval, the officer went to the jail and completed a warrantless arrest for the violation of probation.
- If an offender makes a threat to a victim, and there is both proof of contact and a violation of probation, the probation officer may have justification to make a warrantless arrest.

☑ **CP232.3. Provide examples of situations in which a probation officer has the legal authority to make a warrantless arrest of an offender under supervision**

Notice to Appear

In certain circumstances, a judge may issue a notice to appear to an offender. A ***notice to appear (NTA)*** is a request for a court date given to an offender in lieu of a warrant. It allows an offender to appear on a designated date and time for a violation of probation hearing without the possibility of arrest. If an offender fails to show up for the hearing, the judge will issue a failure to appear warrant for arrest. A probation officer has the authority to request an NTA for a violation of probation hearing.

☑ **CP232.4. Describe the role of a notice to appear (NTA) for an offender who violates their conditions of supervision**

Release on Own Recognizance

Following an arrest of an offender, a judge may release an offender on their own recognizance. A ***release on own recognizance (ROR)*** refers to releasing an offender without bail immediately after booking for a minor violation.

☑ **CP232.5. Describe the role of a release on own recognizance (ROR) for an offender who violates their conditions of supervision**

LESSON VOCABULARY

affidavit

arrest

arrest warrant

notice to appear (NTA)

probable cause

release on own recognizance (ROR)

totality of circumstances

warrantless arrest

LESSON 3 USE OF FORCE

Lesson Goal

At the end of this lesson, you will understand a probation officer's statutory authority to use force on an offender and the circumstances under which the force is justifiable and reasonable.

Statutory Authority to Use Force

Rule 33-302.105, F.A.C., and Department policy address the use of force by probation officers. Probation officers must not use physical force on offenders under supervision, except under the following circumstances:

- in self-defense or to protect others
- to prevent damage to property owned or leased by the Department
- to quell a disturbance on property owned or leased by the Department
- to overcome physical resistance when applying handcuffs or other Department-authorized restraint devices
- to prevent an offender from inflicting injury to themselves
- to assist law enforcement personnel in the lawful performance of job duties

Use force only as a last resort when it reasonably appears that other alternatives are not controlling the situation. When use of force is justified, use only the amount and type of force that appear necessary. Do not use force solely in response to verbal abuse that does not rise to the level of a physical altercation.

☑ **CP233.1. Describe situations where the law permits a probation officer to use force, to include the degree of force necessary**

Reasonable Force

To be justified, the use of force must be reasonable. When deciding to use force, the officer must reasonably believe it is necessary to overcome resistance, based on the totality of circumstances and the perception at the time of the event as to what force is reasonably required.

In *Graham v. Connor*, 490 U.S. 386 (1989), the U.S. Supreme Court held that all claims that law enforcement officers have used excessive force in the course of an arrest, investigatory stop, or other "seizure" of a citizen are to be judged by an "objective reasonableness standard" based upon the Fourth Amendment. Although the Court did not specifically address probation officers, the objective reasonableness standard still applies in correctional probation. Judge the use of force from the perspective of what a reasonable officer would do under the same circumstances without the benefit of hindsight.

The court clearly considered that officers are often required to make split-second, sometimes deadly, decisions in circumstances that are "tense, uncertain, and rapidly evolving." The court concluded that the objective reasonableness standard is not a precise or clear rule. Objective reasonableness requires careful review of the facts and circumstances of each case, including the severity of the crime.

This includes whether the suspect posed an immediate threat to the safety of officers or others, and whether the suspect was actively resisting arrest or attempting to evade arrest by flight.

☑ **CP233.2. Describe reasonable force, including the case law, which establishes the standard of objective reasonableness**

The objective reasonableness test requires the officer to answer the following questions about the level of force used in any situation:

- Was the action reasonable and necessary?
- Was the amount of force applied reasonable and necessary?

☑ **CP233.3. List the questions contained in the objective reasonableness test that an officer must answer in any use of force situation**

Liabilities and Consequences for Excessive Use of Force

The amount of force used by a probation officer must always be reasonable and justifiable. When an officer is justified in using reasonable force, they have protection from prosecution. However, if the level of force used is excessive, the officer may face criminal, civil, and administrative penalties. Officers may incur criminal, civil, and civil rights charges at both the state and federal levels, depending on the violation.

Liabilities and consequences are attached to the officer and the Department during use of force situations. The Florida Statutes address consequences for criminal liabilities and civil liability, which can include lawsuits against both the individual and the Department. Consequences for federal civil rights liabilities can also include lawsuits against the individual or the Department. Administrative liabilities can incur sanctions imposed by the Department and the CJSTC. Excessive use of force may also result in negative community reaction and loss of trust in the profession.

☑ **CP233.4. Recognize the consequences for the misuse of force that an officer and the Department can incur, applying federal and state law**

UNIT 4 SUBSTANTIVE CRIMINAL LAW

LESSON 1 LEVELS OF CRIMINAL INVOLVEMENT

Lesson Goal

At the end of this lesson, you will be able to identify the role of each party involved in an incident or crime that may involve an offender under supervision.

Officers must determine the role of each person involved in an incident or crime, including witnesses, victims, and suspect perpetrators. Understanding these roles will help ensure offender compliance with the conditions of supervision. For example, if an offender has the special condition of no contact with the victim, you must know who the victim is to make sure the offender meets the condition of no contact.

Officers must also determine what each person knows about the incident and whether a person participated in the crime was a victim or merely a witness. You will make initial determinations by questioning people, observing physical evidence at the scene, and reviewing documentation related to the incident.

Identifying People Involved in an Incident or Crime

A ***witness*** is any person who has information about some element of the crime or about evidence or documents related to the crime. A witness may have heard statements or observed events before, during, or after the crime. A witness may have information about a piece of physical evidence associated with the crime or knowledge of some document related to the crime.

A ***victim*** is a person or entity that suffers an injury because of a crime. The injury may involve physical harm, loss of money, loss of property, or damage to property. The victim of a crime, such as aggravated battery, may have a physical injury. A fraud victim has an injury in the form of lost money. Criminal mischief victims may have an injury in the form of property damage. Not all crimes have an identifiable victim. For example, the crime of unlawful possession of a controlled substance has no specific victim. In victimless crimes, the victim is the state of Florida. Section 960.001, F.S., provides that victims have the right "to be informed, present, and to be heard, when relevant, at all crucial stages of a criminal or juvenile proceeding." In some cases, the victim also has the right to receive notification if the jail releases the suspect.

A ***suspect*** is the person believed to have committed a crime. You may identify a suspect directly by observing the person committing the crime, indirectly through statements or observations that witnesses provide, or through the suspect's own statements, or by learning of the person's identity based on evidence collected while investigating the crime.

☑ **CP241.1. Identify the witness, victim, and suspect in an incident or crime that may involve an offender under supervision**

An offender can be a principal in the first degree and does not have to be present when a crime or incident is actually committed or attempted. Section 777.011, F.S., defines ***principal in the first degree*** as a person who "commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, … whether the person is or is not actually or constructively present at the commission of such offense." An offender who may have intended that the criminal act be done and did or said something to incite, cause, encourage, assist, or advise another person to actually commit the crime is also a principal in the first degree.

☑ **CP241.2. Identify when an offender under supervision is a principal in the first degree in an incident or crime**

An offender under supervision may be an ***accessory*** or a person who aids or contributes in committing or concealing a crime. An offender can participate as an accessory after the fact. The crime of ***accessory after the fact*** (s. 777.03, F.S.) is committed when a person maintains, assists, or aids an unrelated person known to have committed a felony, with the intent that the offender avoid or escape detection, arrest, trial, or punishment for the felony. A person who had maintained or assisted an offender *before* a crime was committed can also be charged as an accessory to a crime after the fact. A person can be an accessory if they provide any support or assistance, whether financially, emotionally, or factually.

A person cannot be charged with accessory after the fact (s. 777.03(1)(a), F.S.) if the person is related to the offender by blood or marriage as spouse, parent, grandparent, child, grandchild, or sibling. However, any person, including family members, may be charged with accessory after the fact if the underlying crime is a second-degree felony or a more severe felony, or the underlying crime is child abuse or neglect, or the crime resulted in a child's death.

☑ **CP241.3. Identify when an offender under supervision is an accessory or accessory after the fact in an incident or crime**

Incomplete Crimes

Three incomplete crimes that require preparation to commit and generally occur as a prelude to additional crimes are attempt, solicitation, and conspiracy.

CRIMINAL ATTEMPT

Section 777.04(1), F.S., describes the conditions for charging a person with attempt. ***Attempt*** is an offense when the person did some act toward committing the crime that went beyond just thinking or talking about it. Alternatively, the person would have committed the crime, except that someone or something prevented them from doing so, or the person failed to complete the crime.

The seriousness of the crime that the person attempted to commit establishes the penalty for attempt. Generally, attempt is punishable at the level of offense just below the degree of crime that an offender attempted to commit. For example, if the person attempts to commit a crime that is a third-degree felony, the attempt is a first-degree misdemeanor.

☑ **CP241.4. Describe criminal attempt as defined in the Florida Statutes**

SOLICITATION

An offender under supervision may be involved in solicitation when committing a separate crime. Under s. 777.04(2), F.S., the state must prove the following elements to convict a suspect of ***solicitation***:

- An offender solicited a person to commit a certain offense.
- During solicitation, the offender commanded, encouraged, hired, or requested the other person to engage in specific conduct that would constitute committing the offense or attempt to commit the offense.

The seriousness of the crime that an offender solicited sets the penalty for solicitation. Generally, punishment for solicitation is the level of offense just below the degree of the original crime that an offender committed.

☑ **CP241.5. Describe the elements of solicitation as outlined in the Florida Statutes**

CONSPIRACY

Under s. 777.04(3), F.S., the state must prove the following elements to convict a suspect of ***conspiracy***:

- The intent of an offender was that the offense (object of conspiracy) would be committed.
- In order to carry out the intent, the offender agreed, conspired, combined, or confederated with the person(s) alleged to cause the offense (object of conspiracy) to be committed either by them, or one of them, or by some other person.

It is not necessary that the conspirators express in words to agree, conspire, combine, or confederate to commit the original crime. It is not necessary that the people act to complete the conspired crime. Conspiracy requires two or more parties with a criminal intent.

☑ **CP241.6. Describe the elements of conspiracy as outlined in the Florida Statutes**

LESSON VOCABULARY

accessory

accessory after the fact

attempt

conspiracy

principal in the first degree

solicitation

suspect

victim

witness

LESSON 2 EVIDENCE RULES AND CONCEPTS

Lesson Goal

At the end of this lesson, you will have a basic understanding of the rules and concepts of evidence.

Types of Evidence

The Florida Evidence Code, found in chapter 90, F.S., provides the basic concepts and rules of evidence used in a criminal or civil proceeding. Depending on your jurisdiction, you may process evidence when conducting a search and will need to be familiar with evidence handling procedures.

☑ **CP242.1. Describe the role of the Florida Evidence Code as provided in the Florida Statutes**

Evidence is anything that tends to prove or disprove the existence of a fact. There is a legal distinction between evidence and proof. ***Evidence*** is information allowed in court, while proof is the effect produced by that information.

Two primary types of evidence exist: direct and indirect. ***Direct evidence*** is that which proves a fact without an inference or presumption and which, if true in itself, conclusively establishes that fact. For example, if an offender admitted they used cocaine and the lab report results confirmed that fact, the lab report results are examples of direct evidence.

Circumstantial or indirect evidence requires an inference or presumption to establish a fact. An example of circumstantial evidence is eyewitness testimony that the defendant entered the victim's residence around the time of the crime. It requires the judge or jury to infer from the evidence that the defendant committed the crime. Contrary to the speeches given by criminal defense lawyers on television, circumstantial evidence is the primary basis for most criminal cases.

Categories of Direct Evidence

Direct evidence presented in court falls into one of three primary categories: testimonial, documentary, or physical.

Testimonial evidence is witness statements tending to prove or disprove facts about the case. It includes the testimonies of law enforcement officers, experts, probation officers, and other witnesses.

Hearsay evidence is any statement made out of court by someone other than the person now testifying, and offered to prove the truth of the matter asserted. A probation officer who testifies that an offender stated that the defendant shot the victim would be an example of hearsay evidence. A witness who testifies that they saw the defendant shoot the victim would be an example of direct evidence.

Documentary evidence is anything written or printed that is offered to prove or disprove facts pertaining to the case. It includes, for example, information from an offender file, criminal justice database information, or a certified copy of an offender driving history.

Physical or real evidence refers to actual objects offered to prove facts about a case. Examples include items such as fingerprints, blood or bodily fluids, fraudulent documents, stolen credit cards or Social Security numbers, clothing, and money. This evidence is crucial for the prosecutor, because it gives the jury something to touch and take back to the jury room while they conduct deliberations.

☑ **CP242.2. Describe the differences between the various types of direct evidence provided in the Florida Evidence Code**

Purpose of Evidence Presentation

You offer evidence in court for three basic reasons:

- to prove or disprove a crime—most evidence seized by law enforcement officers, such as fingerprints, photographs, physical evidence, and eyewitness testimony, can provide proof that the defendant committed the crime. The defendant may offer evidence, such as an alibi witness, in an attempt to disprove their responsibility for the crime.
- to support or undermine other evidence—for example, the plaintiff, defendant, or prosecution may call a chemist as an expert witness in a drug case to support or undermine the fact that the substance in question was actually an illegal drug.
- to help determine an appropriate sentence—Florida law allows for enhanced penalties of certain defendants based upon their criminal history. Documentary evidence in the form of certified prior convictions may support the argument for an enhanced penalty.

☑ **CP242.3. Explain the three main reasons why criminal justice personnel use evidence in court**

LESSON VOCABULARY

circumstantial or indirect evidence

direct evidence

documentary evidence

evidence

hearsay evidence

physical or real evidence

testimonial evidence

UNIT 5 LEGAL PROCEEDINGS

LESSON 1 THE SUBPOENA PROCESS

Lesson Goal

At the end of this lesson, you will understand the different types of subpoenas and know how to respond to a subpoena based on Department policy.

Complying with subpoenas is an important part of your job duties. Read and become familiar with Department procedures regarding subpoenas. The procedure covers a variety of topics, including service of subpoenas, complying with a subpoena after service, and redacting confidential material.

Types of Subpoenas

You may receive several different types of subpoenas while monitoring an offender under supervision:

- ***Subpoena*** refers to a document commanding a person to appear at a certain time and place to give testimony and/or to produce records. Issued by an attorney or a clerk of the court, it may relate to a criminal or civil case or a state agency investigation.
- ***Subpoena duces tecum*** refers to a subpoena that requires that a person appear at a particular place and time to testify and to have with them certain requested records.
- ***Subpoena duces tecum for records in lieu of appearance*** refers to a subpoena that allows the person subpoenaed to provide the requested records in lieu of personal appearance.
- ***Subpoena for trial, hearing, or deposition*** refers to a subpoena that requires that the person subpoenaed appear at the specified place and time to give testimony.

☑ **CP251.1. Describe the different types of subpoenas that an officer may receive while monitoring an offender under supervision**

Specific Procedures

If you are served a subpoena, read the document very carefully to determine its type. Determine whether the subpoena requires your personal appearance as a witness at a trial, hearing, or deposition; whether it requires your personal appearance at the proceeding along with certain requested documents; or whether it requires you to produce requested records in lieu of a personal appearance.

SERVICE OF WITNESS SUBPOENAS

Section 48.021(1), F.S., states that the sheriff, a special process server appointed by the sheriff, or a certified process server as provided for in ss. 48.25–48.31, F.S., may serve criminal witness subpoenas. However, one may use the U.S. Postal Service to serve a subpoena on a witness in a criminal traffic case, misdemeanor case, or a second- or third-degree felony case. The court directs the subpoena to the witness at their last known address, mailed at least seven days before the date the witness is required to appear. If a subpoena is served by mail that is not certified, a witness who doesn't appear at the proceeding will not be found in contempt of court, according to s. 48.031(3)(a), F.S.

Section 48.031(4)(a), F.S., states that a criminal witness subpoena to a law enforcement officer or any federal, state, or municipal employee called to testify in their official capacity in a criminal case may be delivered in person or a copy may be left for them at their home with any resident older than 15. Additionally, the subpoena may be delivered to a designated supervisory or administrative employee at the witness's place of employment. This can occur if the agency head or highest-ranking official at the witness's place of employment has designated an employee to accept service. However, the designated employee is not required to accept such service:

- for a witness who no longer is employed by the agency at that place of employment
- if the witness is not scheduled to work before the date the witness is required to appear
- if the required appearance date is less than five days from the date of service of the subpoena

☑ **CP251.2. Identify the different people involved in serving and accepting a subpoena**

SUBPOENAS FOR PERSONAL APPEARANCE (WITNESS SUBPOENA) IN A CRIMINAL CASE

If you are subpoenaed for an appearance as a witness in a criminal case, you must comply with the requirements of the subpoena. Failure to comply could have numerous consequences such as dismissal of an offender's criminal charge or contempt of court. There are times that you might not be able to comply, such as:

- it is impossible for you to appear at the specified time and date
- you have no knowledge of the case or the offender
- the subpoena requests that you produce records that are not within your custody or control

If you are unable to comply with a subpoena, notify the Office of the General Counsel immediately. A Department attorney may have to file for a court order to have you excused from the subpoena. You must appear unless you have written documentation from Department counsel or counsel who subpoenaed you to appear, or a court order excusing you. Do not wait for a response from a Department attorney excusing your appearance in court, as you could be in contempt of court for failing to appear. If the attorney issuing the subpoena excuses you from appearing, you must obtain written verification of excusal from that attorney.

If the subpoena directs you to bring specified records to the trial or deposition and you are the custodian of those records, you must bring the records with you. Review the records before the appearance date. If the records include material that is confidential, you must redact the confidential material according to Department procedures.

If the subpoena is a subpoena duces tecum in lieu of personal appearance and you are the custodian of those records, you must review the requested records and redact the confidential material before producing the records to the requestor.

Respond appropriately to a properly served subpoena. Do not ignore any subpoena.

☑ CP251.3. Explain an officer's responsibility to comply with the conditions of a subpoena, applying Department policy

LESSON VOCABULARY

subpoena

subpoena duces tecum

subpoena duces tecum for records in lieu of appearance

subpoena for trial, hearing, or deposition

Lesson 2 Types of Legal Proceedings

Lesson Goal

At the end of this lesson, you will be able to identify the role of participants in legal proceedings and the purpose of various types of legal proceedings that you may participate in as a probation officer.

Participants in Legal Proceedings

Judge: The judge presides over the courtroom and decides on questions of law brought before the court.

Prosecutor: The prosecutor is responsible for presenting the government's case. Each court has its own prosecutor. In federal court, the U.S. Attorney's Office serves this function. Each federal district has its own U.S. attorney and assistant U.S. attorney. In our state court system, the prosecuting office is the Office of the State Attorney. Each judicial circuit has its own state attorney and assistant state attorney. The state attorney is responsible for filing formal charges in criminal cases.

Defense attorney: The defense attorney is responsible for representing the defendant. In Florida, defendants are represented by an attorney they hire, a public defender who is appointed by the court, or, in certain circumstances, themselves.

Clerk of the court: Each county elects a clerk of the court who is responsible for maintaining files and official records and issuing subpoenas. Deputy clerks assist judges in court paperwork and proceedings.

Court administrator: The court administrator is responsible for the day-to-day administration of a court system. Responsibilities can include arranging facilities, scheduling, and facilitating the interaction of the court system with other components of the criminal justice system.

Jury: A jury is a group of citizens who determine questions of fact in a trial. Their responsibilities may differ depending on the particular case. A jury is not always required for a court to hear a case. In a non-jury or bench trial, the judge hears the case and renders a verdict.

Bailiff: A bailiff or a court deputy is normally a sworn law enforcement officer who is responsible for security in the courtroom.

Court reporter: The court reporter is responsible for making a record of the proceedings. Some proceedings have voice or video recordings; others have written transcripts or merely notes from a court clerk.

In addition to these court officials, the victim or plaintiff, defendant, witnesses, and law enforcement or probation officers may be present in a legal proceeding.

☑ **CP252.1. Identify the different participants and their specific roles in a legal proceeding**

First Appearance Hearing

Every arrestee goes to a first appearance hearing, except under any of the following circumstances:

- An officer or judge, in lieu of a physical arrest, issues a notice to appear in a designated court at a specified date and time.
- The magistrate releases the person from custody on their own recognizance.

- The person posts ***bond***—collateral, such as cash or property, to ensure the person returns to court for future hearings—and is released from custody.

According to Florida law, the first appearance hearing should occur within 24 hours of the arrest. The purpose of a ***first appearance hearing*** is for the judge to determine if there is sufficient probable cause to hold the defendant to answer to the crime for which the defendant was arrested, and if so, to determine reasonable bond. At the first appearance hearing, the judge appoints counsel if the defendant qualifies and wants counsel. The judge reviews the probable cause affidavit and other information to decide if probable cause exists to support the defendant's commission of the alleged offense. The hearing allows the judge to ask questions to define or address issues that may not be clear in the affidavit. If the judge finds that probable cause does exist, the court will consider the issue of bond, and the bond is set at this time. If the judge finds that there is insufficient probable cause, the judge can release the defendant from custody; however, the state attorney can still file formal charges against the defendant after an additional investigation.

The ***rules of evidence*** in a first appearance hearing are more relaxed than those of a trial, to determine guilt or innocence. For example, under the provisions of the hearsay rule, in the Florida Evidence Code, hearsay is generally not admissible as evidence at a hearing or trial. However, hearsay is admissible in first appearance hearings that determine probable cause and bond. The first appearance hearing is adversarial. The suspect or the defense attorney may defend the suspect's position or question witnesses.

☑ **CP252.2. Describe the purpose of the first appearance hearing after the arrest of an offender**

ARRAIGNMENT

A first appearance hearing is different from an arraignment. During the ***arraignment***, the court formally advises the arrested person of the charges contained in an indictment and asks them to enter a plea–guilty or not guilty. Usually, a prosecutor is present, and an appointed public defender may attend the hearing. In the case of a misdemeanor, sentencing may occur simultaneously during an arraignment. This is also the stage where attorneys make recommendations for pretrial release.

☑ **CP252.3. Describe the purpose of an arraignment after the arrest of an offender**

PRETRIAL RELEASE

In Florida, unless charged with a capital offense or an offense punishable by life in imprisonment, defendants are entitled to pretrial release on reasonable conditions. ***Pretrial release*** secures offenders for trial and protects victims, witnesses, and the community. Reasonable conditions include, but are not limited to, any combination of the following conditions:

- no criminal activity of any kind
- no contact of any type with the victim or any other person named in a no contact order, to include:
  - oral or written communication in person, via the telephone or electronically, directly or indirectly through a third person
  - physical or violent contact

    - presence within 500 feet of the victim's or the named person's residence, vehicle, or place of employment, or a specified place frequented regularly
- placement of restrictions on travel or residency during release
- monetary bail or bonds
- placement of the defendant with a designated person or organization that agrees to supervise the defendant or any other condition deemed reasonably necessary to ensure the future appearances of the defendant in court
- release on own recognizance (ROR), which allows an offender to be free while awaiting trial, without posting bail, on the offender's promise to appear in court

Some factors that the judge can consider when setting conditions of pretrial release include:

- the amount of bond
- the defendant's prior criminal record or absence of criminal record
- the defendant's ties to the community, such as family and work history
- the violent or non-violent nature of the crime charged
- the risk of flight if the defendant is granted release.

☑ **CP252.4. Describe the conditions for pretrial release of an offender to include the factors for consideration**

Bond Hearing

At a first appearance hearing, there may be discussion regarding bond and conditions of pretrial release. If a defendant does not post (raise) bond after a first appearance hearing, the defendant is entitled to set a hearing to consider the issue of bond further. At a ***bond hearing***, the defense attorney might call the defendant's family members to provide testimony regarding the defendant, such as the stability of the defendant's residential environment. Other witnesses, such as the defendant's employer, may testify about the defendant's work history. The defendant also may testify. The prosecutor may cross-examine the witnesses; however, the discussion is limited to setting reasonable pretrial conditions. The bond hearing is not a trial to determine guilt.

☑ **CP252.5. Describe the purpose of a bond hearing when determining pretrial release conditions**

Deposition

Before a trial or hearing, you may receive a subpoena or notice to give a deposition. A ***deposition*** is an official court proceeding in which all parties, except the defendant, provide sworn testimonies regarding the facts of the case before the trial. One of the attorneys will subpoena you; however, both the prosecutor and defense attorney can ask you questions. This is the attorneys' chance to assess the case further and document your verbal testimony before a trial or hearing.

An attorney from the state attorney's office may be present during the deposition; a judge is not present. At a deposition, the attorneys ask only questions that are reasonably relevant and material to the case. A court reporter, or electronic recording device, will record all responses, transcribe them, and then print them for the case file and distribution to the involved parties.

☑ **CP252.6. Describe the purpose of a deposition as it relates to a trial or hearing**

Suppression Hearings

A ***suppression hearing*** occurs after the defense files a motion to suppress or to exclude certain testimony or evidence from the trial, alleging that improper actions violated the defendant's rights. For example, the court may call you to testify during a suppression hearing when there is evidence of a new crime found during a site visit to an offender's residence. This hearing usually occurs before the trial but also may occur during the trial. Generally, suppression hearings concern legal issues as a result of action taken by law enforcement or probation officers related to the stop, detention, arrest, search, seizure, statements, confessions, or evidence that the defense is trying to suppress.

☑ **CP252.7. Describe the purpose of a suppression hearing before or during a trial**

Trial

A ***trial*** is the examination of facts and related law, presided over by a judge or other magistrate who has the authority or jurisdiction to hear the matter. The defendant selects a trial by judge or by jury. The judge will read the statement of charges against the defendant. Each party is entitled to an opening statement. The prosecution presents the case, followed by the presentation of evidence. The defendant can present a case, follow with a possible rebuttal of evidence, and then finish with a final statement. If it is a jury trial, the jury will receive instructions and decide the verdict. If there is no jury, the judge will render judgment.

☑ **CP252.8. Describe the process of a trial by judge or jury**

Sentencing Hearing

After a conviction, the state attorney's office or defense attorney may request that you attend a sentencing hearing. At a ***sentencing hearing***, both the defense and the prosecution have an opportunity to present evidence and testimony to recommend an appropriate sentence to the judge. The attorneys will review the ***presentence investigation report (PSI)*** if the probation officer previously provided one. The PSI provides the sentencing authority with an offender's background information and the officer sentencing recommendation. The victim also has the right to make a victim impact statement regarding sentencing. Generally, probation officers do not testify in sentencing hearings unless the judge or one of the attorneys needs something in the PSI explained.

Sometimes during a sentencing hearing, the court establishes victim restitution. ***Restitution*** is the amount of monetary damages paid by an offender and awarded to the victim. In some cases, the court may set a separate restitution hearing.

☑ **CP252.9. Describe the role of a sentencing hearing after an offender's conviction, including restitution**

Violation of Probation Hearing

A ***violation of probation (VOP)*** happens when an offender does not abide by all conditions ordered by the court. A ***violation of probation (VOP) hearing*** occurs when a probation officer accuses an offender of violating their probation or community control and an offender contests the violation. An offender, whose legal rights are not the same as those of a defendant, is not entitled to a jury trial. A judge conducts the hearing and makes the final decision whether the offender violated probation or community control. Some of the rules of evidence are more relaxed in violation hearings than in trials. For example, hearsay evidence is admissible in violation hearings and can result in a finding by the judge of a violation if the direct evidence confirms the hearsay.

Before revoking an offender's probation, the state must prove by the greater weight of the evidence that the offender deliberately, willfully, and substantially violated one or more conditions of probation. Examples can include an offender that tests positive for cocaine use or if an offender has moved deliberately without the permission of their probation officer. This is in contrast to the standard of proof required to prove a person guilty of a crime, which is proof beyond a reasonable doubt on each element of the crime charged.

☑ **CP252.10. Describe the role of a violation of probation hearing for an offender under supervision**

LESSON VOCABULARY

arraignment

bond

bond hearing

deposition

first appearance hearing

Presentence Investigation Report (PSI)

pretrial release

restitution

rules of evidence

sentencing hearing

suppression hearing

trial

violation of probation (VOP)

violation of probation (VOP) hearing

LESSON 3 GIVING TESTIMONY

Lesson Goal

At the end of this lesson, you will understand courtroom procedure and know how to provide testimony in a court proceeding and represent the Department in a professional manner.

Preparing to Testify

Probation officers primarily testify at depositions or at violation of probation hearings. You will rarely have to testify at other judicial proceedings such as first appearance or bond hearings. However, become familiar with the guidelines for testifying, regardless of the proceeding that requires your testimony.

Review the details of the subpoena, to include date, time, location, and any specific instructions related to the case. Discuss the case with the appropriate involved parties, including the state attorney, if necessary. Review the case file, including all supplemental reports and photos, evidence information and chain of custody, and be prepared to answer questions on all relevant facts. Thoroughly prepare for questioning by reviewing the reports or case notes. Be prepared to testify from memory, using reports only for specific details and after requesting permission to refer to them. With full preparation, you can meet your legal and ethical obligations to provide the material facts about a case, as the state attorney or defense attorney begins the line of questioning.

☑ **CP253.1. Prepare for a legal proceeding before providing testimony for an offender under supervision**

Under Oath or Affirmation

Before testifying, you will take an oath or make an affirmation that the testimony you are going to give is the truth. The method used is generally the same regardless of where the testimony is given or who administers the oath or affirmation. Typically, the clerk of the court, a court reporter, the judge, or some other designated court personnel will ask you to raise your right hand and then ask, “Do you swear or affirm to tell the truth and nothing but the truth?” In a firm and non-dramatic way, answer, “I do,” while looking at and listening attentively to the person administering the oath. You are now required to testify truthfully and are subject to the penalties of perjury if you do not.

☑ **CP253.2. Describe the role of the oath or affirmation before providing testimony in a legal proceeding**

Testifying

Giving testimony may take place in an attorney’s office, in the judge’s chambers, in a deposition room, or on the witness stand in a courtroom. To provide effective testimony, follow some general guidelines. If you are to appear at a trial or hearing, always look and act professional. Follow Department policies regarding appropriate dress for a court appearance. Remember to bring Department credentials, in case one of the attorneys questions your credibility. How you prepare for testimony and present yourself can affect the success of testimony given at a deposition, hearing, or trial. Also, remember that you are representing the Department. If you appear unprofessional or unprepared, that is the impression the public will have of the Department of Corrections. Two mistakes that will contradict your professionalism are chewing gum in a legal proceeding and forgetting to turn off your cell phone.

☑ **CP253.3. Describe professional behavior when testifying in a legal proceeding while also applying Department policy**

Testifying at a trial or hearing is a ***direct examination*** of the witness when called to the witness stand. When you are finished with your direct testimony by the attorney who called you, the other attorney is then entitled to ask you questions. This is a ***cross-examination***. Generally, direct examination does not allow "leading" questions but permits them during cross-examination. This means that some questions asked of you during cross-examination will begin with words such as "Isn't it true that …?" "Isn't it correct that …?" or "Isn't it a fact that …?" Do not just agree with the question because of the way it is phrased. An attorney may phrase a question this way, hoping you will agree. Take the time to listen carefully to what the attorney actually asked and answer truthfully, regardless of how they asked the question.

☑ **CP253.4. Describe the difference between direct and cross-examination, including responding to leading questions**

Section 90.616, F.S., allows either the prosecutor or the defense attorney to make a motion to order the witnesses in a case excluded from the courtroom unless testifying with a few exceptions. This is called the ***rule of sequestration***. If the judge grants the motion for the exclusion of witnesses, it is ***invoking the rule***. As part of invoking the rule, the judge also generally orders that the witnesses not discuss any aspect of the case with anyone except the attorneys involved. Violating the rule of sequestration means that the judge may penalize or punish the witness.

Whether or not the judge invokes the rule of sequestration, you must never communicate with a juror or known potential juror, except as directed by the court. If you observe a possible violation, report it immediately to the courtroom bailiff or the presiding judge.

☑ **CP253.5. Describe the role of the rule of sequestration that a judge may order during a legal proceeding**

Guidelines for Testifying

Look directly at the attorney or judge, listen carefully to the questions they ask, and pause before answering to collect your thoughts. Make sure you understand the questions and that you answer them accurately, clearly, and completely. If necessary, you can state that you do not understand a question, or you can ask the judge or attorney to clarify or repeat the question. Never answer a question with a guess. It is acceptable to say, "I don't know," when necessary. The judge may permit you to explain why you do not know. After answering a question, resist the urge to fill the pause after your answer with extra information. Never volunteer unsolicited information; only answer the question asked.

Testifying truthfully and accurately keeps testimony consistent, makes it effective and credible, and keeps you out of trouble. The appearance of prejudice destroys credibility. Avoid showing biases and prejudices. Always use plain, professional terminology, not jargon or slang.

Avoid derogatory statements, sarcasm, witty comments, or ridicule, all of which are unprofessional. Be expressive, and avoid speaking in a monotone when narrating incidents in chronological order. Be courteous and use proper titles such as “Your Honor,” “ma’am,” and “sir.” Face the judge while responding to their questions, and face the jury when responding to the prosecutor or the defense counsel. Never address or refer to the defense counsel as a public defender. Doing so can cause a mistrial, as it may make the jury aware that the defendant cannot afford other representation.

Convey confidence, not arrogance or evasion, and avoid fidgeting or showing other signs of nervousness. Do not guess or speculate what you think the answer is, or what the attorney wants you to say. You are there to testify truthfully to what you know or do not know about the case. If you do not know the answer, it is completely proper to say so. If you do not remember something, ask the judge if you can refresh your memory and check the file or your notes. Sometimes saying you do not know can suggest that you never knew. If asked the same question more than once, answer it again. Refrain from replying that you have already answered the question.

Occasionally, challenging your credibility is the opposing counsel’s job and is usually not personal. Avoid allowing personal experiences and beliefs to affect your ability to be fair and objective in your testimony concerning a person’s cultural, ethnic, and gender identity. Take your time before replying so that you can provide a more precise answer. If pressured by the opposing attorney into making an absolute yes or no statement, it is okay to answer, “Not exactly” or “That’s almost correct.” This may give you an opportunity to provide a more concise follow-up response. Avoid displaying extraordinary interest in the case. Display interest of a professional nature only, not a personal one.

☑ CP253.6. Describe how to answer questions professionally when providing testimony in a legal proceeding while also applying Department policy

Lawyers may occasionally ask improper questions. Maintain the same demeanor for the defense attorney and the state attorney; do not change your attitude when responding to the opposing counsel’s questions just because the counsel is an opponent. If asked a question and the opposing attorney objects to the question, do not immediately answer the question. Generally, the attorney will state the legal grounds for the objection, the opposing attorney may argue why they believe it is a legally proper question, and ultimately the judge will decide to either sustain or overrule the objection. If the judge sustains the objection, they have ruled that it is an improper question and to not answer it. If the judge overrules the objection, regard it as a proper question and answer it. Either way, the judge will generally give you guidance, such as telling you whether to answer the question. If so, again wait for the ruling from the judge. If there is no objection to the rephrased question, you can answer it.

☑ CP253.7. Describe how to respond to sustained or overruled objections when providing testimony in a legal proceeding

The court reporter will record the testimony. All answers to relevant questions are for the record. Your job is to provide an accurate and complete testimony of the available facts, not to steer the case.

By following these guidelines, preparing carefully, listening attentively, and providing complete, truthful answers, you will demonstrate professional behavior, represent the Department well, and contribute to the integrity of the judicial process.

TESTIFYING IN A DEPOSITION OR TRIAL

When the deposition ends, the attorney will ask if you wish to read the transcribed or typed deposition or waive the review, but it is not advisable to waive the review. Although you cannot demand changes, you can point out and notify the state and defense attorneys of errors or misstatements. By reviewing and signing a copy of the deposition, you have an additional opportunity to refresh your memory before testifying at a hearing or trial.

☑ **CP253.8. Understand officer choices for the read or waive option when participating in a deposition while also applying Department policy**

During a criminal trial, the attorneys can discredit you if your testimony changes or if you provide information that differs from your prior sworn deposition statement. The attorney questioning you may give you the chance to explain any inconsistencies between your trial testimony and deposition statement.

☑ **CP253.9. Provide accurate and complete information when testifying in a deposition for an offender under supervision**

TESTIFYING IN A SENTENCING HEARING

If you are required to testify during a sentencing hearing, your goal is to provide the court with relevant information about an offender. Information such as an offender’s actions while on supervision, compliance with conditions, and a brief history of their supervision will assist the court in giving an appropriate sentence. In addition, you will want to provide the court with any information regarding potential impact the sentencing may have on the victim, community, or public safety.

☑ **CP253.10. Provide accurate and complete information when testifying at a sentencing hearing for an offender under supervision.**

TESTIFYING IN A VIOLATION OF PROBATION HEARING

The testimony of an officer during a violation hearing can include:

- identifying an offender in court
- discussing when and for what crime(s) an offender was placed under supervision
- explaining the terms of supervision
- providing the history of supervision and contacts between the probation officer and an offender
- explaining how and when an offender allegedly violated the condition(s) of probation

In addition, you may want to provide the court with any information regarding potential impact on the victim, community, or public safety. In most violation of probation hearings, the probation officer is the main, if not sole, witness that the prosecution calls to the witness stand.

☑ **CP253.11. Provide accurate and complete information when testifying at a violation of probation hearing for an offender under supervision**

Perjury

Perjury, a willful telling of an untruth in court after having taken an oath or affirmation, is a crime in the state of Florida. Perjury committed in an official proceeding is a third-degree felony; perjury committed while not in an official proceeding is a first-degree misdemeanor. The Florida Statutes define an official proceeding as a proceeding heard before any legislative, judicial, administrative, governmental department, or official authorized to take evidence under oath, including hearing officers, magistrates, or notaries. According to s. 837.021, F.S., it is a felony of the third degree to make two or more material statements under oath that willfully contradict each other.

☑ **CP253.12. Describe the penalties for perjury in legal proceedings as established in the Florida Statutes**

If you commit perjury, you lose credibility with the court and with the prosecuting attorney. The court could suppress the evidence or statements of the defendant and dismiss the case. The court could charge you personally with a crime, the Department could fire you from your job, or the CJSTC can revoke your certification.

☑ **CP253.13. Describe some of the negative consequences of perjury that may affect an officer**

LESSON VOCABULARY

cross-examination

direct examination

invoking the rule

perjury

rule of sequestration

UNIT 6 SENTENCING

LESSON 1 CLASSIFICATION OF OFFENSES

Lesson Goal

At the end of this lesson, you will understand the differences between a misdemeanor, felony, non-criminal or civil infractions, and local ordinance violation.

The Florida Statutes categorize offenses by the degree to which they cause harm to society. This lesson presents the basic breakdown of offenses as defined in the Florida Statutes. Most of the offenders that you will supervise will be on felony probation. The type of crime and the factors that reclassify a crime to a higher or lower degree affect the conditions of supervision, which will shape how you supervise an offender.

Categories and Classes of Offenses

The term ***offense*** broadly describes criminal or non-criminal acts that are punishable under Florida law. Criminal offenses are punishable by incarceration, probation, and fines, and are classified as either felony or misdemeanor. Non-criminal offenses, or civil infractions, are punishable by monetary fines or something other than incarceration. An example of a non-criminal offense is a traffic violation, such as failure to yield the right-of-way.

FELONIES

A ***felony*** (s. 775.08(1), F.S.) is any criminal offense that is punishable under Florida law by death or imprisonment of one year or more in a state penitentiary. Felonies are classified based on the severity of the offense. Each of the five felony classes is defined by the penalties (s. 775.082(3), F.S.) or fines (s. 775.083(1), F.S.) associated with it.

- A capital felony is the highest class of felony, and it carries a penalty for either death or life imprisonment without the possibility of parole in a state correctional facility. First-degree murder (s. 782.04(1), F.S.) is a capital felony and the only one for which the state imposes the death penalty. All other capital felonies require a life sentence without the possibility of parole, such as sexual battery on a child under 12 by a person 18 or older (s. 794.011(2)(a), F.S.).
- A life felony carries penalties, including and up to life imprisonment in a state correctional facility, a fine of up to $15,000, or both. The penalty may vary depending on when, upon whom, and what type of crime was committed. For example, lewd or lascivious molestation (s. 800.04(5)(b), F. S.) is a life felony if the offender is 18 or older and the victim is under 12. The class of felony changes depending upon both the age of the offender and of the victim. In addition, some crimes classified as a first-degree felony, such as kidnapping or sexual battery, may be reclassified as a life felony, if the crime was committed with the use of a weapon or firearm. See s. 775.087, F.S.
- A first-degree felony carries a maximum penalty of 30 years in a state correctional facility, a fine of up to $10,000, or both. Certain first-degree felonies, such as kidnapping (s. 787.01(2), F.S.), specifically carry a maximum penalty of life imprisonment in a state correctional facility.

- A second-degree felony, such as aggravated battery (s. 784.045, F.S.), is punishable by a maximum of 15 years in a state correctional facility, a fine of up to $10,000, or both.
- A third-degree felony, such as aggravated assault (s. 784.021, F.S.), carries a maximum penalty of five years in a state correctional facility, a fine of up to $5,000, or both.

☑ **CP261.1. Describe the different classes of felony offenses as established in the Florida Statutes**

MISDEMEANORS

A ***misdemeanor*** (s. 775.08(2), F.S.) is any criminal offense with a maximum incarceration penalty in a county jail of up to one year. Misdemeanors are divided based on the maximum penalties (s. 775.081(2), F.S.) or fines (s. 775.083(1), F.S.) associated with the offense.

- A first-degree misdemeanor, such as simple battery (s. 784.03(1), F.S.), carries a maximum penalty of one year in a county jail, a fine of $1,000, or both.
- A second-degree misdemeanor, such as criminal mischief involving property damage totaling less than $200 (ss. 806.13(1)(a) and (b)1., F.S.), carries a maximum penalty of 60 days in a county jail, a fine of $500, or both.

☑ **CP261.2. Describe the different classes of misdemeanor offenses and associated penalties as established in the Florida Statutes**

NON-CRIMINAL AND ORDINANCE VIOLATIONS

Non-criminal offenses are statewide statutory violations that are punishable by monetary fines, forfeitures, or civil penalties other than incarceration. They are also called civil infractions or non-criminal violations.

☑ **CP261.3. Describe types of non-criminal or civil infractions as established in the Florida Statutes**

Municipalities and counties enact ordinances for the protection and well-being of their residents. Most ***municipal ordinance violations*** can be either criminal or non-criminal in nature and are restricted to the jurisdiction of the local area. The maximum penalty for violating a local criminal ordinance, such as excessive noise in the city limits during restricted hours, is a fine of $500, incarceration in a county jail for up to 60 days, or both. If there is a conflict, state and federal statutes take precedence over local ordinances.

☑ **CP261.4. Describe types of local ordinance violations that can incur criminal penalties, applying municipal or county codes and the Florida Statutes**

Classification of Offenses

Offense	Classification	Facility Type	Degree or Application	Penalties and Fines
Criminal Offense	Felony	State	Capital Felony	Death or life imprisonment without the possibility of parole
			Life Felony	Life imprisonment, a $15,000 fine, or both
			Felony 1st Degree	30 years to possible life imprisonment, a $10,000 fine, or both
			Felony 2nd Degree	15 years imprisonment, a $10,000 fine, or both
			Felony 3rd Degree	5 years imprisonment, a $5,000 fine, or both
Criminal Offense	Misdemeanor	County	Misdemeanor 1st Degree	Imprisonment for up to a year, a $1,000 fine, or both
			Misdemeanor 2nd Degree	Imprisonment for up to 60 days, a $500 fine, or both
Local Ordinance Violation	Civil or Criminal	County or City	Can be criminal in nature and require incarceration	Civil penalty of up to $500, imprisonment for up to 60 days, or both
Non-Criminal Offense	Infraction	None	Includes non-criminal infractions or traffic violations	$500 fine, forfeiture or other civil penalty

LESSON VOCABULARY

felony

misdemeanor

municipal ordinance violation

non-criminal offense

offense

LESSON 2 ENHANCED PENALTIES

Lesson Goal

At the end of this lesson, you will understand the various factors that would enhance a sentence and the conditions under which the court imposes enhanced penalties.

Chapters 775 and 921, F.S., cover general criminal penalties and sentencing. While s. 775.082, F.S., lists the general range of penalties, the court may reclassify a crime to a higher degree and the sentence may be extended or enhanced by the sentencing judge if certain factors are present.

Types of Crimes Producing Enhanced Penalties

Examples of the common types of reclassifications or enhanced penalties include the following:

> *Section 775.0823, F.S., provides for an increase in penalty for conviction of certain violent offenses against a law enforcement officer, correctional officer, probation officer, state attorney, assistant state attorney, or judge if the offense occurred in the course of the officer's, attorney's, or judge's performing their job duties.*

The Florida Statutes reclassify a felony if the court convicts a person of taking the firearm from a law enforcement officer engaged in their job duties and of committing another crime involving the firearm. This reclassifies a misdemeanor to a third-degree felony, a felony of the third degree to a second-degree felony, a felony of the second degree to a first-degree felony, and a felony of the first-degree to a life felony.

☑ **CP262.1. Describe enhanced penalties for crimes committed against criminal justice officers, attorneys, or judges, including crimes involving a law enforcement firearm theft**

Section 775.085, F.S., provides for reclassified penalties for felonies and misdemeanors if the commission of the offense shows prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim of the offense. These are ***hate crimes***.

☑ **CP262.2. Describe enhanced penalties for hate crimes as established in the Florida Statutes**

Section 775.087, F.S., provides for the reclassification of felonies to the next offense classification level if, during the commission of the crime, the offender carries, displays, uses, threatens to use, or attempts to use a weapon or firearm.

Armed robbery is an example of a crime in which the use of a weapon or firearm is an essential element. If during the commission of a crime, an offender commits aggravated battery, the crime is also reclassified. This enhances the offense of a first-degree felony to a life felony, a second-degree felony to a first-degree felony, and a third-degree felony to a second-degree felony.

☑ **CP262.3. Describe the enhanced penalties for crimes committed using a weapon, including robbery and battery, as established in the Florida Statutes**

Enhancement of penalties also occurs if the judge or jury finds that an offender committed the crime to benefit the interests of a criminal gang. The Florida Statutes authorize in such a case the reclassification of a third-degree felony to a second-degree felony and a second-degree felony to a first-degree felony.

☑ **CP262.4. Describe enhanced penalties for committing a felony that benefits the interests of a criminal gang as established in the Florida Statutes**

Other situations that may result in enhanced penalties include wearing a mask or hood to conceal identity while committing a felony or misdemeanor, and committing a felony or misdemeanor that furthered an act of terrorism.

Section 775.084, F.S., provides for extended or mandatory minimum terms of imprisonment or both for offenders who have multiple prior convictions. The Florida Statutes designate these offenders as habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, or violent career criminals. Factors for reclassification in such cases include the number of prior convictions, the nature of the prior convictions, the current offense, and how far in the past the prior convictions occurred.

- A habitual felony offender may be sentenced as follows:
  - third-degree felony—a term not exceeding 10 years
  - second-degree felony—a term not exceeding 30 years
  - life felony or first-degree felony—life imprisonment
- A habitual violent felony offender may be sentenced as follows:
  - third-degree felony—a term not exceeding 10 years with no eligibility for release for five years
  - second-degree felony—a term not exceeding 30 years with no eligibility for release for 10 years
  - life felony or first-degree felony—life with no eligibility for release for 15 years
- A three-time violent felony offender must be sentenced to a mandatory minimum term of imprisonment as follows:
  - third-degree felony—a term of five years
  - second-degree felony—a term of 15 years
  - first-degree felony—a term of 30 years imprisonment
  - life felony—life imprisonment
- A violent career criminal must be sentenced as follows:
  - third-degree felony—a term not exceeding 15 years with a mandatory minimum of 10 years
  - second-degree felony—a term not exceeding 40 years with a mandatory minimum of 30 years
  - life felony or first-degree felony—life imprisonment

☑ **CP262.5. Describe enhanced penalties associated with types of habitual and violent offenders as established in the Florida Statutes**

A ***prison releasee reoffender*** is a defendant who commits or attempts to commit certain crimes within three years of release from a correctional facility for an offense punishable by a sentence of more than one year under Florida law. A prison releasee reoffender includes an offender who is still serving a prison sentence or is on escape status. If the judge finds that an offender qualifies as a prison releasee reoffender, they are not eligible for sentencing under the sentencing guidelines.

A prison releasee offender must be sentenced as follows:

- third-degree felony—a term of imprisonment of five years
- second-degree felony—a term of imprisonment of 15 years
- first-degree felony—a term of imprisonment of 30 years
- life felony—life imprisonment

☑ **CP262.6. Describe enhanced penalties associated with prison releasee reoffenders as established in the Florida Statutes**

LESSON VOCABULARY

hate crimes

prison releasee reoffender

Lesson 3 Alternative Dispositions and Sentencing

Lesson Goal

At the end of this lesson, you will understand specific types of alternative sentences for youthful offenders, drug offenders, and military veterans or service members.

Adjudication Withheld

Section 948.01, F.S., refers to a court decision in which a judge reserves a judgment of guilt but places the defendant on probation. Typically, in these cases, the defendant has pled *nolo contendere,* or no contest, to the charge and consents to pay fines and a term of probation in exchange for the state's agreement to withhold adjudication, called ***adjudication withheld***. Once the term of probation is successfully completed, the court no longer has jurisdiction, there is no adjudication of guilt, and the defendant can truthfully state that the court did not convict them of a crime.

For example, a defendant pleads guilty or *nolo contendere* to possession of cocaine and is sentenced to time served (time already spent in jail) and one year of probation. The sentence must include probation for withholding of guilt. The defendant cannot incur further incarceration, as there is no conviction. However, if the defendant violates a term of probation, the court can reassert its jurisdiction over the person, enter a finding of guilt, and sentence accordingly.

The court cannot impose adjudication withheld for any capital, life, or first-degree felony. It cannot impose it for any second-degree felony unless requested by the state attorney. However, the court may make a written finding that it is reasonably justified, with certain exceptions. In addition, there are other restrictions for third-degree felonies. Some states do not acknowledge this type of adjudication withheld status.

☑ **CP263.1. Describe adjudication withheld, including an offender's responsibilities and consequences of reoffending**

Pretrial Intervention

Section 948.08, F.S., authorizes the court to provide a person charged with a crime the option to complete a rehabilitative program before the sentencing authority makes an indictment. The state attorney can offer pretrial intervention when an offender meets all qualifying criteria. Probation officers provide oversight for these pretrial intervention cases. A person on ***pretrial intervention***, also referred to as "deferred prosecution," has not yet been convicted or has had adjudication withheld for a crime. Instead of a conviction, the court may provide them opportunity to perform community service or to meet other supervisory conditions. If the service or conditions are satisfactorily completed, the court will not prosecute the person. If the person fails to abide by the pretrial intervention agreement, you must notify the state attorney's office, and the person is subject to a resumption of prosecution. The person must agree to participate in the program and waive their right to a speedy trial.

☑ **CP263.2. Describe the role of the pretrial intervention program for individuals charged but not convicted of a crime, including the role of the officer**

Alternative Sentencing

The Florida criminal justice system provides a number of sentencing alternatives that a judge can impose, in addition to imprisonment and the standard conditions of probation and community control. Sentencing alternatives generally involve treatment services or rehabilitation programs designed for the individual offender. Some of the more common alternative sentences are for youthful offenders, drug abusers, and military veterans and service members.

YOUTHFUL OFFENDERS

Chapter 958, F.S., contains sentencing guidelines for a youthful offender. A ***youthful offender*** is an offender who meets all of the following conditions:

- is at least 18 years old or has been transferred from the juvenile justice system for prosecution as an adult
- is found guilty of, or has pled guilty or *nolo contendere* to, a crime that is, under the laws of this state, a felony if such crime was committed before the defendant turned 21 years of age.
- has not previously been classified as a youthful offender. People found guilty of a capital or life felony do not qualify for sentencing as a youthful offender.

The Florida Youthful Offender Act provides youthful offenders an improved chance of a successful return to the community by providing enhanced vocational, educational, counseling, or public service opportunities. It prevents youthful offenders' association with older, more experienced, and hardened criminals while confined. The act also provides alternative sentencing sanctions for offenders who have shown they require more substantial sanctions to protect society than the juvenile justice system can afford.

Youthful offenders are required to participate in work assignments and in career, academic, counseling, and other rehabilitative programs. These may include:

- life and socialization skills training
- religious services and counseling
- substance misuse treatment and counseling
- psychological and psychiatric services

Successful participation in the youthful offender program can result in a recommendation by a probation officer to the court for a modification or early termination of probation, community control, or sentence.

Under the Youthful Offender Act, the courts may sentence a person to the youthful offender basic training program described in s. 958.045, F.S. The program provides for a short period of incarceration with rigorous training for offenders who are in need of more supervision than probation or community control can provide. It is designed and implemented by the Department of Corrections, lasts for no less than 120 days, and includes marching drills, calisthenics, a dress code, manual labor assignments, obstacle course training, training in decision-making and personal development, general educational development and adult basic education courses, and drug counseling or other rehabilitation programs.

☑ **CP263.3. Describe the purpose, qualifications, and responsibilities of an offender who participates in an alternative sentencing program as established in the Florida Youthful Offender Act**

DRUG OFFENDER PROBATION

Section 948.20, F.S., provides for drug offender probation, a form of intense supervision that focuses on treatment of drug offenders and emphasizes individualized treatment plans. To qualify, the judge must determine that an offender chronically misuses substances and has a criminal charge that is either a certain specified drug offense or other specified non-violent felony.

Each county may fund a treatment-based drug court program in which those with substance misuse problems and charged with certain crimes may be entitled to supervision that focuses on treatment of drug offenders and emphasizes individualized treatment plans. Entry into a pretrial drug court program is voluntary. Entry into a drug court program requires the court to assess the recommendation of the state attorney and the victim, if any, and the defendant's:

- criminal history
- substance misuse screening outcome
- total sentence points
- agreement to enter the program
- willingness to use the program services

Drug court programs follow principles that include early identification and placement of eligible participants, combining treatment services with supervision, frequent testing of the participants for alcohol and other drugs, and ongoing interaction between the judge and each offender in the program.

☑ **CP263.4. Describe the principles of the drug offender probation program, including the court's responsibilities**

VETERANS TREATMENT COURT PROGRAMS

A court with jurisdiction over criminal cases creates and administers a veteran's treatment court program. In this program, the court can sentence veterans and service members to individualized treatment if they are convicted of a crime and suffer from a service-related illness or injury. Illnesses or injuries can include mental illness, traumatic brain injury, substance use disorder, psychological problems, or military sexual trauma. The state attorney, in consultation with the court, will consider the following when determining an offender's participation in the program:

- criminal history
- if the offender has previously participated in a veterans treatment court or similar program
- nature and circumstances of the offense
- special characteristics or circumstances of the offender or the victim
- recommendations of the victim and the law enforcement agency involved in the arrest or investigation
- if treatment needs exceed the treatment resources available to the program
- impact on the community
- the likelihood of the offender paying restitution, if owed, while participating in the program

- any mitigating circumstances
- other circumstances reasonably related to the case

☑ **CP263.5. Describe the role of the Military Veterans and Service Members Court Program, including offender qualifications and the court's responsibility**

LESSON VOCABULARY

adjudication withheld

pretrial intervention

youthful offender

LESSON 4 SENTENCING SCORESHEETS

Lesson Goal

At the end of this lesson, you will know how to review scoresheets for supervision conditions and for recommendations to the sentencing authority.

Sentencing Guidelines

Chapter 921, F.S., establishes guidelines for sentencing an offender. Over the years, our legislators revised the chapter into the current Florida Criminal Punishment Code. Since 1998, the Code has served as the basis for providing appropriate sentences for offenders and justice for victims.

☑ **CP264.1. Describe the legal basis for sentencing guidelines as established by the Florida Statutes**

Sentencing guidelines under the Florida Criminal Punishment Code provide a uniform set of standards to guide the court in making sentencing decisions. These guidelines eliminate disparity in sentencing decisions, make sure that the punishment fits the crime(s), and provide a means to score the penalty mathematically in several areas, including:

- the severity of the crime
- victim injury
- an offender's prior criminal record
- an offender's legal status
- other specific considerations

The guidelines consider relevant matters to the offense before sentencing. For example, did the victim in an aggravated battery sustain severe injury? An offense that results in victim injury will result in greater sentence points. Does the defendant have a prior criminal record? An offense committed by a defendant with a prior criminal record will also result in more points. Under the Florida Criminal Punishment Code, the statutory maximum listed in s. 775.082, F.S., determines the maximum sentence for any felony offense.

☑ **CP264.2. Describe the uniform set of standards in the Criminal Punishment Code that provides sentencing guidelines for offenders**

Sentencing Scoresheets

Sentencing scoresheets are worksheets prepared for each offender after the disposition of their case(s). Scoresheets record and tally the violation points associated with an offender's offense(s) and assign the points according to the sentencing guidelines.

The Florida Legislature has given the responsibility for preparing scoresheets to the Department of Corrections and the state attorney.

Using Scoresheets

You will review an offender’s scoresheet(s) to determine the permissible range of sentences the sentencing authority may impose on an offender, taking into account the primary offenses as well as any prior convictions. This information will assist you when you have to provide a recommendation for an offender, such as when you complete a violation report or a presentence investigation. Section 921.0024, F.S., provides detailed information on the Criminal Punishment Code.

☑ **CP264.3. Describe the role of sentencing scoresheets while also applying Department policy**

LESSON VOCABULARY

sentencing scoresheets

COMMUNICATIONS

Course Number: CJK_0265

Course Hours: 46 hours

Course Structure: 4 units, 12 lessons

Course Outcomes

At the end of this course, you will be able to:

- ✓ apply effective communication skills
- ✓ apply active listening
- ✓ evaluate verbal and non-verbal cues
- ✓ identify and overcome barriers to effective communication
- ✓ apply conflict resolution and problem-solving strategies
- ✓ apply diversity awareness while communicating with offenders and members of the public
- ✓ interact with mentally ill and disabled offenders
- ✓ recognize and respond to a crisis and/or suicide situation
- ✓ apply Florida public records law
- ✓ respond to a public records request and media inquiry
- ✓ recognize the three phases of an effective interview
- ✓ prepare for and conduct an interview
- ✓ create a properly written narrative report
- ✓ apply report writing skills to an incident and/or use of force report

Course Requirements

Students are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. Role-play exercises will help you apply communication skills in a diverse environment, with mentally ill offenders, and with offenders in crisis. There will also be a written exam covering all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation Officer, Vol. 1 (Chapter 3)
Florida Statutes

Information Provided by Training Center

- ✓ course schedule
- ✓ attendance policy

- ✓ grading policy
- ✓ instructor’s office hours and contact information

Chapter Introduction

Probation officers must adapt their communication styles to meet the needs of the people they are interacting with, eliminating potential miscommunication that may jeopardize effectiveness or safety. Miscommunication occurs for several reasons: unclear expression, communication barriers, or a failure to understand the needs of the listener. Officers who possess strong communication, problem-solving, and conflict resolution skills can respond appropriately while circumventing potential barriers and emotional triggers during a routine interaction or during a crisis.

This chapter explains common communication traits of people based upon differences, such as life experience, culture, value system, and physical and psychological circumstances. You will learn practical communication skills that will assist you in managing and supervising offenders, giving directions, answering questions, and interacting with others in a professional and safe manner. These skills not only demonstrate professionalism but also help create a basis for open communication, effective partnerships, and tension reduction. This includes the ability to gather information through interviewing, sharing information, and documenting information about offenders under supervision.

Course Outline

UNIT 1 COMMUNICATION BASICS

LESSON 1 COMMUNICATION SKILLS

Lesson Goal

At the end of this lesson, you will be able to apply effective communication skills in a professional and courteous manner throughout the performance of your job duties.

Communication Process

Communication is the exchange of messages, verbally and non-verbally, through speech, gestures, or writing, when interacting with others. A sender (speaker) transmits a message to a receiver (listener). The speaker transmits a message (a request, an order, a question, or a description) in a form that the listener understands. The listener then acknowledges the message by providing feedback or response.

☑ **CP311.1. Describe the communication process when interacting with others**

SPEAKING

When the speaker speaks clearly, using the proper tone of voice, volume, and rate of speech, the listener may have a greater understanding of the message. The officer who communicates effectively also speaks in an appropriate tone of voice free from condescension or sarcasm. How you say something is as important as what you say. The effective speaker adjusts how they speak to accommodate the needs of the listener, to include:

- maintaining eye contact
- using short, commonly understood words
- avoiding slang, jargon, or obscure phrases
- keeping sentences brief and to the point
- using short sentences to minimize distraction, especially in stressful, confusing, or noisy situations
- giving clear, specific directions

LISTENING

Listening effectively requires giving full attention to what the speaker is saying and taking the time to understand the message without interrupting. Listening goes beyond merely hearing words. It takes practice, hard work, and often requires much more energy than talking. A good listener concentrates on the words, ideas, and important information related to the subject. The main elements of listening effectively include:

- maintaining eye contact

- facing the speaker
- leaning slightly forward to confirm attentiveness
- keeping an open mind and avoiding bias to hear all the facts
- identifying the intensity of speech (voice volume, emotion, pitch, and tone)
- paraphrasing what the speaker said to make sure that you heard what was actually said

ACTIVE LISTENING

Active listening involves listening with all your senses to determine the context, threat, and relevance of events unfolding around you. Active listening skills can include:

- reflecting or mirroring**—**involves repeating back the last words you heard or restating them, often as a question

  For example, Subject—"I'm sick of being treated this way. I can't take it anymore." Officer—"You feel like you're being mistreated, correct?"

- paraphrasing**—**restating the message using different words to clarify content

  For example, "You are telling me … ." or "You are saying … ."

- emotion labeling—involves putting feelings into words to encourage objective thinking

  For example, "You sound really frustrated, sad, or angry."

- being silent—slows down the exchange, gives the person time to think or talk. Silence can be helpful in defusing a potentially volatile interaction; effective pauses involve deliberately pausing for key emphasis to convey an important message.
- minimally encouraging—involves short responses

  For example, "Oh," "I see," "Uh huh," "OK," "When?" or "Really" to demonstrate that you are listening.

☑ **CP311.2. Describe the elements of effective verbal communication when interacting with others**

Professional Communication

Your personal beliefs and values help establish your attitude and level of respect for another person, group, or event. Be aware of your attitude and values as they can shape your expectations of what may happen in a situation. An officer with a professional attitude asks appropriate questions and plans possible responses to situations.

Your professional appearance and demeanor are often the first message you convey when interacting with others. Professional attire conveys confidence, competence, and authority. Be familiar with Departmental dress policy for specific situations, such as attendance in court or the office, or engagement in fieldwork.

Demonstrate courtesy through consideration, respect, and cooperation when interacting with offenders, coworkers, citizens, and other law enforcement professionals. Treat all people with dignity regardless of race, gender, appearance, or behavior. Handle each interaction fairly, firmly, and consistently.

SELF-KNOWLEDGE AND SELF-CONTROL

Self-knowledge is the understanding of your nature, character, abilities, motives, and limitations. Self-knowledge promotes self-control, especially when dealing with emotional triggers. An emotional trigger is a stimulus that elicits a strong, negative, emotional response. Everyone has emotional triggers that originate from personal experiences. Assess your emotional triggers and develop ways to control your emotions.

Throughout the performance of your job duties, you may encounter people who react negatively to your authority. Generally, people feel stress when interacting with criminal justice professionals. This is not an attack on you personally, but an attack on what you represent. Self-control will help you stay emotionally strong, even under significant stress. When presented with a stressful situation, take a deep breath, and maintain your composure. Remain calm; do not demonstrate anger, fear, or negative emotions. Be aware of things that can irritate you and exercise self-control over your reactions. A situation can quickly deteriorate and have a negative result when you lose self-control.

☑ **CP311.3. Describe the common personal characteristics of an officer who communicates effectively with others**

Non-verbal Communication

Body language is a form of ***non-verbal communication*** or non-verbal cues. Examples of non-verbal communication and associated emotions:

- Sweating, rapid breathing, fidgeting, blinking frequently, or rocking back and forth may indicate nervousness or irritability.
- Clenching fists, muscle tension, pacing briskly, clenching teeth, or a clear reluctance to communicate may indicate anger, rage, or irritation.
- Arms down by the side or comfortably placed in the lap may indicate friendliness or being at ease.
- Crossed arms and legs may indicate the person is closed off or resistant.
- Frowning may indicate uneasiness or confusion.
- Smiling may indicate a failure to understand.
- Lack of obvious emotion may indicate shock, fear, poor understanding, being unfocused, or lack of hearing.
- Avoiding eye contact may indicate the person is shy, uneasy, shameful, fearful, deceptive, guilty, or experiencing strong emotion.
- Direct eye contact may indicate the person is being truthful or challenging.

☑ **CP311.4. Describe common elements of non-verbal communication that may assist an officer when interacting with others**

Identifying and understanding the subtle differences between a person’s spoken words and their body language will enhance your ability to communicate effectively. Non-verbal communication should reinforce or complement verbal communication. Recognizing these differences will enhance your awareness and safety. Interpreting an offender’s non-verbal behavior will alert you to signs of stress, deception, or aggression. Keep in mind that many of the behaviors listed above are also associated with medical conditions or cultural practices; do not make assumptions about a person's intent, solely based on their behavior.

There are several ways to evaluate feedback from others. Listen attentively, ask questions to determine if the person understands, and observe facial expressions that show agreement or confusion. Watch for gestures, such as shoulder shrugging instead of a verbal response, which may also indicate a lack of understanding.

Questions you may ask yourself to evaluate a situation include the following:

- What is the person's body stance, posture, position, or facial expression?
- What is the position of this person's hands, arms, and legs?
- Is the subject leaning toward or away from you or anyone else in the vicinity?
- What is the tone, volume, and pitch of the subject's voice?

Sometimes a person may say one thing; however, their body language or tone of voice may convey something entirely different. For example, an offender's verbal response is "I don't have a problem," but their non-verbal behavior is to avoid eye contact, look anxious, and pace up and down with clenched fists. In this example, non-verbal behavior speaks volumes about an offender's anger while their verbal message is the complete opposite. In addition, people from different cultures have different gestures. What might appear to be a common gesture or movement in American culture might be threatening or offensive in another culture.

NEAR Model

One of the most helpful techniques to evaluate and respond to an offender's verbal and non-verbal communication is the ***NEAR model***.

N—Neutralize the situation and do not take the bait if the person is looking for a fight.

E—Empathize, acknowledge, and validate the person's feelings.

A—Actively listen, use open-ended questions, and identify the person's issue(s).

R—Resolve the situation, explore alternatives, and empower the person to make good choices.

☑ **CP311.5. Describe common techniques an officer can use to evaluate verbal and non-verbal communication**

Miscommunication

Miscommunication can occur when barriers interfere with the message between the sender and receiver. Some examples can include:

- environmental and situational distractions, such as background noise in an offender's home with a child crying or the radio on full blast
- personality factors, such as being overbearing, shy, angry, withdrawn, aggressive

- stress and fatigue of either party
- use of profane, derogatory, or disrespectful language
- inability to communicate in the same language
- use of derogatory hand gestures or body movements
- personal prejudices, such as racial, gender, generational, cultural, or ethnic biases
- stereotyping, such as labeling a group of people based on gross generalizations.

☑ **CP311.6. Recognize real and perceived barriers to effective communication**

Self-Talk

Self-talk is an internal monologue that occurs as you interpret and evaluate situations and the events taking place around you. Positive self-talk strategies include using recall of information, training, and prior encounters. Self-talk enables you to keep your thoughts, verbal and non-verbal communications, and emotional responses in check and on track. For example, if your thoughts demean a person or a group, stop, reevaluate those thoughts, and use positive self-talk to correct yourself and provide a professional response.

Another strategy is mentally rehearsing. Visualize potential situations or interactions. Prepare yourself by playing out various scenarios to determine the best reaction to the situation. Use this strategy to prepare for office or field contacts, court appearances, and potential conflicts.

CP311.7. Describe how an officer can use self-talk strategies to communicate professionally

LESSON VOCABULARY

active listening

communication

miscommunication

NEAR model

non-verbal communication

self-talk

LESSON 2 PROBLEM-SOLVING

Lesson Goal

At the end of this lesson, you will be able to apply an effective problem-solving model in a professional and courteous manner while performing your job.

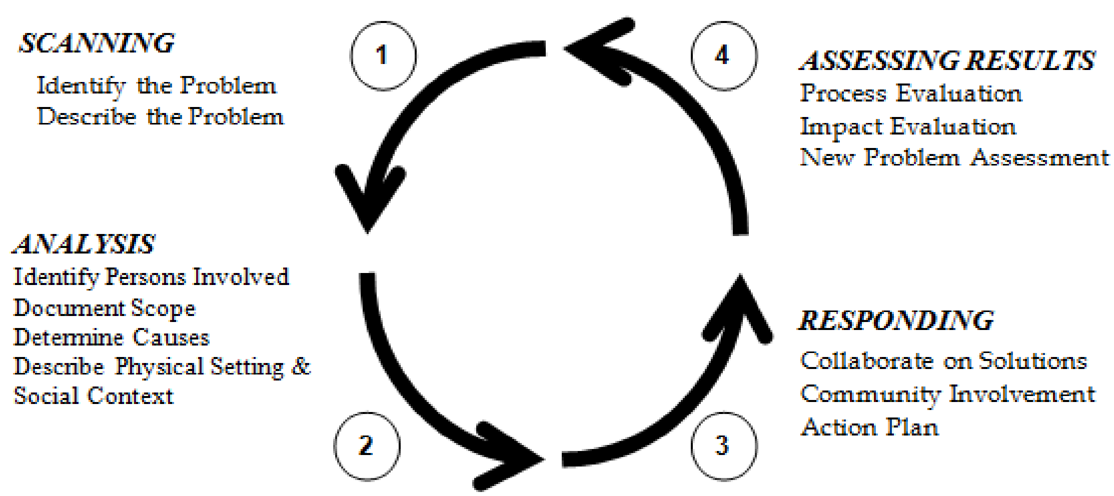
Routine Job Challenges

You may face unique situations regarding the offenders you supervise and the public you protect. Routine challenges that you may face in the field or in the office can include:

- Offender behavior—laziness, lack of motivation, lack of accountably, minimizing or denying blame
- Third-party behavior—family that does not want officers coming into the residence and does not want the residence searched; family or friends that will lie for an offender; victims that initiate contact with offender when prohibited
- Conditions of supervision—large offender costs and fines; court orders offenders to community service they are physically unable to perform; access to employment opportunities, transportation, or treatment providers
- Situational factors—dogs; offenders who return to the original environment that encouraged or condoned the crime committed
- Data entry errors—not getting the correct information from an offender initially; not updating, correcting, or verifying offender information routinely (information out is only as good as the information in)

☑ **CP312.1. Describe routine challenges an officer may encounter on the job**

SARA Problem-Solving Model



Source: Office of Community Oriented Policing Services, U.S. Department of Justice

Criminal justice agencies can employ the SARA Model, a problem-solving model that provides a tool for officers to find proactive solutions for offender issues.

S—SCANNING

Scanning takes a broad, intensive view of a series of offender events that describes offender problems accurately. Look for patterns in offender behavior. Often, you can state these descriptions as answers to the following questions:

- Have you identified a problem?
- How do you perceive the problem?
- How do those outside criminal justice perceive the problem?
- Does your perception differ from others? If yes, how?
- How serious is the problem?
- Is the problem a law enforcement issue?

A—ANALYSIS

Analyze the cause of the problem by collecting and verifying information from various sources, such as coworkers, family members, treatment providers, employers, and victims. An understanding of all the components of a problem allows for the design of a custom-made response. Every situation is different; one size response does not fit all. Gather information from everyone affected by the issue; criminal justice data should not be the only source of information. Always consider community perspectives and interpretations of the problem.

R—RESPONSE

Respond to the problem by working with an offender, victims, family members, treatment providers, and employers. Suggest long- or short-term solutions resulting from thorough data collection and analysis put into practice. Provide an offender with guidance to solve the problem.

☑ **CP312.2. Use the appropriate problem-solving model when resolving issues while also applying Department policy**

A—ASSESSMENT

Assessment may indicate the presence of more than one problem or additional resources that can assist. Assess the problem-solving response for one of five results. Either an offender or you will:

- eliminate the problem
- substantially reduce the problem
- reduce the harm created by the problem
- find a better method of handling the problem
- have a problem that is outside the realm of corrections probation.

☑ CP312.3. Evaluate the results of implementing the selected problem-solving model

The SARA model is a continuous cycle that reassesses and solves problems. If the assessment process indicates that the solution failed, the cycle continues until the problem is adequately resolved.

☑ CP312.4. Adapt the problem-solving model if it has not been effective in resolving the issue

Lesson 3 Conflict Resolution

Lesson Goal

At the end of this lesson, you will be able to apply effective conflict resolution strategies to resolve disputes involving an offender under supervision while also applying officer safety.

Managing Conflicts

Although all people experience disagreements at some point in their lives, an individual's experiences and personality influence their ability to resolve conflicts. Some may resort to anger and impulsive behaviors such as using derogatory terms, negative body language, and aggressive gestures while others may remain calm and calculated. Offenders, the public, and coworkers may call upon you to mediate conflicts. Knowing how to manage and resolve conflicts is an essential skill for all officers.

Conflict resolution is the act of resolving or managing a dispute or disagreement rationally and effectively. Resolving a dispute increases the awareness and understanding of each party's concerns. Effective conflict resolution allows each party to reach their goals without undermining each other. It develops mutual respect, the ability to work together, and provides individuals with an understanding of what is most important to each of them.

Although there are many ways to resolve a potential conflict with an offender, two of the most common strategies involve de-escalation and mediation.

De-escalation reduces the size or intensity of a conflict by validating a person through active listening. Use the following techniques when attempting to de-escalate a conflict:

- appear calm, self-controlled, and confident
- don't attempt to "one up the subject"
- allow for greater personal space than normal
- give clear, brief, assertive instructions
- establish boundaries with consequences
- stay positive
- stay non-judgmental
- show concern through non-verbal and verbal responses
- ask for clarification
- encourage the person to vent their thoughts and feelings through "controlled venting"
- identify the person's emotional "triggers" to detect potential aggression
- do not take or react to insults personally
- present options, not threats
- focus on the issue rather than a particular behavior
- avoid a dismissive, overbearing, or patronizing attitude

Mediation counsels an offender, or other party, to find an acceptable solution to a disagreement.

Use the following techniques when attempting to mediate a conflict:

- unbiased and active listening
- identify the problem using dialogue between yourself and an offender
- review the available options
- determine the most appropriate response based on your professional experience and knowledge

Your role is not to compromise, accommodate, or “make a deal” with an offender. Your role is to gain compliance. When mediation and de-escalation are ineffective, you may be required to notify a supervisor, as these types of situations can include a use of force, followed by an incident report, or can result in a potential Department liability.

☑ **CP313.1. Choose the appropriate conflict resolution style(s) to resolve a conflict situation involving an offender under supervision**

CONFLICT AND ANGER

Conflict situations do not necessarily involve anger; however, these situations can quickly escalate when an offender does become angry. Anger immediately introduces another dynamic into a conflict situation and can create officer safety concerns. Verbal cues that an offender may escalate the situation can include getting louder, changing voice inflection and tone, and making confrontational or threatening statements. Non-verbal cues can include pacing, menacing stares, punching their fists, or entering into your physical space. When an offender becomes angry, your role is to maintain an objective, non-emotional position. Focus on the conflict, not the emotions. Take the time to listen and understand that this is not a personal attack.

☑ **CP313.2. Recognize when an offender under supervision is escalating a situation through anger**

Restoring Order

It is your responsibility to steer the people involved in a potentially dangerous incident away from escalating to violence using your knowledge of the law and your authority. Use the following techniques when attempting to restore order:

- separate the involved people, making sure they are in a safe location
- listen to everyone’s concerns and assess the needs of the parties involved
- gather information from all sides
- explore possible options within the boundaries of the law
- implement a solution, including referral to appropriate community and other services, when applicable.

☑ **CP313.3. Apply effective strategies to restore order in a conflict situation involving an offender under supervision**

Conflict Resolution Worksheet

Think of a conflict you are in or have been in:

1. Briefly describe the conflict:

2. What is your relationship to the people involved in the conflict?

3. What are your feelings about the conflict?

4. In what ways does the conflict affect you personally?

5. In what ways does the conflict affect the broader situation?

6. Do you care about the relationships to the people involved in the conflict? ☐ Yes ☐ No

7. Will the conflict matter a month from now? ☐ Yes ☐ No

Summary:

- If you don't have strong feelings about the relationships involved or if it is not an important conflict:

  You may want to consider letting go and moving on.

- If you do have strong feelings or the conflict impacts important issues:

  You might want to consider some ways of resolving the conflict.

Reframing the Problem:

1. How have you tried to deal with this conflict?

2. What other stress is going on in your life that may be affecting your reaction to this conflict?

3. What experiences or conflicts from the past remind you of this conflict?

4. What will happen if the conflict does not get resolved?

5. Are you willing at this point to make these statements?

    - I can make this conflict situation better. ☐ Yes ☐ No
    - I want to make it better. ☐ Yes ☐ No
    - I am willing to try something new. ☐ Yes ☐ No

Summary:

- If you answered NO to the statements in question 5, you might want to take some more time to think about the conflict.
- If you answered YES to the statements in question 5, you might want to explore some possible solutions.

Possible Solutions:

- What would it look like if it were better?
- Are there others who might help you make things better? Who are they? What could they do? How would you get them to help?
- List some things you could do to make it better:
    a.
    b.
    c.
- Of the things you could try, what are the ones you are most willing to do?

Lesson 4 Interacting in a Diverse Environment

Lesson Goal

At the end of this lesson, you will be able to interact with offenders in a diverse environment while also applying officer safety.

Diversity

The community you live and work in is complex and diverse. It is important to support and cultivate an environment of mutual respect and equality as part of officer professionalism. Diversity is a concept that includes acceptance of each individual as unique. It is more than just acknowledging and tolerating difference. It is consciously appreciating the connections between humanity, cultures, and society. This includes building relationships across community differences, working toward eliminating discrimination.

The following are diverse characteristics of any group:

- age
- education
- ethnicity, culture, nationality
- gender presentation
- geography
- language
- marital status
- physical abilities
- race
- religion
- sexual orientation
- socioeconomic status (parental, class, employment).

☑ **CP314.1. Recognize the common characteristics of a diverse individual or group throughout the performance of an officer's job duties**

Behaviors to Avoid Bias

Be aware of your own biases and strive to interact respectfully. As a professional representing the Department, you should avoid being biased in your interactions with offenders and other members of the community based on their differences. Bias behaviors to avoid include:

- prejudice—a strong belief about an individual or group, whether positive or negative, formed without reviewing all the available facts or information

- discrimination—a behavior or action, whether positive or negative, toward an individual or group based on their unique characteristics
- stereotyping—a fixed, overgeneralized opinion of an individual or group, whether positive or negative, that categorizes unfairly
- assumption—a notion, statement, or belief about an individual or group, accepted as true without proof

Having a biased attitude about an individual or group limits your thought process and may encourage you to discount important information and to respond emotionally rather than logically. For example, having a biased attitude towards people from a particular group may cause you to use dismissive language when interacting with offenders from that same group.

☑ **CP314.2. Recognize biases an officer may encounter during the performance of their job duties**

An effective strategy for avoiding bias is "stop, think, act, and respect."

- Stop your automatic response.
- Think that this person is worthy of respect.
- Act in a way that shows respect.

Interacting With Diverse Offenders

Do not assume an offender's racial identity based on physical appearance. Allow an offender to self-identify their race on intake paperwork. The determination of someone's race is more subjective than in the past, as the population of mixed-race people is increasing. Do not allow race to influence how you supervise an offender. Avoid racial discrimination by treating all people fairly, equitably, and without prejudice.

Younger offenders may need more guidance. They may need referrals to mental health facilities, education or vocational training, and substance abuse facilities. Be a positive role model for young offenders. Demonstrate professional behavior by being patient, firm, and fair, even if they push your limits and challenge your authority. Provide clear, consistent instructions and consequences.

Older offenders may experience normal physical and psychological aging changes (loss of memory, impairment of judgment, sensitivity to touch, decreased mobility, and decreased cognitive ability). They may also have more medical issues (hearing, vision, and other physical and mental limitations) than younger offenders. When considering placement for jobs or community service, consider that physical and mental limitations may hinder their ability to perform the required job tasks. An elderly person on a fixed income (social security) may have difficulty paying monetary obligations. An older person with cognitive decline may not be able to complete more than a one- or two-step direction and will probably require more time and assistance in accomplishing requirements.

Some female offenders may try to manipulate male officers sexually; discourage these behaviors by setting clear boundaries and being professional. On the other hand, some male offenders may not recognize the authority of a female officer, who will need to assert her authority in a respectful yet non-threatening manner. When dealing with offenders of the opposite sex, take extra precautions to avoid the appearance of impropriety. For example, avoid spending too much time being overly friendly or becoming too familiar with offenders of the opposite sex. Even the perception of favoritism can be damaging to your professional reputation.

Transgender offenders can be in any stage of the gender-confirmation process, and it can be confusing as to how to determine their gender. When you are unsure of a person's pronouns, ask. If the person's identification documents do not match their physical presentation, use the person's legal name and identification on all paperwork. However, in conversations with the person, use the person's preferred name and pronouns. When witnessing a drug test on transgender offenders, follow Department policy.

☑ **CP314.3. Interact with offenders in a diverse environment while also applying officer safety**

LESSON 5 INTERACTING WITH MENTALLY ILL OFFENDERS

Lesson Goal

At the end of this lesson, you will be able to interact with mentally ill offenders while also applying the Florida Statutes and officer safety.

As defined in s. 394.455, F.S., ***mental illness*** is an impairment of the mental or emotional processes that exercise the conscious control of one's actions. Mental illness is a real disability that happens outside of the control of the person suffering from the various forms of the disease. A person with mental illness is generally not "faking" these behaviors to receive preferential treatment. Mental illness impairs one's ability to perceive or understand reality. Often, they are not aware that the behaviors they exhibit are abnormal to others around them. You will encounter offenders with mental illnesses during your career. According to s. 394.459, F.S., people with mental illness have the right to individual dignity and treatment. Recognize an offender with mental health issues early and refer them for appropriate counseling, treatment, and medication management.

Psychotic Disorders

You may observe that an offender is suffering from a ***psychotic disorder*** when their thoughts seem disorganized and not logically connected. An offender may hallucinate, having a sensory experience in which they can see, hear, smell, taste, or feel something that is not there. They may have delusions, a false belief firmly held in spite of obvious proof or evidence to the contrary; the delusion is this person's reality. A common psychotic or thought disorder is schizophrenia, a brain disorder caused by a chemical imbalance that distorts the way a person thinks, acts, expresses emotion, and perceives reality.

☑ **CP315.1. Describe the characteristics of an offender under supervision with a psychotic disorder**

Mood Disorders

Major depressive disorder (MDD) is one of the most common mood disorders that you may encounter. MDD is different from the brief, situational depressive episodes that most people experience with the loss of a loved one, the loss of a job, or financial loss. MDD is a clinically diagnosed mental illness for a person having multiple major depressive episodes. Symptoms may be severe, can last for several weeks, and do not include periods of persistent high moods (mania). You may notice an offender is profoundly sad, crying uncontrollably, unable to concentrate, says that they cannot eat or sleep, or is suicidal. The offender may also experience periods of irritability, quick mood changes, sensitivity to light, sound, touch, and smell, and the inability to deal with everyday situations.

Bipolar disorder (BD) is another common mood disorder. Formerly known as manic-depressive illness, BD is a clinically diagnosed mental illness with alternating episodes of depression and mania. Symptoms of a manic episode include loud, quick, uninterrupted speech, racing thoughts, fidgeting, and hyperactivity. A person in a manic episode feels charged up, high, or excitable. They may experience sexual aggressiveness, spending sprees, and disregard for traditions and rules. Usually, people with mania have previously experienced one or more episodes of major depression.

You may also encounter an offender with substance-induced mood disorders from drug and alcohol abuse, who can be easily distracted or may have an exaggerated sense of self, powers, and abilities.

☑ **CP315.2. Describe the characteristics of an offender under supervision with a mood disorder**

Anxiety Disorders

The characteristics of an ***anxiety disorder*** include excessive nervousness, tension, apprehension, fight-or-flight behavior, excessive fear or anticipation of imminent danger, flashbacks, or ritualistic behavior such as excessive hand washing. Anxiety disorders can range in intensity from mild to debilitating. Some persons with anxiety disorders can have panic attacks that are so severe that they mimic a heart attack. During a panic attack, the person will likely experience rapid heartbeat, chest discomfort, sweating, tension, trembling, choking, and a feeling that something terrible is about to happen. You may encounter five main types of anxiety disorders while supervising offenders: panic disorder, obsessive compulsive disorder, post-traumatic stress disorder, phobia, and generalized anxiety disorder.

A person who has a ***panic disorder*** can experience an extreme panic attack with a racing heartbeat, sweating, tension, and a feeling that something terrible is about to happen. Chest pain or discomfort, sweating, trembling, dizziness, faintness, choking, or a feeling that one is going to die could accompany a panic attack.

A person who has ***obsessive-compulsive disorder (OCD)*** has intrusive thoughts and impulses resulting in ritualistic behavior, such as an excessive need to count, to wash hands, or to avoid dirt.

A traumatic event such as war, natural disaster, sexual or physical assault, or the unexpected death of a loved one can cause a post-traumatic stress disorder (PTSD). Characteristics of PTSD are lasting thoughts and memories of terror causing emotional numbness triggered by a sound, smell, or an unfamiliar or upsetting situation. The person suffering from PTSD may not have had the traumatic experience but may have witnessed it or been affected by another's trauma.

Phobia is an intense fear of a specific object or situation, such as a fear of heights, spiders, or leaving home.

Generalized anxiety disorder (GAD) occurs when someone has chronic anxiety, exaggerated worry, and feels constant tension that is unprovoked.

☑ **CP315.3. Describe the characteristics of an offender under supervision with an anxiety disorder**

Personality Disorders

A ***personality disorder*** is a deeply ingrained, non-psychotic, inflexible pattern of relating, perceiving, and behaving. It is serious enough to cause distress to the people around the individual with a personality disorder. Depending upon the specific disorder, a person may display anxiety, fear, drama, emotion, erratic behavior, or impaired function. There are three common personality disorders you may encounter when supervising offenders: antisocial personality disorder, narcissistic personality disorder, and borderline personality disorder.

A person with antisocial personality disorder:

- has a lifelong pattern of behavior that violates rules, social norms, and the rights of others
- lacks the capacity for empathy, guilt, and remorse
- lies and exploits for personal gain and pleasure

- has no regard for right or wrong
- takes unnecessary risks

A person with narcissistic personality disorder has:

- an inflated sense of importance
- a need for admiration, or a desire to be feared or notorious
- dramatic emotional behaviors
- difficulties with relationships
- a lack of empathy for others
- a habit of being aggressive when challenged

A person with borderline personality disorder:

- is significantly emotionally unstable
- is usually aware of their behavior, but lacks the ability to control it
- often experiences rapid and intense mood swings
- is often self-destructive and impulsive
- is often a gambler and risk taker
- displays inappropriate anger that escalates into physical fights and domestic violence.

☑ **CP315.4. Describe the characteristics of an offender under supervision with a personality disorder**

Communicating With Mentally Ill Offenders

When interacting with mentally ill offenders, use the following techniques to resolve a potentially unstable situation.

CALMING

- Defuse the intensity of the situation.
- Treat people with courtesy and speak politely to create a comfortable atmosphere for conversation.
- Respect an offender's personal space, as mentally ill people are often sensitive to physical contact, lights, and sounds.
- Employ active listening skills.
- Be aware of your body language to avoid a threatening and intimidating posture.
- Use a calm, low voice, intermittent eye contact, and maintain an appropriate reactionary gap.

ASSESSING THE SITUATION

- Be aware of behaviors, statements, and the possible role of medications (or missed medications).

- If a person is "hearing voices," you may want to ask them, "What are the voices saying?" rather than "What do you hear?"
- Take into account the environment's effect and the current circumstances, including the presence of injuries, or signs of substance abuse.

FACILITATING RESOLUTIONS

- release
- voluntary examination
- involuntary examination
- arrest

☑ **CP315.5. Describe how to adapt supervision techniques when monitoring an offender with a mental illness while also applying Department policy**

The Baker Act

The Baker Act, chapter 394, F.S., provides people who have a mental illness, or who may harm or neglect themselves or others, with involuntary emergency service and temporary detention for psychiatric evaluation with the assistance of law enforcement. The act also provides for voluntary or involuntary short-term community inpatient treatment. The Baker Act is applicable to juveniles as well as adults.

The person must meet the following criteria for involuntary examination:

1. Refused voluntary examination after receiving a thorough explanation and disclosure of the purpose of the examination; or is unable to determine for themselves whether examination is necessary; and
2. Without care or treatment:
    a. is likely to suffer from neglect or refuses to care for themselves; such neglect or refusal poses a real and present threat of substantial harm to their well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
    b. has a substantial likelihood of causing serious bodily harm to themselves or others in the near future, as evidenced by recent behavior.

If you suspect an offender has or is displaying the behavior of a person that would qualify for the Baker Act, contact law enforcement.

☑ **CP315.6. Interact with a mentally ill offender who is a danger to themselves or others while also applying officer safety and the Florida Statutes**

Medications and Resources

Some medical conditions and the effects of certain medications mimic mental illness symptoms. For example, offenders with an underlying medical disease such as hypothyroidism may suffer depression, memory loss, or irritability. Furthermore, an offender who stops taking their medications, or who is overmedicated, may exhibit mental illness symptoms. When taken as prescribed, medications help people with mental illnesses manage their symptoms.

An offender may stop taking their medications for several reasons. They are feeling better and believe they no longer need it. They experience intolerable side effects that outweigh the benefits of the medication. They may also lack the money necessary to get the prescriptions filled, the transportation to get the medications, or the support of family and friends. Previous experiences or misinformation about the benefits of the medication may cause them to distrust the mental health care system. In addition, people may feel that the medication is somehow harmful.

☑ **CP315.7. Recognize the medical circumstances that mimic mental illness when interacting with an offender under supervision**

Contact the offender, their family, and friends if needed, to learn about an offender's special needs and accommodations. Provide the offender, caregiver, or family with information regarding resources in the community, some of which are available through the Department of Children and Families, that may assist an offender, including mental health facilities or crisis centers. Continue to monitor an offender's mental health treatment and compliance if applicable during the supervision. Document all actions in case notes and discuss the case with your supervisor.

☑ **CP315.8. Provide the appropriate resource information to a mentally ill offender under supervision**

LESSON VOCABULARY

anxiety disorder

bipolar disorder (BD)

generalized anxiety disorder (GAD)

major depressive disorder (MDD)

mental illness

obsessive-compulsive disorder (OCD)

panic disorder

personality disorder

phobia

psychotic disorder

LESSON 6 INTERACTING WITH DISABLED OFFENDERS

Lesson Goal

At the end of this lesson, you will be able to interact with disabled offenders using the appropriate communication skills and applying officer safety and the Americans with Disabilities Act (ADA).

You may supervise offenders with disabilities. The most common disabilities that you may encounter are psychiatric/mental impairments; neurological impairments; hearing, speech, and vision impairments; and physical impairments. ***Impairment*** is a mental, physiological, or physical disorder that makes the completion of major life activities using traditional methods difficult. A ***disabled person*** is a person who has a physical or mental impairment that substantially limits a major life activity.

Americans With Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discriminating against persons with disabilities and requires public buildings and spaces to have equal opportunity for access. Title II of the ADA states that you may not discriminate against or exclude any qualified individual with a disability from participating in the benefits of the services, programs, employment, or activities of a public entity. Because the Department of Corrections is a public entity that provides state or local government services, Title II has an impact on your daily duties and responsibilities. The act requires that you provide the same level of service equally for offenders with or without disabilities or impairments.

The ADA mandates that you provide reasonable accommodations to an offender in a public environment. A ***reasonable accommodation*** is any change made from the usual way that a person does something in the public environment that enables a person with a disability to enjoy equal opportunity. Identify any community or Department resources that may assist with providing reasonable accommodations. However, never physically assist an offender with a disability or impairment without asking their permission.

☑ **CP316.1. Describe the role of the Americans with Disabilities Act (ADA) when supervising disabled offenders**

Developmental Disabilities

Developmental disabilities are a group of conditions that cause impairment in physical development, learning, language, or behavior, beginning in early childhood and usually lasting throughout a person's lifetime. A developmental disability is an incurable intellectual or behavioral impairment that shows itself by early adulthood. Causes of developmental disability range from genetic disorders such as Down syndrome to prenatal illnesses and issues such as fetal alcohol syndrome and complications at birth.

☑ **CP316.2. Describe the characteristics of an individual with a developmental disability**

Intellectual Disabilities

Childhood illnesses and injuries can cause permanent and irreversible brain damage, resulting in an intellectual disability. ***Intellectual disability*** is a type of developmental disability. Regardless of the cause of an intellectual disability, the result is a lifelong condition characterized by slow intellectual development. A psychological evaluation is required to diagnose an intellectual disability in early childhood. Intellectual disabilities are incurable; however, appropriate modifications and accommodations may enhance the person's capabilities and independence. Depending upon the individual's level of disability and access to available resources and caregivers, a person with an intellectual disability may be vulnerable to crimes of opportunity.

A mild level of intellectual disability may not be easily identifiable. People at this level can learn academic and prevocational skills with special training and work within their community. People with a mild intellectual disability might not understand long-range consequences or be able to make appropriate choices; however, they sometimes realize when they have done something wrong.

People with a moderate level of intellectual disability may develop coping skills to cover up their disability in an attempt to appear "normal." They may recognize their own needs and wants, but not readily identify the needs and wants of others and have few relationships outside of family members and caregivers. People with a moderate intellectual disability can achieve a primary academic education and may be able to perform semi-skilled work under direct supervision. They can be independent in familiar surroundings but may be easily frustrated with unfamiliar surroundings and circumstances. These individuals might have trouble describing events in chronological order and may not understand cause and effect. While they may understand that they have done something wrong, they may not grasp the significance of their actions.

People with a severe level of intellectual disability have very slow motor development and communication skills and frequently are under close and constant supervision or are living in a group home setting. They are encouraged to contribute to their own self-maintenance; however, they may not be fully capable of living independently.

☑ **CP316.3. Describe the characteristics of an individual with an intellectual disability**

INTERACTING WITH OFFENDERS WITH INTELLECTUAL DISABILITIES

When interacting with an offender who has an intellectual disability, consider asking the caregiver to provide reassurance for the offender and assist with communicating. Use simple, short, and uncomplicated sentences to increase the likelihood an offender will understand the message. Ask the offender to repeat what they heard to show they understood the message. An offender might need additional time to respond to questions.

Offenders with intellectual disabilities may not be able to distinguish between abstract and concrete thought and might confess to crimes they did not commit. Be aware that the offender may be easily intimidated or eager to please and may generally be in agreement with all authority figures. If there is a need for services, refer an offender with intellectual disabilities to the Department of Children and Families (DCF), Agency for Persons with Disabilities (APD), the Arc of the United States (national support organization), or a local mental health facility.

☑ **CP316.4. Interact with an intellectually disabled offender using appropriate communication skills to ensure their comprehension**

Autism Spectrum Disorder

Autism spectrum disorders (ASD) describes a group of conditions, often diagnosed in early childhood, that continue throughout adulthood and are more prevalent among males than females. People with ASD often have communication and social skills deficits. ASD has a range of functioning levels with varying degrees of independence. An individual with mild autism may have language development that is delayed or may be non-verbal. A person with ASD may want to interact with others; however, they may be socially isolated and have anxiety or depression.

People with ASD may:

- have poor eye contact
- not respond to your questions or directions
- have no concept of personal boundaries
- be non-verbal or have language development that is delayed
- provide you with vague, non-committal, or confusing answers
- be unable to read facial expressions and body language
- have an obsessive interest in a particular subject and carry on lengthy, one-sided conversations with a high degree of knowledge
- be sensitivity to light, sound, or touch
- display behavior that does not appear to be logical
- display unpredictable behavior
- be overwhelmed with emotion
- communicate through electronic devices
- engage in “scripting” from movies (repeating quotes from movies)
- “echo” your words
- display repetitive, self-stimulating behaviors (humming, body rocking, hand flapping), especially when upset
- prefer to be alone

☑ **CP316.5. Describe the characteristics of an individual with autism spectrum disorder (ASD)**

INTERACTING WITH OFFENDERS WITH AUTISM SPECTRUM DISORDER

An offender with autism spectrum disorder has the right, upon request, to have a mental health or other related professional present during office visits or field supervision activities. If they request, you must make a good faith effort to make sure that such a professional is present. Sometimes, they may request a family member or caregiver who may understand the autistic individual’s sensitivities or triggers and have specific knowledge of how to calm them. If an offender with autism becomes agitated, maintain a calm presence. Do not attempt to stop self-stimulating behaviors unless they are in immediate danger to themselves or others. Stopping these behaviors may cause the situation to escalate.

Often, an autistic individual will have difficulty following instructions and interpreting body language. Techniques to use when interacting with people with ASD can include:

- Maintain a calm presence.
- Speak clearly.
- Use direct phrases and avoid slang expressions.
- Be patient and allow extra time for responses.
- Verbalize your actions before initiating them.
- Model the behavior you wish for them to follow.
- Give praise and encouragement when appropriate.
- Avoid quick movements.
- Be alert for possible verbal or behavioral outbursts.

Be aware of the possibility of medical issues, seizure disorders or self-injurious behaviors, should you need to arrest an offender with ASD. Apply basic officer safety techniques, such as maintaining a reactionary gap. Remain alert to the possibility of an offender having an outburst or acting impulsively.

If there is a need for services, refer an offender with ASD to the Department of Children and Families (DCF), the local mental health facility, the Center for Autism and Related Disorders (CARD), or the Autism Society of Florida.

☑ **CP316.6. Interact with an offender who has autism using appropriate communication techniques, maintaining a calm environment, and applying officer safety**

Physical Disabilities

Notify your supervisor before conducting an office meeting with a disabled offender. Depending on the offender’s specific impairment, it may be necessary to arrange for an interpreter or special equipment. Offenders with a disability or impairment may use a service animal, as described in s. 413.08, F.S., such as a dog trained to assist them with daily activities. A service animal for an offender with a vision, hearing, or mobility impairment may or may not wear an identifying harness or vest; however, the offender should have documentation showing that the animal is a service animal. An offender with a service animal has free access to public areas.

Maintain eye contact with and speak directly to the person, even if you are using an interpreter. Read to an illiterate offender or provide an interpreter as needed. Give someone with a visual impairment a large-print version of any written documents that require a signature. Speak in a normal tone of voice unless the person has a hearing impairment. It may take extra time for a person with a disability to respond.

☑ **CP316.7. Interact with an offender with a physical disability, providing reasonable accommodations, and applying the Florida Statutes**

Offenders That Are Veterans

You may encounter veterans and active-duty members of the armed forces with a deep-seated sense of military culture that is rigid and defensive in nature. Veterans transitioning from military life to civilian life carry unique experiences. Identify people with military experience and be prepared to react appropriately, understanding the signs of current or prior military experience, to include:

- a military-style haircut
- military jargon or acronyms
- tattoos with military subject matter
- blended clothing such as a t-shirt with camouflage pants and a cap
- carrying multiple weapons
- body language, such as military stance
- license plates and bumper stickers with military subject matter
- providing a military ID along with a driver’s license
- Florida license with “V” for veteran code.

☑ **CP316.8. Describe the characteristics of offenders who are veterans in a civilian environment**

PSYCHOLOGICAL STRESSORS FOR VETERANS

Because of their exposure to traumatic experiences, some veterans may have pronounced physical and psychological disabilities after military duty. These disabilities may be significant, but not all of them are immediately noticeable. A person suffering from any of the following injuries or psychological disorders is likely to have prescribed medication or be self-medicating:

- musculoskeletal injuries
- limited range of motion
- amputation
- neurological injuries
- loss of vision
- loss of hearing
- chronic headaches
- peripheral nerve injuries
- psychological disorders
- stress-induced conditions such as ulcers
- lack of impulse control
- homicidal thoughts
- suicidal thoughts or attempts to commit suicide
- post-traumatic stress disorder (PTSD)
- hypervigilance
- traumatic brain injury (TBI)

☑ **CP316.9. List the physical and psychological disabilities associated with offenders who are veterans**

POST-TRAUMATIC STRESS DISORDER (PTSD)

PTSD is a severe anxiety disorder that develops after experiencing an extremely terrifying event. The person may display symptoms such as depression, anxiety, flashbacks, and recurring nightmares. The person may become emotionally unresponsive or have an unpredictable outburst of anger due to intrusive thoughts of re-experiencing the traumatic event. Most people associate PTSD with people who have served time in the military. However, many offenders experience this disorder. It is common for women to display symptoms of PTSD, finding it challenging to cope with a new way of life after incarceration. Avoidance of reminders or anything associated with the event may be a coping mechanism to relieve stress.

Hypervigilance is one of the symptoms of post-traumatic stress disorder. Hypervigilance is an enhanced state of awareness or "being on guard" or a sense of "being hunted" that impedes one's ability to relax and disengage from a stressful situation. People experiencing hypervigilance are always on alert, constantly scanning their environment for anticipated danger or threats. There is rapid breathing, covert movements, and a general sense of urgency to move to a protected space.

TRAUMATIC BRAIN INJURIES

A ***traumatic brain injury (TBI)*** is structural damage sustained by the brain resulting in temporarily or permanently impaired brain function. The Department of Defense and the Department of Veterans Affairs considers TBI to be the signature injury for the veterans of the wars in Iraq and Afghanistan. The initial TBI causes a secondary injury, which occurs when the brain swells within the skull creating pressure resulting in further brain damage or death. Depending upon the severity and the location of the TBI, the result can be permanent cognitive and physical disabilities. Symptoms of TBI may mimic behaviors of being under the influence of drugs or alcohol.

☑ **CP316.10. Describe the characteristics of a person with post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI)**

FAMILY RELATIONSHIPS AND CAREER CHALLENGES

In combat, veterans' survival techniques included swift and strong mental and physical reactions; in civilian life, these reactions can interfere with the foundation of relationships and interpersonal interactions. Offenders experiencing this may respond to emotional triggers that can easily escalate an ordinary situation into a crisis situation, in which they react suddenly and possibly violently.

Veterans may have held positions of leadership while in the military. However, in civilian life they may find themselves taking orders instead of giving them. This can cause difficulties in interpersonal relationships with coworkers and supervisors. A lack of career options that use military training, such as that of a paratrooper, can also cause employment challenges.

☑ **CP316.11. Identify challenges that an offender who is also a veteran may face when obtaining employment after returning to civilian life**

COPING BEHAVIORS EXHIBITED BY VETERANS

Offenders who are veterans suffering from stress-related disorders may try to gain control over their environment by applying various coping behaviors, sometimes extreme, that mask deeper issues. Self-medicating with drugs and alcohol can help an offender to numb their feelings and reactions; however, it may push the offender toward irrational thinking and behaviors. These offenders will often avoid personal interaction and situations that cause them stress. Some coping behaviors can increase stress in the family environment or place of employment.

☑ **CP316.12. Identify possible coping behaviors that an offender who is also a veteran or active-duty personnel may use to avoid stress**

OFFICER TECHNIQUES WHEN INTERACTING WITH A VETERAN

Offenders who are veterans have had a lot of defensive and offensive training and can be familiar with a wide assortment of weapons. This can pose a threat to officer safety. Offenders with a TBI or PTSD may have issues with substance abuse, mood changes, social judgment, and impulse control that can lead to unpredictable behavior. If you cannot reach an understanding with an offender through problem-solving and conflict resolution, consider asking for assistance from another officer with a military background who can make a personal connection using shared experiences of military life.

☑ **CP316.13. Describe how to respond to an offender who is also a veteran with a TBI or PTSD**

Elderly Offenders

Florida has a large elderly population. You will interact with older people frequently and in a variety of settings, which requires you to be aware of the special needs of elderly offenders to supervise them appropriately. Understanding the aging process and the characteristics of the elderly population will help you relate in a positive and effective manner.

PHYSICAL DISABILITIES

Advancing age is not synonymous with disease and disability. Many older offenders are active and healthy throughout their lives. However, almost everyone who lives to a certain age experiences a number of normal physiological changes and develops certain medical conditions. As offenders age, they may experience sensory impairment, such as changes in their eyesight and hearing. They can suffer loss of balance, which increases their risk of falling. Sensory impairment may limit mobility, increase their likelihood of accidents, or lead to fear and isolation. Older offenders may also experience a change in their sense of touch. Some may suffer from neuropathy, a condition in which they cannot sense pain in their extremities, making them less likely to notice injuries. Many are prone to rips, tears, and bruising of the skin from everyday activities. Because older offenders can experience an increased sensitivity to changes in the weather, they are more susceptible to heat stroke, heat exhaustion, hypothermia, and dehydration. Another result of aging is the loss of muscle strength, which makes performing daily tasks more difficult. Joints may stiffen due to arthritis, making movement extremely painful.

☑ **CP316.14. Describe the common physical characteristics of an elderly offender under supervision**

COGNITIVE DISABILITIES

Older offenders may also lose the ability to process information, learn, and remember. They may experience slower thinking, having problems finding the right words or identifying objects. Be patient when supervising elderly offenders because it may take them longer to explain their situation or understand what is required of them. Some elderly people suffer from chronic medical conditions, such as dementia or Alzheimer's disease, that result in residual (partial) disabilities. ***Dementia*** is a progressive mental disorder characterized by a loss of memory, an impairment of judgment and abstract thinking, decline in mental function, and changes in personality. Overmedication or an adverse drug interaction may create a condition that resembles dementia. Elderly offenders can also experience a variety of mental illnesses, such as schizophrenia and depression. Because of dementia and declining health, some offenders may wander away from their homes or living facilities. The Silver Alert is a public notification system, similar to the Amber Alert for children, which can assist you in recovering a lost elderly offender reported as missing.

The suicide rate among elderly people is significantly higher than that of the general population. Factors may include debilitating physical illnesses, death of a loved one, loss of independence, loneliness, and financial inadequacy.

☑ **CP316.15. Describe the common cognitive disabilities of an elderly offender under supervision**

GUIDELINES FOR COMMUNICATING WITH THE ELDERLY

Just because an offender is elderly, does not mean they are simple-minded. When communicating with an elderly offender, always treat them with dignity, respect, and patience. Speak directly to the person, establish and maintain eye contact, use a conversational tone, and speak loudly only if necessary. Use caution when allowing caregivers to speak on behalf of the elderly offender to eliminate any third-party agenda. Include the elderly offender in all discussions concerning their welfare and adjust your communication based on any disabilities or other limitations.

☑ **CP316.16. Describe how to respond to an elderly offender with disabilities who is under supervision**

AVAILABLE RESOURCES

A variety of health and social services are available to assist elderly offenders and their families. These services include home-delivered meals, medical care, emotional support, financial management, and assistance with the activities of daily living. Be familiar with community organizations specialized in assisting the elderly offender. The Florida Elder Help Line at 1-800-96-ELDER provides a wide range of information to help elderly offenders obtain specific local social services.

☑ **CP316.17. Describe the community resources that may assist an elderly offender with disabilities who is under supervision**

LESSON VOCABULARY

autism spectrum disorders (ASD)

dementia

developmental disabilities

disabled person

hypervigilance

impairment

intellectual disability

reasonable accommodation

traumatic brain injury (TBI)

UNIT 2 OFFENDERS IN CRISIS

LESSON 1 INTERACTING WITH OFFENDERS IN CRISIS

Lesson Goal

At the end of this lesson, you will be able to manage an offender in a crisis situation while applying officer safety.

Crisis Situations

A crisis is an uncertain or difficult situation that may involve decisive, impending change, especially a change with a highly undesirable outcome. It may be difficult or painful, particularly when a person feels unprepared and pressured to take action or make a decision. If the person sees the event as significant and threatening, has used all of their coping strategies without success, and is unaware of or unable to pursue other alternatives, then a state of crisis can exist.

Situations that may lead to a crisis include arrest, financial difficulties, job loss, a divorce, death of a close friend or family member, a health situation, the loss of freedom, an accident, loss of home, and loss of child custody. For example, offenders may feel pressured and unprepared to take care of themselves and their children after incarceration. Offenders may struggle with drug or alcohol abuse or emotional problems and be unable to receive treatment. As a result, an offender may commit a crime, which leads to an arrest, and the crisis cycle starts again.

☑ **CP321.1. Describe the life experiences that may cause an offender to undergo a crisis while under supervision**

Stages of a Crisis

A crisis situation does not last forever. When a person is experiencing a crisis, they generally go through a crisis cycle or a progression of stages of a crisis. The crisis cycle includes the following stages:

1. normal state—normal physical and emotional state, not in crisis
2. stimulation—something happens internally or externally, such as environmental factors or mental illness
3. escalation—the situation escalates as the person shows physical and behavioral changes, such as:
    - face turning red
    - talking louder or quieter
    - pacing or rocking
    - clenching muscles
4. crisis state—the person becomes temporarily out of control; there is screaming, yelling, possible physical assault
5. de-escalation—gradual decrease in out-of-control behavior; however, the person is still tense
6. stabilization—return to normal behavior, under control

7. post-crisis exhaustion—the person drops below their normal physical and emotional state

The crisis cycle varies in length, intensity, and the person's reaction to the situation. When a person is in a normal state, they may be very focused and able to understand you. However, when they are in the escalation phase, understanding diminishes. When a person is in a full crisis state phase, the ability to listen, comprehend, and focus becomes severely diminished. You may have to vary your crisis intervention strategies and techniques depending on your assessment of the crisis cycle phase that a person is in.

☑ **CP321.2. Recognize the basic stages of a crisis situation that an offender can experience while under supervision**

Basic Crisis Intervention Format

There are several options available to you when determining how to handle an offender in crisis. Not every instance requires action. Some crises can be resolved through effective communication. These situations will require you to act in a manner that maintains officer safety. You may need to call law enforcement for assistance if the situation escalates beyond your ability to control, if an offender becomes dangerous to themselves or others, or to conduct a warrantless arrest. Follow a basic intervention format when responding to offenders in crisis, to include:

Listen:

- get the attention of the person in crisis
- use strategies for active listening

Assess:

- recognize immediate or impending threats
- determine the offender's perception of reality

Act:

- establish a rapport with the person in crisis
- resolve the crisis situation

Effective crisis intervention must follow ethical principles, which ensure that offenders are no longer in harm's way as the officer respects an offender's decisions and opinions throughout the process. This involves effective communication skills, demonstrating empathy, and providing support.

☑ **CP321.3. Describe a basic intervention format for responding to an offender in a crisis situation**

Listening

GETTING THE PERSON'S ATTENTION

You will not make any progress with a person in crisis unless they are paying attention to you. Good body positioning and body language include an open stance with palms up, lowering yourself if the person is short, but always maintaining officer safety. Avoid crowding the person in crisis; people in crisis may feel threatened and need an expanded comfort zone. Maintain control of your distance and exit route and remain alert, but not tense. Begin verbal interactions informally, by asking the person to look and focus on you. Talk slowly and softly to the person. Use simple commands and use the person's first name if you know it. Try to avoid using officer jargon. Take your time and do not rush.

☑ **CP321.4. Identify how to get the attention of an offender in a crisis situation while applying officer safety**

USING STRATEGIES FOR LISTENING

Listening involves focusing, observing, understanding, and genuine concern for the well-being of an offender in crisis. Listening strategies should include:

- Using open-ended questions—"what" or "how" questions that encourage sharing of information to explore the root of the problem.
- Using close-ended questions—seek specific details to encourage an offender to share information about behaviors. Closed-ended questions usually begin with action words such as "do," "does," "can," "have," "had," "will," "are," "is," and "was."
- Restating and clarifying what an offender said can help clarify information or focus on a particular aspect of the crisis.
- Applying facilitative listening can build trust and strengthen relationships with an offender. It is a structured approach to sharing their ideas even though you do not agree. It involves focusing on verbal and non-verbal communication that allows the offender to feel that they are being heard and acknowledged.

☑ **CP321.5. Describe strategies for effectively listening to an offender in a crisis situation**

Assessing an Offender's Perception of Reality

Assessment is an intentional practice that occurs throughout the crisis intervention process. It involves seeking information, actively listening, interpreting an offender's emotional stability, and coping mechanisms. This allows you to draw conclusions about an offender's situation, determine the level of risk, and develop options for assistance.

Recognize any immediate threats to defuse first. Your demeanor can affect the situation, helping to either de-escalate or elevate the crisis. Observe an offender's behavior when determining the nature of the crisis; assess the offender's physical, intellectual, and emotional well-being, and likelihood for violence. An offender may appear disoriented, incoherent, or unfocused, or exhibit abnormal behavior and may not respond. They may want to make physical contact; however, allowing this to happen poses a significant officer safety risk. Determine if an offender is sick or injured and in need of medical attention. They may have a mental illness, be under the influence of drugs or alcohol, or have committed, or been the victim of, a crime. An offender may exhibit emotional distress, such as withdrawal or being "out of control." Observe behaviors, such as difficulty breathing, acting withdrawn or being intermittently responsive, pacing, or acting jittery. Assess the offender's cognitive ability for coherence and logical thinking by listening to what the offender is saying and communicating. Is the offender making sense? Your perception of the situation could potentially have a negative effect on the offender if you respond incorrectly by misreading the situation.

☑ **CP321.6. Assess an offender's perception of reality during a crisis situation while applying officer safety**

Taking Action

ESTABLISHING RAPPORT

Try to alleviate an offender’s fears and get them to trust you by stating that you are there to help and protect them. Use sentences beginning with “I” as frequently as possible, but avoid statements like, “I understand” or “I know how you feel.” Acknowledge that an offender is having a real emotional experience, and that you too would feel upset if the same thing were happening to you. Explore ways to encourage them to calm down.

Explain to an offender what you perceive is happening in the crisis. Distinguish your perception from their perception of the situation. Describe your perception by stating that you are not seeing, hearing, or smelling what the offender perceives. Avoid telling an offender that what they are experiencing is not real, because this undermines their ability to believe and trust you.

☑ **CP321.7. Develop a trusting rapport with an offender in a crisis situation**

RESOLVING THE SITUATION

Taking action in a crisis situation involves intentionally responding to the assessment of an offender’s condition. You may be able to defuse the situation by simply talking to an offender, asking questions, or making a referral to community resources. Your actions can be direct, collaborative, or indirect, depending on the situation.

DIRECT ACTION

Direct action can include taking temporary control and responsibility during the crisis situation. Encourage an offender to take deep breaths or to breathe slowly, and to focus on something positive, which can reduce their physical tension and calm the situation. Make eye contact while maintaining situational awareness and officer safety. Ask open-ended questions like:

- “What’s going on today?”
- “Can you tell me why you’re upset today?”

If it seems to be a mental health crisis, try to find out information about the person’s treatment history and care providers. Ask questions such as:

- “What kind of illness do you have?”
- “Are you under care by a doctor or therapist or other care provider?”
- “What’s your doctor’s name?”
- “Do you have a case manager?” “What’s their name?”
- “Are you supposed to be taking any medications?”

If the person indicates that they are supposed to be taking medications, ask:

- “What are the medications for?” or “Why are you on these medications?”
- “Do you know the names of the medications?”

- “When did you last take your medication?”
- “When are you supposed to take it next?”
- “Do you have your medications with you?”

If you can, contact your local crisis intervention or other mental health professionals to seek their advice and assistance. They may have had prior contact with the offender or may be able to suggest a course of action based on your description of events.

COLLABORATIVE ACTION

As the situation de-escalates and an offender’s anxiety decreases, shift to a more collaborative approach. Work with them to evaluate the problem and identify options. Develop a plan that takes action toward a solution. This shows that you are concerned about the person, gives the person the messages that you want to help, and that you trust them to be able to make decisions about what is in their best interest. This can be powerful and quite reassuring to a person who is feeling upset. Examples of good questions to ask can include:

- “Would it help to make a list of some of the things you need to do today?”
- “Can we make an appointment to go over your goals for the future to help you avoid a reoccurrence?”
- “Do you need to go to the hospital?”
- “What can we do to get this matter taken care of?”
- “Is there anyone we can contact to help you? Is there a family member or care provider that you’d like to talk to?”
- “Do you have a case manager we can contact?”
- “Is there anyone that could support you with this plan?”
- “What do you want to have happen?”

INDIRECT ACTION

In situations where an offender is able to plan and implement actions on their own, your role should shift to indirect support. Sometimes the person in crisis may be able to reach a resolution with only a little assistance. An excellent technique is to ask a person directly.

- “What would you like me to do?”
- “What can I do to help you?”
- “How can I help you?”

Remain realistic and honest in dealing with an offender, developing small, concrete goals. Avoid making promises that you cannot keep, do not intend to keep, or do not have the authority to follow-up on. Provide referrals to community resources as needed. Keep in mind that an offender, after a crisis situation, may experience exhaustion and fatigue.

☑ **CP321.8. Describe how to resolve a crisis situation involving an offender under supervision, using a combination of direct, collaborative, or indirect actions**

Lesson 2 Interacting With Suicidal Offenders

Lesson Goal

At the end of this lesson, you will be able to recognize the indicators of suicide, identify ways to safely respond to an individual at risk for suicide, and provide appropriate referrals.

Suicide

Suicide is a person's drastic response to a crisis. Do not ignore the warning signs for offenders exhibiting suicidal behaviors; however, some suicidal people display no signs of suicidal ideation before taking their life. Suicidal ideation can include fleeting to extensive thoughts of suicide, detailed planning, role-playing, and incomplete attempts deliberately fabricated for discovery.

An offender contemplating suicide may despair over the loss of a loved one, be depressed by life stressors, lack interest in daily activities, experience difficulty transitioning from incarceration to release, or feel the future is hopeless. Experiencing an adverse reaction to medication is also a consideration as a cause for suicidal contemplation.

An offender is at a high risk for suicide when they talk about committing suicide, attempt self-injury, or have formulated or indicated a suicide plan. The behavior of a suicidal offender can range from calm to violent. Suicide attempts do not always result in death. An offender intent on committing suicide may not discuss it; by contrast, a discussion of suicide is often a cry for help. Once an offender makes the decision to commit suicide, they may display a sense of satisfaction, giving away personal belongings or getting all their affairs in order. Additional indicators include loss of appetite, drinking heavily, using drugs, or self-harming.

☑ **CP322.1. Identify common signs and symptoms of an offender exhibiting suicidal behavior while under supervision**

Responding to a Suicidal Offender

Notify your supervisor immediately when an offender exhibits suicidal behavior. Follow guidance from your chain of command.

If you encounter an offender threatening suicide, be aware that they might initiate a sudden attack on you or others. Remove or conceal any objects from your immediate area that an offender could use as a weapon. Take all suicide threats seriously and respond with caution. It might be necessary for you to remove an offender from danger to a place of safety and remove any aggravating stimuli and onlookers. Do not leave the offender alone.

Use appropriate tactics, equipment, and verbal commands in an effort to de-escalate the situation. Avoid intentionally exposing yourself to unnecessary danger to disarm a suicidal offender. Use verbal commands or non-lethal weapons as the situation dictates.

Communicating with a suicidal offender is a vital part of the intervention process. Try to establish a rapport and keep an offender talking. If an offender has an established rapport with another officer, seek their assistance when talking to the offender. Through active listening, learn how serious and immediate the suicide threat is and possibly what method an offender plans to use. You may also learn about an offender's openness to available resources. Show support, empathy, and interest by talking directly to the offender without being judgmental. Attempt to determine what prompted an offender's desire to commit suicide. Try to convey patience, self-confidence, and hope. Provide assistance through either intervention or referral.

☑ **CP322.2. Use basic suicide prevention strategies to discourage an offender under supervision from committing suicide, applying officer safety**

A suicidal person needs evaluation from a medical or mental health service provider as soon as possible. Apply first aid if an offender sustains injuries during the attempt. In cases where you confirm an offender is suicidal, contact law enforcement to assist with a Baker Act. The National Suicide Prevention Lifeline is a service available to anyone at any time by calling 1-800-273-TALK (8255). Other community resources, friends, religious leaders, and relatives may also be available to assist. Follow up the incident by preparing an incident report or a use of force report, if required.

☑ **CP322.3. Respond to an offender under supervision when their suicide attempt is unsuccessful**

UNIT 3 REQUESTS FOR INFORMATION

LESSON 1 RECORDS REQUESTS

Lesson Goal

At the end of this lesson, you will be able to respond to a records request from a private entity, public agency, or media outlet regarding an offender under supervision while applying the Florida Statutes and Department policy.

Public Records Request

It is important for you to know how to respond appropriately to a records request from the public or other agencies. You must be able to identify which records you can or cannot release and to whom you may release them.

Chapter 119, F.S., states that all state, county, and municipal records are open for inspection and copying by any person, unless made confidential or exempt by law. Providing access to public records is a duty of each state agency or department.

Section 119.011(12), F. S., defines ***public records*** as all documents, photographs, films, sound recordings, data processing software, or other materials, regardless of the physical form or means of transmission, made or received in connection with the transaction of official business by any agency or department.

Consider everything you write, type, email, record, file, or otherwise create in the course of your work, whether digital or hard copy, to be a public record that is potentially open to the public. This includes:

- offender database
- email messages
- travel documents and logs
- visitor logs
- offender sign-in logs
- materials placed on social media
- calendar entries related to public business
- reimbursement forms
- work-related information communicated on your personal cell phone

Public records requests are requests for any public records in the custody of the Department of Corrections. A person may request a public record verbally, by email, or by written correspondence; however, there is no requirement to put the request in writing, provide a name, or explain why they need the records. Always consult your supervisor before you proceed with fulfilling the request.

☑ **CP331.1. Identify a request for a public record of an offender under supervision**

RESPOND TO PUBLIC RECORDS REQUESTS

Upon receipt of a public records request, acknowledge the request and respond in a reasonable amount of time. Review the compiled records to determine if any of the requested material is exempt or confidential under the Florida Statutes and Department policy.

Confidential records are materials not subject to inspection or copying by the public and are only released to people or entities that a statute, court order, or in some cases, written authorization, specifically designates. Examples include medical records, Social Security numbers, victim information, officer personal information, and PSI documents. You can release certain confidential records to outside government agencies such as the judge, office of the state attorney, DCF, other law enforcement agencies, and contracted vendors.

Exempt records are records that are not subject to inspection by the public; however, the Florida Department of Corrections may disclose these records. Exempt information may include the following:

- videotapes
- criminal intelligence information
- surveillance techniques
- Security Threat Groups (STG) information
- victim(s) information
- identifying information of child abuse victims
- complaints of misconduct
- personal identifying information such as FBI number and Social Security number
- employee data
- certain residential information such as residential treatment programs, addresses of former law enforcement, and confidential informants
- medical records

☑ CP331.2. Identify the difference between confidential records and exempt records when responding to a public records request of an offender under supervision

Most medical records are confidential and protected by the ***Health Insurance Portability and Accountability Act of 1996 (HIPAA).*** HIPAA provides national standards to protect the privacy of personal health information. However, you must abide by state standards, which are typically more stringent.

The Florida Statutes and F.A.C. require the Department of Corrections to protect health information. ***Protected health information (PHI)*** is offender information that relates to the past, present, or future physical or mental health condition of an offender. It may include treatment information, drug-testing results, mental health reports, polygraphs, and HIV testing. PHI can also include an offender's name, address information, Social Security number, DC number, facial photographs, screenings, evaluations, status reports, and referral to treatment information.

The Department is a HIPAA-covered entity. A HIPAA-covered entity can release PHI to law enforcement if you believe this information constitutes evidence of criminal conduct. If law enforcement requests PHI for purposes in a non-criminal matter, you can disclose PHI by investigative demand and subpoena.

Before the release of any information, you must redact exempt or confidential information. ***Redact*** means to conceal or obliterate from a copy of an original public record, or to conceal an electronic image that is available to public viewing, that portion of the record containing exempt or confidential information. Document all public record requests in case notes. Violation of public record laws can result in civil or criminal penalties.

☑ **CP331.3. Provide an appropriate response to a public records request of an offender under supervision while applying the Florida Statutes and Department policy**

Requests for Offender Information From Another County, State, or Sentencing Authority

Sometimes you will respond to a request by another county, state, or sentencing authority for offender supervision information, including confidential information. Examples include a law enforcement agency requesting the terms of supervision of an offender living in another county, a supervising state requesting information on a Florida offender, or a sentencing authority requesting offender information for an upcoming hearing.

Compiling information may include:

- reviewing information in electronic criminal justice databases such as:
    - ***Offender Based Information System (OBIS):*** the Department's computer data base that is used to input and track information pertinent to an offender's supervision
    - ***Criminal Justice Network (CJNet):*** a secure internet site used by the Florida criminal justice community as a portal to many beneficial electronic criminal justice databases
    - ***Comprehensive Case Information System (CCIS):*** website link to each county clerk of court within the state of Florida (access arrest report charging document, victim information, or court orders)
- verifying the authenticity and reliability of the requesting source
- validating the identity of the requested offender (descriptive statistics and supervision information, such as DC number, FBI number, Social Security number, and birthdate)
- copying hard copy documents relevant to the request
- printing OBIS and other criminal justice database information relevant to the request

Document all requests from another county, state, or sentencing authority for offender supervision information in case notes.

☑ **CP331.4. Provide offender information to the requesting county, state, or sentencing authority within the required time frame**

Responding to Media Inquiries

The media may contact you regarding an incident involving an offender, officer, or Department policy. Should a member of the media contact you with an inquiry, your response will be to provide the name and contact information of the designated Department spokesperson, also known as the ***public information officer (PIO)***, located in the Office of Communications, Central Office. The PIO is responsible for releasing information to the media on behalf of the Department. Do not provide information to the media directly unless previously authorized. The best practice is to notify your supervisor immediately concerning these inquiries.

☑ **CP331.5. Respond to all media inquiries in a timely, efficient, and courteous manner while applying Department policy**

LESSON VOCABULARY

Comprehensive Case Information System (CCIS)

confidential records

Criminal Justice Network (CJNet)

exempt records

Health Insurance Portability and Accountability Act (HIPAA)

Offender Based Information System (OBIS)

protected health information (PHI)

public information officer (PIO)

public records

public records request

redact

Unit 4 Interviewing and Report Writing

Lesson 1 Conducting an Interview

Lesson Goal

At the end of this lesson, you will be able to prepare for and conduct a successful interview to make sure that all the necessary information is collected.

Do not confuse an interview with an interrogation. You conduct interviews with people who are not in custody, whereas you conduct interrogations with people who are in the custody of law enforcement. You conduct interviews to obtain information from a variety of sources. Use an interview for conducting investigations, documenting routine activities of an offender, and completing violation or other reports.

☑ **CP341.1. Identify the role of an interview when gathering information related to an offender under supervision**

Preparing for an Interview

In large part, the type of investigation determines the context of the interview. Be alert, safety conscious, and careful to abide by Department policy when conducting an interview. Arrange for an interpreter if there are language barriers. Before conducting an interview, determine:

- whom to interview
- where to interview
- when to interview
- what information to obtain and questions to ask
- how to record the interview
- why you are conducting the interview

Obtain required Department report forms necessary to conduct and document the interview. Examples would be Authorization and Release of Information and Consent for Inspection and Release of Confidential Information, or the Offender Information Sheet and Reporting Instructions Form for PSI interviews.

To obtain as much information as possible during the interview, begin by gathering information related to an offender through researching criminal justice databases. Develop questions that are going to draw out additional information relating to who, what, where, when, how, and why of the situation or address the specifics related to the offense report.

☑ **CP341.2. Prepare for the interview process to ensure the collection of all necessary information**

Phases of an Interview

There are three phases of a planned interview: warm-up, primary, and closing.

The initial phase of the interviewing process is the warm-up. During this stage, establish rapport and build understanding with the interviewee. Introduce yourself and make sure that the interviewee is physically and emotionally comfortable. Take care to conceal any personal feelings of animosity toward the interviewee. Begin by explaining the purpose of the interview, describe why the information is important and how you will collect and use it. Use simple language that is easy to understand.

During the primary phase, obtain information about the case. Ask a variety of open-ended questions designed to collect as much information as possible and encourage long answers. Assess the interviewee for verbal and non-verbal cues, gauging reactions to the questions. Guard your reactions when asking sensitive questions. Do not show disgust, shock, or similar emotions. Remain non-judgmental, fair, and objective. Maintain firm control over the interview process.

The closing phase concludes the interview. Summarize the information with the interviewee for accuracy. Close the interview on a positive note, to encourage additional contact in the future. Ask if there are additional questions or comments. Thank the person for their cooperation as appropriate in a professional manner.

☑ **CP341.3. Describe the phases of an interview when gathering information related to an offender under supervision**

Basic Interview Techniques

Mirroring includes acting as if you are looking into a mirror, seeing the interviewee as a reflection of yourself. By assuming a mirroring posture, you indicate that you are actively listening to the interviewee. You repeat what the interviewee says, but rephrase responses as questions and statements that help clarify information or elicit a more detailed response. Using language and tone of voice that mirror those of the interviewee, conveys your willingness to listen and understand.

Use minimal encouragers or brief statements that indicate you heard what the interviewee is saying and would like to hear more. Examples include “Okay,” “Go on,” and “Then what?”

Recreating the event can enhance memory recall. Ask the interviewee to think back to the original event, to recall the physical surroundings (time of day, place, and so on) as well as their emotional situation (rushed, bored, and so on).

Cognitive interviewing involves asking questions designed to reveal memory through the five senses: sight, hearing, smell, taste, and touch. These mental associations may help answer the questions related to who, what, where, when, why, and how.

Develop your own style of interviewing. Use clear language, avoid jargon or slang when conducting an interview, and show courtesy, consideration, and patience. Never suggest a conclusion or supply information to help an interviewee fill in gaps while recalling the account of events.

☑ **CP341.4. Describe basic interviewing techniques an officer can use during the interview process to ensure that all the necessary information is collected**

Questioning Techniques

During the interview, ask simple questions and repeat questions if required. Use different questioning techniques in an interview to obtain the most complete and accurate information.

Asking open-ended questions encourages conversation and requires the interviewee to think, reflect, and provide their feelings. These are not yes or no answer questions. The person you are interviewing is more likely to answer these types of questions with more detail. Open-ended questions are always encouraged to keep people talking. You may say, for instance: “Could you tell me about your substance abuse history?” and “Could you tell me more about that?”

Close-ended questions require a precise answer, usually yes or no, and help the interviewee refocus. When interviewing offenders, you may ask: “Did you have contact with law enforcement?” and “How much do you pay for rent monthly?”

Frame leading questions in such a way to evoke a specific response from the interviewee. Use these types of questions to confirm facts that you have already known or suspected. For example, after a positive urinalysis, ask an offender, “When did you last smoke marijuana?”

Direct questions are a combination of closed-ended and leading questions. An example is, “Did you take the shoes from the shoe store?” A yes or no answer will probably lead to additional information or justification.

Ask forced choice questions, which limit the interviewee to a specific answer choice. These multiple-choice type questions limit the range of possible answers. You may ask, for example, “How many times did you break curfew; two to four, five to ten, or more?”

☑ **CP341.5. Describe basic questioning techniques an officer can use during the interview process to ensure that all the necessary information is collected**

Signs of Deception During an Interview

Be alert to common signs of deception during the interview. How the interviewee acts or reacts to a question may suggest deception. When used in conjunction with various interviewing techniques, verbal and non-verbal cues are essential in detecting deception. Physiological and behavioral signs of nervousness, stress, and possible deception may include:

PHYSIOLOGICAL

- increased perspiration
- changes in skin color
- dry mouth
- observable increase in pulse rate
- observable change in breathing rate

BEHAVIORAL

- change in tone of voice, volume of speech, change in pace of speech, pauses or silence

- change in speech patterns
- inability to sit still—foot and finger tapping, leg shaking, pacing
- refusal to look at the questioner
- answers that appear rehearsed
- verbal responses that are inconsistent with non-verbal responses
- attempt to change the line of questioning
- overeagerness to help
- too much or too little clarification
- response to questions with questions
- search for escape route
- requests for simple questions to be repeated

Exercise caution to avoid misinterpretation of interviewee behavior because of nervousness or stress that would be present in a typical interview situation. While truthful persons may display behavioral or physiological indicators you may interpret as deception, those indicators often appear in reaction to any kind of questioning, even questions unrelated to the incident.

☑ **CP341.6. Recognize common signs of deception exhibited by a person during an interview**

Documenting the Interview

The primary method for documenting an interview is taking accurate notes. Note-taking is the process of recording brief observations and quotes from the interview. Notes will help you remember relevant facts and complete reports. Additionally, notes can help you prepare for a disposition or hearing. It is difficult to rely on memory alone. Add the date and time of the interview to your notes, as well as any other relevant facts that are not part of the interview, such as location, duration of the session, other people who were present, and any breaks or irregularities during the interview.

Recording the facts should include complete information regarding any actions taken because of the interview or investigation. Documenting interview notes in OBIS helps other officers, who may later become involved, familiarize themselves with the case.

A statement is a permanent record of a person’s account of an incident or occurrence, which the person may or may not make under oath. Statements may be the result of questioning for criminal or non-criminal incidents. You may obtain a statement by having the person write their account of the event. A written statement should be in the person’s own words and not dictated by the interviewer. If an interpreter is used, the interpreter should state exactly what is said. Instruct the person to provide as much detail as possible in their statement. Review the statement to make sure it relates to the event. Retain notes and any interview-related forms in the case file.

☑ **CP341.7. Document all statements made during an interview using a notepad or Department-approved form**

LESSON 2 WRITING A REPORT

Lesson Goal

At the end of this lesson, you will be able to prepare a well-written report using Standard English grammar and structure, including the necessary information regarding an incident or an offender under supervision.

Common Types of Probation Reports

Throughout the course of your duties, you will prepare a variety of reports, such as a violation report, search report, incident report, and use-of-force report.

- A violation report notifies the sentencing authority of an offender's violation of probation.
- A search report documents search results submitted to a supervisor after you conduct an offender residence verification or conveyance search.
- An incident report documents any unusual event.
- A Use of Force report documents any use of force.

☑ **CP342.1. Describe the common types of probation reports that an officer may write regarding an offender under supervision**

Gather Information and Organize Facts

The initial steps for report writing are to gather information and organize facts. Gather all relevant information from a variety of sources, such as criminal justice databases or case files. This information may include an offender's criminal history, socioeconomic history, witness, offender and victim statements, arrest reports, and the case notes.

☑ **CP342.2. Gather all relevant information from a variety of sources before writing a report**

There are two common ways to organize a report: chronological or categorical.

Chronological organization is sorting information by date and time or from first event to last event. This is especially useful when writing a narrative, and allows for easy explanation of what happened, when, and in what order. Use chronological organization when writing incident reports and probable cause affidavits.

Categorical organization is grouping based on categories and is especially helpful for template forms such as legal statements, offender personal and arrest histories, supervision history, and witness or victim statements. Use categorical organization when writing investigative reports.

☑ **CP342.3. Organize information appropriate to the type of report before writing a report**

Review the organized information regarding the incident to make sure that all the required facts are correct and valid. If important facts are missing, such as an offender's birthdate or DC number, collect the additional information before writing the report.

☑ **CP342.4. Review all gathered information for accuracy and validity before writing a report**

Elements of a Well-Written Report

The Department provides you with a number of report forms and templates; however, report writing requires much more than simply filling in the blanks. The largest and most important part of a report is the narrative. The narrative provides specific details and information about a reported incident. Normally, you would write in a narrative format, detailing a chronological sequence of events.

A report must be a complete representation of the facts that omits unnecessary verbiage and irrelevant material. Use vocabulary appropriate to the content of the report. A well-written report should exhibit the writer's command of the language and be free of errors in sentence structure, spelling, capitalization, punctuation, grammar, and other writing mechanics.

☑ **CP342.5. Describe how to write a report using Standard English grammar and structure**

Reports are public records and read not only by people in your office, but also by those outside the Department. Reports should display your professionalism and competence, incorporating the following elements:

Factuality:

- Omit your personal opinions or the personal opinions of other officers or witnesses.
- Omit your personal inferences or presumptions.
- Report all witnesses' accounts of the incident.
- Avoid irrelevant information (stick to the facts).
- Avoid humor and dramatic flourishes or words with emotional overtones.

Conciseness:

- Avoid wordiness.
- Be brief, but do not leave out important information.

Accuracy:

- Make sure that the report contains only what happened based solely on information, statements, and physical evidence collected.
- Verify that you recorded all facts and names correctly, and that numbers written in the report match those in the notes.

Clarity:

- Choose words that have only one interpretation.
- Present events in a logical order.

The report should be easy to read and understand. It should reflect what happened in short, simple, and correct language, free of redundancy, jargon, and slang.

☑ **CP342.6. Describe the elements of a well-written report for an offender under supervision**

Evaluate the Report

Evaluate your report to correct errors and ensure accuracy. Editing and proofreading are processes to make sure that all relevant facts have been included in a report in an organized and accurate manner. Spell all words correctly, use punctuation accurately, capitalize appropriate words, and use proper grammar. Maintain active voice throughout the report.

Consider whether the report narrative flows logically and whether it makes sense and contains complete sentences. Check to see if the information is complete and clear. Revise the report, if necessary, before submitting it to your supervisor.

☑ **CP342.7. Evaluate the report for grammar, mechanics, and accuracy of information prior to submitting to the appropriate Department personnel**

Mechanics and Tips for Effective Writing

Some basic principles of report writing include the following:

VOICE

Write in the active voice, not passive voice—the subject of the sentence is doing the action.

In active voice, the subject generally appears in the first part of the sentence. In passive voice, the subject generally appears in the last part of the sentence.

When you write in active voice, the subject of the sentence does the action: "Inmate Sean struck Officer Stevens with a stick." In passive voice, the action is done to the subject of the sentence: "Officer Stevens was struck with a stick by Inmate Sean."

Passive voice is often considered wordy and weak, while active voice is more direct, coherent, natural, and lively in content.

Passive Voice	Active Voice
The inmate was handcuffed. (Who did the action?)	Officer Smith handcuffed the inmate.
The inmates were seen fighting by the officer.	The officer saw the inmates fighting.
Count was conducted by Officer Jones.	Officer Jones conducted count.
The riot was started by the inmates.	The inmates started the riot.

However, passive voice may be used when the actor is not known or when the action is more important than the actor. For example, consider the following sentence:

A new fingerprint scanner was installed today. (passive)

Compare this to an active sentence where the actor is known:

Lieutenant Phillips installed a new fingerprint scanner. (active)

TENSE

Write in past tense, not present tense—because the events have already occurred.

Present tense: I see Inmate Jones punching Inmate Adams in the face.

Past tense: I saw Inmate Jones punch Inmate Adams in the face.

Write in the first or third person, depending on agency policy.

First person (I).

Example: I counseled Inmate Burns on the minor violation.

Third person (he, she, they, it, or their equivalents, for example, the officer/inmate).

Example: He arrived at the scene of the fight.

Example: The officer arrived at the scene of the fight.

WORD CHOICE

Avoid the use of too many words—state what happened with the fewest words.

Wordy: We conducted an investigation of the incident.

Concise: We investigated the incident.

Use descriptive or illustrative verbs instead of vague verbs.

Vague verb: He indicated that he was not going into his cell. (How did he indicate this information?)

Descriptive verb: He yelled that he was not going into his cell.

Use simple and familiar words instead of difficult-to-interpret words.

Difficult word: Everyone should be cognizant of the dangers that COs face.

Simpler word: Everyone should be aware of the dangers that COs face.

Be precise and specific when writing.

Poor: There were a bunch of inmates in the recreation yard.

Better: There were six inmates in the recreation yard.

Use simple, short, and clear sentences.

COMPLETENESS

Write complete sentences that contain a subject and verb and that express a complete thought.

Incomplete: After completing my count.

Complete: After completing my count, I started my investigation.

SENTENCE STRUCTURE

A sentence is a group of words that contains a subject (a noun or pronoun) and a verb and that expresses a complete thought. Understanding the parts that make up a sentence will help you become a better writer. Some sentences may contain an object, which is the target of the subject's action. The subject of a sentence is what or who does the action, and the verb shows the subject's action or tells something about the subject. Modifiers such as adjectives, adverbs, phrases, or clauses help add information to the thought.

An example of a good sentence structure is as follows:

I	saw	the inmates	arguing.
SUBJECT	**PREDICATE (VERB)**	**OBJECT**	**ADDED INFORMATION**

The subject of the sentence, "I," is doing the action.

The verb "saw" expresses the action of this sentence.

Whom did the officer see? He saw "inmates," which is the object of the sentence.

Example of a good sentence structure is:

Six	inmates	were playing	basketball.
MODIFIER	**SUBJECT**	**PREDICATE (VERB)**	**OBJECT**

The subject of the sentence, "inmates," is doing the action.

The verb phrase, "were playing," expresses the action of this sentence.

What were the inmates playing? They were playing "basketball," which is the object of the sentence.

Sometimes a verb will express "being" or "existence" instead of an action.

Example: The officers are well-trained.

The verb in this sentence, "are," does not express action; instead, it expresses being or existence. The subject, "officers," is doing the existing or being; "well" is an adverb that modifies "trained," and "trained" is an adjective that modifies "officers."

Sentences written with the doer of an action, or the person experiencing the being or existence, at the beginning, followed by the verb, and the object at the end, are active-voice sentences. Since active voice is usually clearer than passive voice, strive to write in active voice.

SENTENCE FRAGMENT

A sentence fragment is a group of words that lacks a subject or verb, or fails to express a complete thought. Sentence fragments are among the most common errors found in correctional reports.

Example: "Walked into the cell." (Who walked into the cell?) No Subject

"The loud inmate" (What about the loud inmate?) No verb

You could convert the above fragments into complete sentences as follows.

"The officer walked into the cell."

"The loud inmate was arguing with his cellmate."

GRAMMAR

Grammar is defined as the rules and guidelines used by writers to make their messages clear and understandable to the reader. Be aware of and use the following recommended basic grammar rules when writing reports. Recognize the main parts of speech and use them properly to produce well-written reports.

Parts of Speech	Description	Example
Noun	name of a person, place, or thing—inmate, cellblock, handcuff, officer, etc.	Officer Andrew responded to inmates' disturbance in the dormitory.
Verb	describes action or state of being—ran, walked, ordered, appeared, seemed, etc.	The fire started in the laundry room.
Pronoun	a substitute for a noun—I, me, she, her, he, him, it, you, they, them, etc.	The inmate said she was not coming out of her cell.
Adjective	describes a noun or pronoun—large, dangerous, blue, and burly, etc.	The officer tried talking to the disrespectful inmate.
Adverb	describes, identifies, or quantifies a verb, adjective, or another adverb—easily, warmly, quickly, mainly, freely, often, etc.	Backup officers arrived quickly to assist with the situation.
Preposition	shows how something is related to another word or phrase and shows spatial (space), temporal (time), or logical relationship of an object to the rest of the sentence—above, near, at, by, after, with, from, etc.	The fire started in the garbage can near the door.
Conjunction	word that joins other words, phrases, clauses, or sentences—and, as, since, but, or, because, so, until, while, etc.	The inmate did not go to work today because he was needed in court.

WORD USAGE

Word usage is the use of appropriate and correct words that will convey the intended meaning. Some misused words found in correctional reports include the following:

A vs. An

A: goes before all words that begin with consonants.

a cat a dorm a purple onion a prison a big apple

Exception—use “an” before an unsounded h.

an honorable judge an honest inmate mistake

An: goes before all words that begin with vowels.

an apricot an egg an Indian an orbitan uprising an inmate

Exception—use “a” before “u” when “u” makes the same sound as the “y” in “you.”

a union a united front a unicorn a used napkin a U.S. ship

Accept vs. Except

Accept: to receive, to acknowledge

We will accept your proposal to transfer the inmate.

Except: excluding, but

Everyone attended the meeting except Officer Smith.

I will gladly accept more inmates, except that I cannot begin processing them for intake until Monday.

Advice vs. Advise

Advice: recommendation; it is a noun.

I should have taken Officer Smith’s advice.

Advise: to counsel; it is a verb.

I would advise you to stop causing trouble in this facility.

Affect vs. Effect

Affect: to change, to influence; it is a verb

Has the reduction in personnel affected your plans to ask for new intakes?

Nothing the inmate said could affect my decision to discipline him.

Effect: a result, or to bring about

The effect of the shakedown yesterday was clearly visible.

We will try to effect a change in the procedure of assigning work groups.

Its vs. It’s

It’s (pronoun + verb): contraction for “it is”

Do you think it’s too early to tell the inmates to eat?

Its (adjective): possessive form of “it”

At the end of your shift, put back the radio in its charger.

Lay vs. Lie

Lay: to put down

The officer was going to lay the paperwork on the table.

Lie: to recline or rest

The inmate went to lie down after lunch.

Note: the past tense of “lay” is “laid,” and the past tense of “lie” is “lay.”

Laid, the past tense of lay:

Yesterday, the officer laid the paperwork on the table.

Lay, the past tense of lie:

Yesterday, the inmate lay down after lunch.

They’re vs. Their vs. There

They’re: contraction of “they are”

They’re our two best officers in writing good reports.

Their: possessive form of “they”

The officers like to use their own weapons at the range.

There: in that place (Hint: There has “here” in it as a reminder that it is about a place.)

Please put the contraband there.

Two vs. To vs. Too

Two: the number 2

Inmate Doe has two towels.

To: commonly used to indicate direction

I am walking to the booking room.

Too: means “also” or “in excess” or too “many.” Remember this: TOO has an “extra” O

Inmate Ramirez was given two pairs of pants; Inmate Winston was given two pairs, too. Inmates have too many privileges.

You’re vs. Your

You’re: contraction of “you are.”

You’re going to be assigned to work in the inmate transportation section.

Your: possessive form of “you”

Is your radio charged?

RULES OF CAPITALIZATION

A regular error found in correctional reports is the improper use of capitalization. The following are some helpful capitalization rules:

- Capitalize the first word of every sentence.

  All inmates are sleeping now.
- Capitalize a proper noun.

  Brevard County Jail, Jane, Thomas, Supreme Court
- Capitalize the pronoun "I."
- Capitalize days of the week, months, and holidays, but not the seasons.

  DO: Friday, April, Christmas DO NOT: spring, summer, fall winter
- Capitalize names of countries, nationalities, and specific languages.

  United States, Canadian, English, Spanish
- Capitalize the first word in a sentence that is a direct quote.

  I once read, "If you see a man at the top of a mountain, he didn't fall there."

  When the officer told him to mop the floor, the inmate stated, "My hand hurts; do it yourself!"
- Capitalize titles and ranks when they precede names.

  Officer Franks ordered Inmate Boggs to report to Lieutenant Harrison's office.

  Note: Do not capitalize titles or ranks when they do not precede names.

  The sergeant went to speak to the lieutenant about the inmate's behavior.

RULES OF PUNCTUATION

Improper punctuation can result in confusing or misleading correctional reports. The period, comma, and quotation mark are used most often in writing correctional reports.

The Period (.)—is an end mark. An end mark signifies a stop. The period is used after making a statement or point: The inmate is running." It is also used after words that are abbreviated: "Ofc.," "Capt.," "Sgt.," "Lt."

The Comma (,)—gives detail to the structure of sentences, especially longer ones, and helps make their meaning clear by marking off words that either do or do not belong together. It usually represents the natural breaks that occur in speech. It separates parts of a sentence such as clauses, and lists of three or more things. People often have problems using commas correctly. The notion that a comma is inserted whenever the writer desires a pause is not always correct. The following are some specific rules for using commas:

- Use a comma and a coordinating conjunction (for, and, nor, but, or, yet, so) to separate two independent clauses or sentences.

The public seems eager for correctional reform legislation, but Congress is too timid to enact any truly effective measures.

Note: If the two sentences you are connecting are short, you may omit the comma, though using the comma is always correct.

The inmate was angry and he was upset.

- Use a comma to set off introductory elements in a sentence.

  While conducting a security count, I found two inmates in the wrong cell.

  Note: If the introductory element is brief, and you can read the sentence easily without the comma, the comma can be omitted.

  Example: In 2008 we opened the new inmate mental health unit.

- Use a comma to set off the elements of a series (three or more things).

  The inmate said his honey buns, potato chips, and shampoo had been stolen from his property.

- Use a comma to set off parenthetical elements. A parenthetical element is "added information"—something that can be removed from a sentence without changing the essential meaning of the sentence.

  Sergeant Tipton, the assigned booking supervisor, ordered that all inmates be placed in the holding cells.

- Use a comma to separate coordinate adjectives. This is the use of more than one word in a row to describe something.

  The inmate used a small, metal object to cut his own arm.

- Use a comma to set off quoted language.

  The inmate said, "Justin threw the first punch."

- Use a comma to set off titles, cities and states, and within complete dates.

  Jane Phillips, the on-duty supervisor, took charge of the incident.

  The training will take place at the Correctional Academy in Ocala, Florida.

  The date for the correctional officers' awards ceremony is Friday, May 18, 2014.

Quotation marks (" ")—are used when quoting someone and using the exact words spoken by that person. They are used primarily to mark the beginning and end of a passage or statement attributed to another and repeated word for word.

Inmate Tobi told Officer James, "I saw Inmate Andrew jump over the fence at 3:30 a.m."

Incorrect: Inmate Tobi told Officer James, "He saw Inmate Andrew jump over the fence." The writer is paraphrasing what Inmate Tobi said, not directly quoting him.

An apostrophe (') is another punctuation mark that is usually misused. An apostrophe is generally used to show possession or to create a contraction. Possession here means that certain objects or qualities belong to a person or thing. A contraction is the result of combining two words; however, as much as possible, avoid using contractions in correctional reports. The following examples demonstrate proper use of apostrophe:

An officer's size and skill are factors to consider when deciding to use force.

Officer Bloom put the inmate’s excess property into storage.

SPELLING ERRORS

Another widespread problem found in correctional probation reports is misspelled words. If the spell check feature of a computer is used, it does not indicate whether a correct word has been used, only if a word has been misspelled. For example, “The inmates took there commissary” would not be flagged by spell check, since “there” is a correct word, but is not the correct spelling of the word to be used in this sentence (“their”). Having another person proofread the report will help ensure that correct words are used.

If you are unsure of the spelling of a word, consider using a different word. Instead of “penitentiary,” use “prison;” instead of “contusion,” use “bruise.” Not all correctional probation officers have access to a computer to spell check their reports, but using a dictionary or thesaurus can be useful. The following basic rules should help improve spelling skills:

SPELLING RULES

1. “I” before “e”: achieve, believe, hygiene, grief, chief

   Except after “c”: ceiling, receipt, conceit, receive, conceive

   There are some exceptions to this rule, such as “neigh.”
2. A final “y” changes to “i” when an ending is added.

   “Supply” becomes “supplies.”

   “Worry” becomes “worried.”

   “Merry” becomes “merrier.”

   Except when the ending is “ing” Example—crying, studying, surveying, and when the “y” is preceded by a vowel, such as obeyed, saying
3. A silent “e” is dropped when adding an ending that begins with a vowel.

   Advance + ing = advancing

   Surprise + ing = surprising

   The silent “e” is kept when the ending begins with a consonant.

   advancement   likeness

   The silent “e” is dropped if it is preceded by a vowel.

   Example: argue + ment = argument true + ly = truly
4. Adding a prefix seldom changes the spelling of a word.

   misspelled   unnecessary   disinterested   misinform
5. We form plurals in English by adding “s” or “es”… Example: shoes, porches, boxes

For words ending in a consonant plus “y,” change the “y” to “i” and add ”es.” For proper nouns, keep the “y.”

Companies Kennedys missionaries

6. When adding an ending to a word that ends in a consonant, we double that consonant when the ending begins with a vowel and the last syllable of the word is accented, and that syllable ends in a single vowel followed by a single consonant.

   Admit is accented on the last syllable and the final consonant is preceded by a vowel, so we double the “t” before adding the ending.

   Admit + ed = Admitted admit + ing = admitting

7. *Flap* contains only one syllable, which means that syllable “has” to be accented. The final consonant is preceded by a vowel, so we double that final consonant.

   Flap + ed = flapped flap + ing = flapping

8. *Counsel* contains two syllables and the final consonant is preceded by a vowel, but the word is accented on the first syllable, so do not double the consonant before adding an ending.

   Counsel + ing = counseling (the “l” is not doubled)

COMMONLY MISSPELLED WORDS

Below is a list of some of the most regularly misspelled words used in the criminal justice field:

absence	acceptable	accessory	accident
accidentally	accompanied	accomplice	accused
acknowledgment	acquire	acquit	address
admissible	admitted	adolescent	affidavit
aggravate	aggressive	alcohol	alleged
amateur	ambulance	amphetamine	anonymous
apparent	apprehend	approximately	argument
arraignment	arrest	assault	assaulted
assistance	barbiturate	barrel	barricade
battery	believe	beverage	bribery
brief	bulletin	bureau	burglar
burglary	calendar	captain	category
certain	changeable	chaplain	characteristic
chocolate	cigarette	cocaine	collectible
collision	colonel	column	commit
committed	committing	complainant	complied
concealed	condemn	confinement	conscience

conscientious	conscious	consensus	consent
consistent	conspiracy	convenience	convenient
counseled	counselor	counterfeit	crisis
curfew	defendant	definite	definitely
delinquent	describe	develop	developed
development	disarm	disciplinary	discipline
discretion	disperse	disturbance	ecstasy
efficient	embarrass	embezzlement	emergency
en route	environment	equipment	especially
evidence	exceed	exhaust	existence
expense	experience	explosive	facing
felon	felony	field	forcible
foreign	forfeit	forgery	fortieth
forty	fourteen	fraud	fugitive
gauge	government	grievance	guarantee
harass	height	heroin	hesitate
homicide	hostage	hypodermic	illegal
immediate	immediately	immunity	incarcerate
incarceration	incident	incoherent	independent
indict	individual	inebriated	influence
innocence	institutional	integration	intelligence
interfere	interrogation	interrupt	intoxicated
intoxication	investigate	investigation	irrelevant
its/it's	jalousie	jealously	jewelry
judgment	judicial	justifiable	juvenile
kidnap	kidnapper	kneel	knelt
knowledge	laboratory	laceration	lascivious
leisure	lewd	liaison	library
license	lieutenant	liquor	loitering
lying	maintain	maintenance	maneuver
marijuana	*Miranda*	miscellaneous	misdemeanor
mustache	narcotics	necklace	negligence
negligent	neighbor	ninetieth	ninety
ninth	noticeable	notorious	nuisance
obscene	obscenity	occasion	occasionally

occur	occurred	occurrence	offense
official	omit	omitted	ordinance
paraphernalia	penitentiary	perseverance	personal
personnel	petit	plea	possession
precede	prejudice	principal/principle	privilege
probable	procedure	proceed	proficiency
proficient	publicly	quarantine	ransacked
receipt	received	receiving	recognized
recommend	reference	referred	referring
relevant	rescue	safety	schedule
scheduled	seize	seized	seizing
seizure	separate	separated	sergeant
sheriff	shiny	signature	significant
sobriety	sought	staggered	statute
statutory	stepped	stumbled	subpoena
substantiate	succeed	supersede	surprise
surround	surveillance	suspicion	suspicious
testified	testify	testimony	their/there/they're
threat	threatening	threshold	trafficking
transfer	transferred	transient	trial
truly	twelfth	twentieth	unconscious
unoccupied	until	vacuum	vehicle
verified	verify	vicious	violation
warrant	weapon	weather	weight
weird	whether	withheld	witness
yield			

COMMON WORDS IN CRIMINAL JUSTICE

Below is a list of some common words used incorrectly in the criminal justice field:

accept receive; approve **except** exclude; omit	**access** means of entry **excess** extra	**advice** opinion; recommendation **advise** give advice	**affect** influence; change **effect** result

all ready prepared **already** previous time	**all together** in one group **altogether** entirely	**all ways** every method **always** all the time	**any one** one person or thing **anyone** any person
any way any means or method **anyway** anyhow	**breath** respiration **breathe** to inhale and exhale	**bring** to someone **take** away from someone	**cancel** to end **council** governing body **counsel** legal advisor, advice
canvas tent cloth **canvass** soliciting information	**capital** seat of government investment money **capitol** the building	**cite** quote **sight** see **site** place	**close** to shut **clothes** wearing apparel **cloths** fabrics
coarse rough **course** direction of going area where golf is played	**compliment** praising **complement** match or accompaniment	**credible** believable **creditable** praiseworthy	**deceased** dead person **disease** sickness
deposition legal testimony **disposition** temperament **determination** decision on a matter	**elude** to flee **allude** to refer to indirectly	**farther** a greater distance **further** additional	**its** belonging to it (an object) **it's** contraction of "it is"
lie to tell an untruth to recline **lay** to put, to place **laid** past tense of lay	**loose** not tight **lose** unable to keep	**medal** badge of honor **meddle** to interfere **metal** substance	**ordinance** local law **ordnance** military supplies

personal private **personnel** employees	**principal** primary; main; school head **principle** rules	**quiet** not noisy **quite** to a degree	**sense** mental health; awareness **since** the time after **cents** coins
set to put; to place **sit** take a seat	**stationary** not moving **stationery** writing paper	**statues** sculptures, models **statutes** enacted laws (Florida Statutes)	**suit** clothing **suite** office or hotel unit
than compares things **then** at that time	**there** indicates a location **their** belonging to more than one person **they’re** contraction of “they are”	**wait** stop briefly **weight** measurement of mass	**waive** give up rights or claim **wave** hand motion; ocean motion
weather atmospheric conditions **whether** if	**your** belonging to you **you’re** contraction of "you are"		

Lesson 3 Incident and Use of Force Reports

Lesson Goal

At the end of this lesson, you will be able to complete an incident and use of force report involving an offender under supervision, a staff member, or a member of the public.

Incident Reports

An incident report formally documents to chain of command an event or an unusual event that has occurred. An incident refers to an event, such as a possible injury to a person, damage to property, a suspicious action, or an unusual occurrence. The incident may involve an offender, a Department staff member, or a member of the public.

☑ **CP343.1. Describe the role of an incident report when performing the duties of a probation officer**

Report the Incident

Prior to initiating a written incident report, immediately contact the Circuit Administrator when you have knowledge of an incident occurring and can relay all relevant information. If you are unsure whether the incident warrants the completion of a written report, consult with your supervisor.

Use the Department-approved template to prepare a thorough and detailed incident report. Provide specific details including the names of all persons involved, the location(s) of the incident, the date and time(s), injuries, and all related information.

When an offender provides a statement regarding an incident, they must sign the statement, which you will attach to the initial report. Obtain factual statements from each person who witnessed the incident. You may obtain a supporting statement from a person who was not present at the time of the incident, but who has knowledge of the incident. Record supporting statements from staff on a separate report. Treat documentation of medical treatment associated with an incident as confidential, limiting information to when, where, and who administered the treatment.

Review the incident report for accuracy and completeness before submitting it to your supervisor. If the incident involves an offender, document the report(s) in case notes.

☑ **CP343.2. Prepare a detailed and thorough incident report while applying Department policy**

Use of Force Report

The Department requires an additional report, a use of force report, anytime you use force to control an offender, to include the use of a chemical agent or un-holstering of a weapon. The report includes a statement of facts to include the exact circumstances leading to the use of force. The narrative also includes the type and amount of force used. The Department has specific forms and templates to report a use of force incident. Follow the same guidelines for writing a use of force report as you would for an incident report.

☑ **CP343.3. Describe the function of a use of force report**

INTAKE AND ORIENTATION

Course Number: CJK_0266

Course Hours: 24 hours

Course Structure: 4 units, 10 lessons

Course Outcomes

At the end of this course, you will be able to:

- ✓ navigate the Offender Based Information System (OBIS) database when documenting offender information during the intake and orientation process
- ✓ determine notifications, documents, and information that can provide an offender’s supervision requirements and contact standard
- ✓ direct an offender to complete the intake packet and report to the appropriate field office
- ✓ orient an offender to their responsibilities, financial obligations, standard conditions of supervision, special conditions of supervision, and individualized supervision plan
- ✓ refer an offender to community resources and contracted vendors for services
- ✓ direct an offender to complete community service and obtain community shelter
- ✓ notify the victim of an offender’s supervision status
- ✓ provide an offender with Health Insurance Portability and Accountability Act (HIPAA), civil rights, and grievance procedure information
- ✓ provide an offender with the legal provisions of the Prison Rape Elimination Act (PREA)
- ✓ verify the identity of an offender using the Rapid ID system and collect an offender DNA sample using the FDLE DNA submission kit

Course Requirements

Students are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. Several student exercises and role-play exercises will help you work in OBIS, processing an offender intake and orientation, and verifying all information. A written exam will cover all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation Officer, Vol. 1 (Chapter 4)
Florida Statutes
Computer with access to OBIS, DC intranet, and Criminal Justice Databases
OBIS Manual and Screen Directory
COPS Manual

Information Provided by Academy

- ✓ course schedule
- ✓ attendance policy
- ✓ grading policy
- ✓ instructor’s office hours and contact information

Chapter Introduction

Offender information documented during intake and orientation begins the probation process and is the foundation for effectively supervising offenders. A well-prepared intake packet determines the accuracy and completeness of an offender case file and case notes in the Offender Based Information System (OBIS), minimizing supervision obstacles in the future. OBIS is a valuable tool that provides a tremendous amount of information about your assigned caseload, record keeping for evidentiary purposes, and monitoring offender progress throughout supervision.

The orientation process provides offenders with information related to your role, court- or sentencing authority-ordered responsibilities, financial obligations, and complying with orders of supervision. Orientation also includes the collection of biometric information, distribution of information related to offender medical and civil rights, and the offender grievance procedure. You will work with an offender to identify a plan for successful completion of their conditions of supervision or special conditions of supervision. This may include offender community service and referrals to community resources and vendors. You will also establish victim information and procedures related to offender release notifications.

Additional officer responsibilities include establishing offender contact standards and building community partnerships. You will conduct a follow-up investigation to verify the accuracy and thoroughness of all intake and orientation information.

COURSE OUTLINE

UNIT 1 PREPARING FOR THE INTAKE PROCESS

LESSON 1 OFFENDER INTAKE INFORMATION

Lesson Goal

At the end of this lesson, you will recognize notifications, documents, and information that will provide an offender's supervision requirements and contact standard for the intake process.

Offender Information

You will assemble a variety of personal data about an offender during the intake process. Some of the information will come from the sentencing authority, and some will come from interviewing the offender. Verify the information you gather with reliable sources before entering the data into OBIS. Collect the following information during the intake process, including:

- personal characteristics/identifiers
- residence information
- employment information
- special conditions
- referral and treatment summaries
- gain/loss movements
- status, supervision, or sentencing
- financial obligations
- risk classification (automatically computed by OBIS)
- contact entries via case notes

Case notes are permanent electronic entries that record factual and relative information related to an offender. Enter case notes into OBIS whenever you have contact with or gain additional information regarding an offender. An offender ***case file*** is the physical file that contains original copies, signed copies, and any hard copies of offender information.

☑ **CP411.1. List the common types of offender information to document in the Offender Based Information System (OBIS) during the intake process**

Release Notifications

You could receive notification of an offender's release from incarceration, a treatment facility, or interstate compact supervision in a variety of ways. The following sources of release notifications and information will help you keep current on the location of an offender:

- the Department of Corrections Data Center (CDC)—provides most of the prison release notifications from a classification officer

- the Florida Commission on Offender Review (FCOR)—provides post-release decisions and notifications affecting inmates
- a transfer request or request for reporting instructions in Interstate Compact—may provide notification for offenders with consecutive sentences
- daily release logs obtained from county jails—act as a notification of an offender's release, including offenders detained by Immigrations and Custom Enforcement (ICE)
- regular contact with treatment facilities—helps you monitor for release of an offender in an in-patient treatment facility
- ***VINELink (VINE)*** database—notifies both you and the victim of an offender's release, location, and status
- ***Florida Administrative Message (FAM)*** telecommunication messaging system—exchanges criminal justice information transmitted through the Florida Crime Information Center (FCIC) network. It will alert you of offender contact with law enforcement in FCIC. A FAM will also notify you of an offender pending release from supervision.

☑ **CP411.2. Describe the common types of release notifications to review during the intake process**

Legal Documents

Review several types of legal documents to establish an offender's sentence structure. Some of the most common documents are court orders, pretrial intervention (PTI) program contracts, and release certificates. These legal documents are the official record of the sentencing authority outlining standard and special conditions, including monetary obligations. Other types of legal documents that you may review are plea agreements, court disposition sheets, restitution orders, and court minutes/docket line.

Review and cross-check documents to determine any discrepancies or errors in sentencing. If you identify any discrepancies, take appropriate action to notify the sentencing authority within 30 days. This process varies from county to county and depends on the clerk and judiciary of each circuit. For example, the officer would first contact the clerk of court via email or letter to confirm the correct sentence as recorded by the clerk. If needed, the officer would request the clerk to correct the orders and submit them to the judge for signature. A different process might require the intake probation officer to type the corrected orders and submit them directly to the judge for signature. The officer may contact the sentencing authority by email or letter to clarify sentencing or determine if the discrepancy is a clerical error. If the error were not clerical, the officer would submit the corrected orders to the judge for signature.

☑ **CP411.3. Determine the common types of legal documents to review during the intake process**

Sentence Structure

Sentence structure is determined by the sentencing authority to include the county of sentence, type of supervision, length of sentence, termination dates, offense class, adjudication status, and court case number. ***Supervision*** identifies any special conditions, which can include restitution, treatment, and curfew.

Read all legal documents from the sentencing authority carefully before entering offender information on the Sentence Structure screen. Information entered on this screen populates the Probation and Parole Record screen to provide a historical overview of all information. Enter this information accurately, because the sentence structure affects multiple screens.

☑ **CP411.4. Determine an offender's supervision requirements when reviewing the legal documents or release notifications during the intake process**

Offender Contact Standard

Supervise offenders based on supervision levels, types, and status. Any changes in these areas will modify the contact standards for offenders under supervision. Contact refers to the interaction an officer has with an offender under supervision and a person associated with an offender. ***Contact standard*** refers to the minimum number of contacts an officer makes to supervise an offender in the community during a specified supervision period. Determine the contact standard by combining the supervision level, type, and status of an offender in OBIS, which calculates the appropriate contact standard.

☑ **CP411.5. Define contact standard for an offender under supervision**

Supervision Level—an OBIS automated process used to determine the appropriate level of supervision each offender will receive. Supervision levels include:

- administrative—non-contact supervision for offenders with low risk of harm to the community, non-reporting status
- community control—personal contact required within two days of assignment; after release from residential treatment if an offender is in treatment, or upon release from custody; required weekly office, home, or field contact; one treatment provider contact if offender is in treatment
- minimum supervision—office and treatment provider contact; if offender is in treatment, no personal contact is required except at the probation office
- medium supervision—office, home, field, or attempted contact; if offender is in treatment, treatment provider contact
- maximum supervision—office, home, field, or attempted personal contact; if offender is in treatment, treatment provider contact
- pretrial intervention—office contact required one time per month decreasing over the length of supervision; if offender is in treatment, treatment provider contact
- quarterly, semiannual, and annual reporting—FCOR reduction in offender reporting requirements based on longevity
- sex offender—required one monthly office and two monthly home or field contact; one if offender is in treatment, treatment provider contact

Supervision Type—based on an offender's situation and circumstances

DEPARTMENT OF CORRECTIONS SUPERVISION TYPES

Administrative probation, as defined in ss. 948.001 and 948.013, F.S., is a form of non-contact supervision, in which an offender who represents a low risk of harm to the community is in non-reporting status until termination. During this period, monitor an offender for new arrests by conducting annual FCIC/NCIC records checks.

Community Control I (CC) or Community Control II (GPS), as defined in s. 948.001, F.S., is an intense form of supervised custody in the community that restricts the freedom of an offender in the community, home, or non-institutional residential placement. Community Control II includes electronic monitoring.

Drug offender probation (DOP), as defined in s. 948.001, F.S., is a form of intense supervision that emphasizes individualized substance treatment.

Pretrial intervention (PTI) program is a diversion program defined under s. 948.08, F.S., for persons charged with a crime before or after any information has been filed or an indictment has been returned in circuit court. If an offender completes the conditions of the program, the sentencing authority dismisses the case. This program provides counseling, education, supervision, referrals to substance abuse, psychological treatment, and a process for providing the victim compensation.

Probation commitment to probation restitution center, as defined in 33-504.101, F.A.C., is a community-based facility that offers residential and non-residential services to offenders. It provides a structured environment to assist offenders with developing skills needed to comply with the conditions of supervision and to achieve successful transition and re-entry into the community.

Felony probation, as defined in s. 948.03, F.S., is a court-ordered term of supervision under specific conditions for a specific period of time that cannot exceed the maximum sentence for the offense.

Misdemeanor probation as defined in s. 948.15, F.S., places an offender found guilty of a misdemeanor on probation not to exceed six months.

Sex offender community control or sex offender probation (SOP) as defined in s. 948.001, F.S., is a form of intense supervision with or without electronic monitoring and emphasizes sex offender treatment.

FLORIDA COMMISSION ON OFFENDER REVIEW SUPERVISION TYPES

Addiction recovery supervision (ARS) as defined in s. 944.4731, F.S., is a mandatory release program for a non-violent offender whose crime was committed on or after July 1, 2001, has a history of substance abuse, and has participated in treatment.

Conditional medical release (CMR) as defined in s. 947.149, F.S., is post-prison supervision for inmates determined to be permanently incapacitated or terminally ill from an existing medical or physical condition. The Department releases an offender for the remainder of their sentence with periodic medical evaluations.

Conditional release (CRS) as defined in s. 947.1405, F.S., is prison post-release supervision granted to serious offenders to serve the remainder of their sentence in the community for accrued gain time. ***Gain time*** is time awarded to an inmate for good behavior, reducing the length of incarceration.

Parole (PAR) as defined in s. 947.18, F.S., is a post-prison supervision where eligible inmates, with offenses committed before Oct 1, 1983, abide by terms and conditions set by the Florida Commission on Offender Review, for a time period not to exceed the balance of their sentence.

Control release as defined in s. 947.146, F.S., is an administrative function solely used to manage the state prison population within total capacity.

Supervision Status—availability of an offender for supervision

- active—an offender presently being supervised
- absconder—an offender that makes themselves unavailable for supervision
- out of state—an offender under supervision, transfers to another state, and is actively supervised in the receiving state
- jail—an offender under supervision arrested during their term of supervision
- pending deportation—an offender with an ICE detainer
- active suspense—an offender temporarily unavailable for direct supervision due to being in custody

☑ **CP411.6. Describe the supervision levels, types, and statuses as they relate to contact standards for an offender throughout supervision**

Offender Movement

An important part of the intake process is determining an offender's location immediately after sentencing or release from incarceration. Movement screens in OBIS track the whereabouts of an offender whether released by the sentencing authority from jail, prison, or another state, and the offender's reporting probation office.

You "gain" offenders when they are added to your caseload. Likewise, you "lose" offenders when they terminate supervision or transfer to another office, where a different officer will gain the case. Three main screens track the movement of an offender:

- Probation and Parole Record screen identifies the assigned officer and office location.
- Residence screen identifies an offender's current, temporary, or emergency address.
- Overall Inmate Record screen identifies the current location of incarceration and release addresses within the Department.

Enter offender movements in the Gain/Loss status history screen using a Transaction Register form. This screen allows you to record an offender's location, assigned officer, offender status (active, inactive, etc.) in chronological order.

☑ **CP411.7. Monitor an offender's movements in the Offender Based Information System (OBIS) during the intake process and throughout supervision**

LESSON VOCABULARY

addiction recovery supervision (ARS)

administrative probation

case file

case notes

Community Control I (CC) or
Community Control II (GPS)

conditional medical release (CMR)

conditional release (CRS)

contact standard

control release

drug offender probation (DOP)

felony probation

Florida Administrative Message (FAM)

gain time

misdemeanor probation

parole (PAR)

pretrial intervention program (PTI)

probation commitment to probation restitution center

sentence structure

sex offender community control or sex offender probation (SOP)

supervision

VINELink (VINE)

UNIT 2 THE INTAKE PROCESS

LESSON 1 THE INTAKE PACKET

Lesson Goal

At the end of this lesson, you will be able to direct an offender to complete the Department-approved intake forms, verify the offender's identity and criminal history, and direct the offender to the assigned field office with reporting instructions.

Intake Forms

During the intake process, provide an offender with an intake packet consisting of several documents and forms. Depending on the circuit, the intake packet can include the individualized supervision plan (ISP) worksheet, offender information sheet and reporting instructions, instructions to the offender sheet, restoration of civil rights, temporary supervision orders, and notice of privacy practices acknowledgement. You may need additional documents and forms depending on the type of supervision.

☑ **CP421.1. Identify the Department intake documents and forms an offender must complete during the intake process**

During this process, identify any literacy or language barriers, as an offender is legally responsible for understanding and adhering to the conditions of supervision. If the offender appears to have difficulty completing the necessary forms due to literacy skills, you may assist the offender in completing the intake forms. If the offender appears to communicate more effectively in their primary language, a Department-approved interpreter may assist in completing the required paperwork.

☑ **CP421.2. Determine an offender's ability to complete an intake form sufficiently**

Direct an offender to read, sign, and complete all documents and forms in their entirety. The completed forms must include both your signature and the signature of the offender. Review the forms for blank spaces, instruct the offender to fill in all information, and confirm the information with the offender. Use Department resources to confirm the information or clarify any possible errors.

☑ **CP421.3. Verify an offender's information on the intake forms for accuracy and completeness during the intake process**

Once an offender has completed and signed all forms, provide a copy of each document to the offender. Retain original copies in the offender case file.

Verify Offender Identity

Acceptable forms of identification to verify the identity of an offender are:

- driver's license or state issued identification card

- passport
- inmate ID card
- military ID
- immigration or visa documents

☑ **CP421.4. List the acceptable forms of identification used to verify the identity of an offender**

Research OBIS to determine whether the Department previously assigned an offender a Department of Corrections number, so that you do not inadvertently create a duplicate number or case file. The Department of Corrections creates a number for every new offender gained to supervision or incarcerated in a Florida state prison. OBIS will reflect any current or prior supervision, or inmate history.

If an offender's file already contains a state dentification number (SID) or FBI number, queries will yield one specific result, as these numbers are unique to the offender. When searching the FCIC/NCIC database using the offender's name and demographics, you will receive multiple returns with the most likely match at the top. Common names and aliases affect the ranking of the returns. Review all returns thoroughly and carefully to make sure that you do not overlook any identifiers.

For misdemeanor cases only, conduct a single national sexual offender registration search using the Dru Sjodin National Sex Offender Public Website, https://www.nsopw.gov/en/Search/Verification.

If you discover aliases in FCIC/NCIC, update the Personal Characteristics screen. Once you have verified an offender's identity and criminal record, document on the Offender Contact History screen.

☑ **CP421.5. Compare results from criminal justice database searches to match the identity of an offender reporting for supervision to include all offender aliases**

Offender Criminal History

Research the FCIC/NCIC database for any active warrants or detainers on an offender. If the offender is present, you may use a fingerprint scanner, an electronic device and database linked to FCIC/NCIC. If the offender is not present, perform a warrant check using eAgent to access FCIC/NCIC. If you determine there is an outstanding or active warrant or detainer from another jurisdiction or state, notify your supervisor to resolve the issue.

☑ **CP421.6. Correlate FCIC/NCIC results for active warrants or detainers with the identity of an offender under supervision**

Offender-Assigned Field Office

The Department assigns offenders to a field office based on the location of their residence. The Department of Corrections circuit offices determine which field offices supervise a particular geographic area. In some counties, the Department manages boundaries by zip codes, while in other counties, by geographic zones. Some counties have a separate intake office associated with their field offices.

☑ **CP421.7. Determine an offender's assigned field office using Department-approved documentation and resources**

When the court or sentencing authority releases an offender from incarceration or sentences an offender to supervision, the offender must abide by the reporting instructions given to them at the time of sentencing. The reporting instructions may tell the offender to report directly to their field office or to a receiving office. If the offender is reporting to a receiving office, the intake probation officer will contact the receiving field office by phone after reviewing the offender's reporting instructions. This officer will notify the receiving office to expect the offender to report for supervision. The intake probation officer will instruct the offender to report to the designated field office outlined in the reporting instructions. If the field office is in a different county than the receiving office, the intake probation officer will issue a travel permit giving the offender permission to travel to their county of residence for reporting purposes. This officer will ship the offender case file to the receiving field office immediately and document providing instructions to the offender in OBIS.

☑ **CP421.8. Instruct an offender to report to the assigned field office with the reporting instructions and, if required, provide a travel permit**

UNIT 3 ORIENTATION

LESSON 1 BASIC ORIENTATION PROCESS

Lesson Goal

At the end of this lesson, you will be able to complete the basic orientation process with an offender including describing the role of the probation officer, instructing on conditions of supervision and monetary obligations, referring the offender to community resources, and developing an Individualized Supervision Plan (ISP).

Discussing the Role of the Probation Officer

Conduct an initial offender orientation once the sentencing authority or court sentences an offender to supervision. This orientation covers all aspects of supervision and is the first opportunity to explain your role. When meeting an offender for the first time, introduce yourself, and explain to the offender that this is a professional relationship, not a personal relationship. Explain to the offender that you are there to encourage them to make positive lifestyle changes. You can offer suggestions for self-improvement; however, it is the offender's responsibility to recognize a potential problem and attempt to adjust their lifestyle.

Explain to an offender that your primary role is to ensure offender compliance with all conditions of supervision. If the offender violates the law or becomes non-compliant with the conditions of supervision, you are obligated to report those violations to the sentencing authority.

☑ **CP431.1. Describe the role of a probation officer to an offender under supervision during the orientation process**

Assessing an Offender's Ability to Comprehend

Officers who communicate well will develop a sense of whether an offender fully understands the standard conditions of supervision. Recognize when the offender responds correctly to questions you ask and when the offender asks questions relevant to the instruction. Identify, in the intake documents, whether the offender requires any special accommodations and make reasonable accommodations allowed under the American with Disabilities Act. Pay special attention to the offender's self-declaration, to avoid any attempt at manipulation or favor.

If an offender's primary language is not English, use Department-approved forms in a language the offender understands. The Department of Corrections has copies of the forms in English, Spanish, and Creole available on the Department of Corrections intranet. If you determine the offender needs an interpreter, locate a Department-approved interpreter for the initial instruction and orientation. An approved interpreter can be a Department employee or contracted interpreter. Family members may act as an interpreter, in lieu of a Department-approved interpreter, during the initial orientation. You may also use a family member as an interpreter during subsequent contacts with the offender.

☑ **CP431.2. Provide an interpreter after determining an offender's inability to comprehend the standard conditions of supervision because of a language barrier**

Standard Conditions of Supervision

Chapter 948, F.S., dictates the standard conditions of supervision. It details the general conditions that apply to all offenders on supervision in the state of Florida, regardless of the supervision type. Officers are required to read aloud, verbatim, the Florida Standard Conditions of Supervision or the Certified Orders. Thoroughly and clearly, explain each condition imposed by the sentencing authority.

- You will report to the probation officer as directed.
- You will pay the State of Florida the amount of $_____ per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with the Florida Statutes.
- You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- You will not possess, carry, or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- You will not associate with any person engaged in any criminal activity.
- You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, an advanced practice registered nurse, or a physician assistant. Nor will you visit places where someone is unlawfully selling, dispensing, or using intoxicants, drugs or other dangerous substances.
- You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- You will pay restitution, court costs, and fees in accordance with special conditions imposed or in accordance with the attached orders.
- You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
- You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in s. 943.325 and 948.014, F.S.
- You will submit to the taking of a digital photograph by the Department. The Department's website may display this photograph while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- You will report in person within 72 hours of your release from any incarceration or arrest to your assigned probation office, unless otherwise instructed by the court or your Florida officer.

☑ **CP431.3. Read the standard conditions of supervision directly from the Florida Statutes and again in plain language to an offender**

After you read the conditions verbatim, ask the offender if they have any questions about their conditions of supervision. In the absence of any questions or unresolved concerns, both you and the offender will sign the printed supervision orders, verifying that you clearly explained and the offender acknowledged the conditions imposed.

If an offender refuses to sign the supervision orders, or any form required during the orientation process, write “REFUSED,” sign, and date the orders or forms. Document that you instructed the offender on the standard conditions of supervision in case notes.

☑ **CP431.4. Record an offender’s acknowledgement of understanding the standard conditions of supervision before documenting in case notes**

Additional Offender Responsibilities

Section 775.13, F.S., requires all offenders on felony supervision in Florida to register with the sheriff’s office in the county of their residence within 48 hours of the court or sentencing authority placing them under supervision. Failure to register as a felon could result in an offender violating the conditions of their supervision.

An offender is responsible for adhering to the conditions of supervision and must tell you of any situations that may affect their conditions of supervision. An offender will report any unforeseen emergencies, such as a family medical emergency. If necessary, the offender will call an after-hour contact number, provided by the officer during orientation.

If an offender has trouble meeting the conditions of supervision, they should contact the officer. Offenders should discuss concerns calmly and respectfully with the officer. Individuals such as family members, parents, spouses, or partners are not on probation and should not place calls to the officer to request permission for travel or ask the officer questions to clarify concerns.

An offender will address an officer by their professional title, such as “Officer Smith.”

The offender will complete all conditions of supervision at least 30 days before their termination date.

☑ **CP431.5. Provide information to an offender regarding additional responsibilities outlined in the Instructions to the Offender form**

Court Ordered Payment System and Offender Financial Obligations Agreement

The majority of offenders under supervision have financial obligations to the sentencing authority and the victim of the crime. The offender’s monetary obligations are entered into the ***Court Ordered Payment System (COPS)*** screens in OBIS based upon the sentencing authority’s order regarding monetary obligations. The main functions of the COPS include:

- determining an offender’s monetary obligations while under supervision or in custody within an institution

- recording payments received and applied against an offender's monetary obligations paid through the Department
- notifying the Department's accounting section to generate checks for paying sentencing authority obligations and victim restitution

Types of monetary obligations imposed by a sentencing authority can include:

- ***cost of supervision***—the monthly fee charged to an offender to offset costs of supervision
- ***court costs***—statutory fees imposed by the court or sentencing authority
- ***victim restitution***—money owed to a victim as a result of the crime committed
- ***drug testing fee***—charged to an offender receiving drug tests by the Department
- ***Department of Corrections Training Trust Fund***—a statutory fee used to offset Department training costs, including victim awareness.

☑ **CP431.6. Determine an offender's monetary obligations using Department-approved documentation and court or sentencing authority resources**

To enter an offender's monetary obligations or any corrections to these obligations in OBIS, complete a COPS input form. Your supervisor must approve and submit the input form to administrative staff for entry into the COPS screens. You are responsible for reviewing any monetary obligations entered on the Court Ordered Payment/Detail screens for accuracy and completeness.

The ***offender financial obligations agreement (OFOA)*** is a computer-generated financial obligation and payment schedule that incorporates all monetary obligations an offender owes. Print the OFOA, instruct the offender on their monetary obligations, and get them to sign the agreement. Give the offender a copy of the agreement, and keep the original in the offender case file. Provide the offender with instructions on how to make their payments using the Instructions for Payments form.

☑ **CP431.7. Process an offender's monetary obligations in OBIS using the offender financial obligations agreement (OFOA) and Court Ordered Payment System (COPS)**

Identifying Special Conditions of Supervision

Special conditions of supervision are additional conditions of supervision ordered by the sentencing or releasing authority that are outside of the standard conditions. Special conditions require ***oral pronouncement*** where the sentencing authority reads the conditions aloud in open court. These conditions may include time-sensitive requirements, such as enrolling in a treatment program within 30 days of sentencing.

Other special conditions could include:

- GED program
- life-skills
- parenting classes
- anger management
- DUI sanctions including DUI school, victim effect panel, ignition interlock
- high risk or defensive driving school

- anti-theft school
- substance abuse evaluation and treatment (inpatient/outpatient)
- mental health evaluation and treatment
- domestic violence evaluation and treatment
- batterer's intervention program
- public service hours

☑ **CP431.8. Describe special condition(s) of supervision imposed by the court or sentencing authority on an offender under supervision.**

Individualized Supervision Plan

After reviewing an offender's conditions of supervision, you and the offender will work jointly to develop an ***individualized supervision plan (ISP)***. The ISP identifies specific needs, goals, and timeframes that can help the offender complete the conditions of supervision, and provides strategies for self-improvement.

After reviewing the ISP worksheet, let an offender voice any questions or concerns about the ISP worksheet. Once the offender determines the ISP worksheet addresses their individual needs, use OBIS to prepare the ISP. Print a copy of the ISP and review it for completeness with the offender. Both of you will sign the initial ISP. Retain a copy for the offender's case file. This is a fluid document that you can update as the offender's goals and needs change.

☑ **CP431.9. Describe a comprehensive individualized supervision plan (ISP) for an offender under supervision**

LESSON VOCABULARY

cost of supervision

court costs

Court Ordered Payment System (COPS)

Department of Corrections Training Trust Fund

drug testing fee

individualized supervision plan (ISP)

offender financial obligations agreement (OFOA)

oral pronouncement

special conditions of supervision

victim restitution

LESSON 2 COMMUNITY RESOURCES

Lesson Goal

At the end of this lesson, you will be able to identify community resources, assist the Department in building community partnerships, and understand informal or formal agreements with contracted vendors or community resources.

Community Resources

Often offenders have limited education and life skills and need help learning about the support services available within their community. Introduce an offender to community resources that may assist with special conditions of supervision and fulfilling the goals of the ISP. ***Community resources*** are various public and private organizations, places, services, businesses, and individuals within the community that can help or provide support, aid, or assistance to offenders. Community resources are either voluntary partners or ***contracted vendors*** and may have formal or informal agreements with the Department.

Community resources vary by location, and offenders often do not know about these services or are unable to find them. These resources have the potential to improve the quality of life in a community as well as assist an offender to complete the conditions of supervision successfully.

Become familiar with available local resource centers and develop a rapport with staff members of the centers. Community resources can include:

- employment services
- vocational centers or schools, adult and community education services
- outreach and support groups
- re-entry centers
- children and family services, childcare
- health care services
- housing authorities
- disabled services
- transportation services
- indigent resources, homeless shelters
- food banks or soup kitchens
- community clothes closets
- benevolent societies or charitable organizations

Many counties have community resource guides that list local resources with toll-free numbers. Officers can filter local resources in their county using the Department of Corrections Intranet Re-entry Resource page or the Department of Corrections Public Information page. As you begin networking within your community, identify at least one point of contact with each community resource with a phone number, address, hours, and days of operation and provide an initial letter of introduction from your Department supervisor. This will help you develop community partnerships and establish relationships with vendors.

As you become aware of potential community resources, share this information with your supervisor and other Department staff.

☑ **CP432.1. Describe the community resources that provide opportunities for offenders to comply with conditions of supervision and successful re-entry**

Contracted Vendors

Contracted vendors are organizations, places, businesses, and individuals who provide paid commodities or services to improve the quality of life of members of a community. The Department contracts with specific vendors to provide these services to offenders to successfully complete supervision. Examples include residential or outpatient substance abuse programs, probation and restitution centers, electronic monitoring services, and mental health service providers.

☑ **CP432.2. Describe the role of contracted vendors when providing services to offenders under supervision**

Community Partnerships

The Department and community partners agree that offenders face many challenges as they move toward re-entry. ***Community partnerships*** are local resources that work with the Department on a voluntary basis to provide support services to offenders under supervision. These partnerships are essential to promote public and officer safety and provide resources to help offenders comply with conditions of supervision. Community partnerships increase understanding and trust, and develop professional long-term relationships between the Department and the community. Community partnerships can also provide resources for offenders to comply with special conditions of supervision.

☑ **CP432.3. Recognize the importance of building productive community partnerships when providing resources to offenders**

Formal Agreements

The Department will often enter into agreements with community resources to provide offenders with a means to satisfy court- or sentencing authority-ordered conditions of supervision. Some agreements will be formal and require a written agreement, such as a ***memorandum of agreement (MOA) or a memorandum of understanding (MOU)***. These are agreements between the Department and other agencies or community service providers that offer a variety of resources and mutually beneficial services. The Departments central office creates and reviews MOAs and MOUs. The Department approves MOUs and MOAs and the secretary and general counsel sign the agreements. The appropriate representative of the partnering service provider signs the agreement as well. A common example of a formal agreement is a worksite agreement with a community service provider that specifies worker’s compensation requirements or an organization that has a not-for-profit status. ***Not-for-profit organizations*** are tax supported or exempted organizations as certified by the Internal Revenue Service.

Informal Agreements

Informal partnerships do not necessarily require formal agreements and are often cultivated from your frequent visits to or involvement in the neighborhood or community. Examples of informal partnerships are religious or not-for-profit organizations offering shelter, food, or clothing for offenders.

☑ **CP432.4. Describe formal and informal agreements between the Department and community resource providers that can assist offenders under supervision**

LESSON VOCABULARY

community partnerships

community resources

contracted vendors

memorandum of agreement (MOA) or a memorandum of understanding (MOU)

not-for-profit organizations

Lesson 3 Community Service

Lesson Goal

At the end of this lesson, you will understand the community service worksite approval process and offender restrictions and be able to direct an offender to complete community service requirements.

Community Service

Often a condition of supervision includes community service, sometimes referred to as public service work. ***Community service*** is work an offender must perform, without pay, and for the benefit of the community. Offenders work at community service worksites that enter into a formal agreement with the Department, and provide offenders with community service to comply with condition of supervision.

Do not confuse community service with community resources. Community service can be a requirement under an offender's conditions of supervision. Community resources can be the organization that provides the opportunity for the offender to complete their community service. Community service worksites can include:

- humane society, animal shelters
- state parks
- county work details
- homeless shelters
- religious organizations
- not-for-profit organizations
- soup kitchens
- Veterans of Foreign Wars Posts
- American Legion Posts
- United Way

☑ **CP433.1. Describe community resources that may satisfy an offender's community service requirements**

Work with an offender to determine their skills, abilities, and interests when directing them to a community service worksite. Section 948.031, F.S., states that community service sites may restrict offenders from performing community service work based on a criminal history that may compromise public safety. Some worksites do not allow offenders with violent charges to complete community service at their location. Local probation offices have a list of Department-approved community service sites that allow offenders to complete required community service hours. This list contains restrictions imposed by the worksite.

☑ **CP433.2. Identify any restrictions that may prohibit an offender from completing community service requirements at a specific worksite**

If an offender wishes to complete community service hours at an unregistered site, instruct the offender that any hours worked are not acceptable at an unregistered site. Provide the offender with a worksite agreement form with instructions to have the unregistered community service site complete the form. Once the form is complete and returned with documentation of tax-exempt certification, the Department may approve the site, and the offender can then complete community service hours.

☑ **CP433.3. Describe the process for approving community service worksites that may satisfy an offender's community service requirements**

Some sentencing authorities allow offenders to complete community service hours in lieu of court costs and fines. The sentencing authority may specify an hourly rate for work performed by an offender. These hours are in addition to any hours ordered as a special condition of supervision. Offenders should complete sentencing authority community service hours before performing hours to pay off financial obligations. The offender will document completed hours on the Notice of Assignment form and submit the form to their supervising officer for verification with the worksite and entry in OBIS.

☑ **CP433.4. Describe an offender's alternatives for community service requirements in lieu of restitution**

Enter the minimum monthly requirement of community service hours on the Public Service Hours screen. Instruct an offender to complete community service requirements at the assigned worksite and to sign the Florida Standard Conditions of Supervision form documenting offender acknowledgement.

☑ **CP433.5. Direct an offender to complete the community service requirements imposed by the court or sentencing authority based on the conditions of supervision and Department policy**

LESSON VOCABULARY

community service

Lesson 4 Community Shelter

Lesson Goal

At the end of this lesson, you will be able to provide an offender with information about community shelters and the availability of temporary housing.

Community Shelters

Many offenders leave incarceration without family support, financial resources, or a stable residence. An offender may need temporary shelter and indicate this on the ISP worksheet. Refer the offender to one of the following types of temporary shelters based on their needs:

- ***Domestic violence shelters*** help survivors of domestic violence by providing safe housing for abuse victims and their children.
- ***Family shelters*** provide secure, temporary refuge and a supportive environment to homeless families.
- ***Homeless coalitions***, available in most Florida counties, coordinate shelter, food, and other basic social needs within a local area.
- ***Homeless shelters***, often associated with churches or government, are short-term stabilizing housing solutions that often provide services to assist the residents.

Become familiar with local homeless shelters and the services they provide. In some counties, the public defender, the jail, or the Department of Children and Families may have liaisons that can assist you in referring an offender to temporary shelter. Many counties have Community Resource Guides that list the local shelters and their toll-free numbers.

Determine which local shelters best meets the needs of an offender by using the Department of Corrections Intranet Re-entry Resource page.

When you determine an offender is in need of housing assistance, contact the shelter directly to see if bed space is available. Identify yourself as the offender’s probation officer and advise the shelter representative of the offender’s circumstances and needs. Some shelters have restrictions regarding offenders who commit violent crimes or sex offenders. Shelters may also have daily rates, curfew restrictions, a religious component, and gender or age guidelines. Make the offender aware of any shelter restrictions.

☑ **CP434.1. Identify temporary community shelters an offender may use and any restrictions that could potentially disqualify the offender**

If an offender appears to qualify for and agrees to the proposed placement, give them the contact information and address of the shelter. Determine what steps are necessary to secure a space in the temporary shelter and relay the information to the offender. Provide the offender with contact information and directions to the shelter.

If the shelter has a waiting list, ask if the offender would like their name added to a waiting list or would rather seek an alternate placement.

Document in OBIS all efforts to obtain housing or shelter for an offender. Upon offender acceptance to a local shelter, update the Residential History screen with the new temporary address. If the shelter is a refuge for domestic violence, indicate in OBIS that the address is confidential. Update the ISP in OBIS to reflect the goal of obtaining stable residency.

☑ **CP434.2. Provide an offender with information about community shelters and the availability for temporary housing**

LESSON VOCABULARY

domestic violence shelters

family shelters

homeless coalitions

homeless shelters

LESSON 5 VICTIM NOTIFICATION

Lesson Goal

At the end of this lesson, you will know how to notify the victim or victim's family of an offender's supervision status.

All victims are entitled to know the status of an offender who committed the crime against them. The safety of the victim and monetary remuneration are integral to the victim's well-being. You play an important role in assisting the victim; however, it can be challenging to locate and positively identify the victim(s) of an offender's crime.

Gathering Victim Information

Many criminal cases involve victims that can be a person, a business, or a government agency. Information obtained from the sentencing authority or state attorney's office will identify the victim and the victim contact information. Orders of restitution, created after sentencing by the state attorney's office, can provide the identity of the victim.

☑ **CP435.1. Identify any victim(s) associated with the crime committed by an offender under supervision**

Victim information is available from many sources, including:

- supervision orders or court minutes
- victim's advocate
- state attorney
- defense attorney
- Driver and Vehicle Information Database (DAVID)
- offense reports or arrest affidavits
- Presentence Investigations
- victim or the victim's family
- Department of Corrections Victims Services
- OBIS Victim Notification Screen.

☑ **CP435.2. List Department-approved sources for obtaining victim information associated with the crime committed by an offender**

Review the offense report to understand the dynamic of the victim-offender relationship further. If the sentencing authority orders special conditions regarding an offender's victim(s), obtain accurate victim information at the onset of the supervision so that you can notify victim(s) of their rights.

Verify the accuracy of victim contact information by contacting the victim(s) directly and researching Department-approved sources of information. This may help ensure that victims receive restitution and the offender adheres to any imposed no-contact provisions.

☑ **CP435.3. Verify the accuracy of all victim information associated with the crime committed by an offender before documenting in case notes**

Victim Notification

Section 960.001, F.S., addresses your guidelines for fair treatment of victims and witnesses involved in the criminal justice and juvenile justice systems. One of the guidelines requires that you must notify the victim or victim's family of an offender's supervision within 30 days of orientation. The Florida Statutes and Department policy also require you to notify the victim or the victim's family when or if:

- the offender's status changes,
- a modification of supervision occurs, or
- the offender is arrested, released, or dies.

Notify the victim or victim's family directly using the victim no contact letter form-letter only if the court orders no contact with a victim or specified person. Use the VINE form letter to advise victims of their rights and the process for registering for the Victim Information and Notification Everyday (VINE) system. When there are updates throughout an offender's supervision, notify the victim using the Department's Notification of Offender Status form-letter.

If an offender status changes, inform the victim or victim's family of the change, and document the change and the notification in OBIS. If an offender transfers out of Florida, notify the victim or victim's family with an additional letter informing them about the process for registering for VINEWatch, the program that tracks offenders out of state through the Interstate Compact Offender Tracking System (ICOTS).

Document any contact with victims on the Offender Contact History screen. If there is a no-contact order, document that you notified the victim of the order on the Offender Contact History screen and note any instructions you gave to an offender regarding contact restrictions.

☑ **CP435.4. Notify the victim or victim's family of an offender's supervision status while applying the Florida Statutes**

Victim Information and Notification Everyday

The VINE system is a free service for victims to receive automatic notification of changes in an offender's custody status, including release, transfer, or death. It also provides up-to-date information on the current custody or supervision status and location of an inmate or offender. VINE has a national website called VINELink, where Florida victims can register for victim notifications via phone, email, or text 24 hours a day. VINELink is a useful tool that helps the victim remain current on an offender's location or change in status. However, VINELink does not notify a victim when an offender is arrested on a violation of probation (VOP) warrant. Any member of the public, including officers, can register to track an offender in VINE.

☑ **CP435.5. Describe the role of the VINE system when monitoring an offender's incarceration or supervision status**

Responding to Victims

Victims understandably may have strong reactions or emotions related to an offender. You may receive calls from victims needing to express their anxieties or concerns. Victims will contact you, not law enforcement, regarding any offender behaviors that threaten their safety. In these instances, be prepared to serve as an active listener and address their concerns professionally. Refer the victim to law enforcement if the offender is violating a court order of no contact, restraining order, or injunction. Assure the victim that you will enforce the conditions of the court order and report any violations to the sentencing authority.

UNIT 4 COMPLETING THE INTAKE AND ORIENTATION PROCESS

LESSON 1 OFFENDER RIGHTS

Lesson Goal

At the end of this lesson, you will understand the importance of the Health Insurance Portability and Accountability Act and an offender's civil rights.

You will acquire medical and confidential information on offenders throughout their period of supervision. ***Confidential information*** is non-public information that is exempt from the provision of s. 119.071, F.S., and protected from public disclosure. Manage this sensitive information within the framework of HIPAA regulations and Department policy. You and the Department may be subject to criminal and civil liability for violations of HIPAA. It is also important for officers to understand how adjudication of guilt and withholding of adjudication affect an offender's civil rights. Not all civil rights are lost when the sentencing authority withholds adjudication in an offender's case.

OFFENDER'S MEDICAL RIGHTS

The Health Insurance Portability and Accountability Act (HIPAA) establishes a federal minimum standard for privacy of health care information. Rules specified in Chapter 45, of the Code of Federal Regulations (C.F.R.) and in s. 456.057, F.S., govern how Florida implements HIPAA. These laws require the Department of Corrections to maintain the privacy of protected health information maintained in offender files. Federal law requires that you provide this notice to an offender and that the Department abides by the terms of the notice.

An offender will receive a copy of the Department of Corrections notice of privacy practices, which explains how the Department may access, use, and disclose offender medical information. Notify offenders that officers may use or disclose protected health information (PHI) maintained in the offender file for authorized purposes without offender approval. When this happens, the following two forms are optional for use; however, they can be appropriate if the Department needs additional offender or treatment information:

An ***authorization and release of information*** form allows for the release of any records pertaining to an offender. This release of information form can help when conducting investigations to verify information provided by the offender. This form is valid for the duration of the offender's supervision period.

Consent for authorization for use and disclosure inspection and release of confidential information gives you permission to acquire medical information regarding an offender that will assist in determining their compliance with conditions of supervision. The form is effective for 90 days, unless otherwise specified, and requires the offender's signature. The offender may revoke their consent in writing at any time during supervision.

Read and thoroughly explain the HIPAA rules and regulations to an offender. The offender will print their name, their Department of Corrections number, and sign the acknowledgement form. Retain all original forms in the offender's case file, and provide a copy to the offender.

Verify that the offender completed all HIPAA and release of information forms according to Department policy. If you receive these documents unsigned, reinstruct the offender at the next opportunity, and obtain the offender's signature. Document that the offender received information regarding the HIPAA rules and regulations in OBIS. If you need to release PHI, document the nature of the circumstances in OBIS.

☑ **CP441.1. Provide an offender with the required forms and information regarding the Health Insurance Portability and Accountability Act (HIPAA) during the intake and orientation process**

OFFENDER'S CIVIL RIGHTS

In addition to privacy of personal health information, offenders have limited civil rights. Offenders with felony convictions have the right to apply for restoration of civil rights after their supervision has expired, after completing all conditions of supervision, and the required timeframe has passed. A felony conviction also revokes certain civil rights. Convicted felons may be unable to gain employment in some occupations, possess a firearm, vote, participate in jury duty, or hold public office until they receive restoration of these civil rights.

☑ **CP441.2. Provide an offender with basic civil rights information during the intake and orientation process**

Offender Grievance Procedure

The ***offender grievance procedure*** is an official, Department protocol for managing an offender's grievances, as established in F.A.C. During orientation, you are required to explain the steps and time frames necessary to file a grievance. The reception area of all probation offices posts a copy of the grievance procedures. Copies of the grievance procedures are also available to all offenders upon request. If you and the offender are unable to resolve a grievance, and the offender begins the grievance process, you must file the grievance within 10 days of the date of the incident. The Department must resolve a HIPAA grievance within 30 days of receipt from the offender. Remind the offender that they may not file a grievance regarding a violation of probation as administrative hearings or courts hear violation issues.

☑ **CP441.3. Provide an offender with instructions regarding the grievance procedure during the orientation process while applying the Florida Administrative Code (F.A.C.)**

LESSON VOCABULARY

authorization and release of information

confidential information

consent for authorization for use and disclosure inspection and release of confidential information

offender grievance procedure

LESSON 2 PRISON RAPE ELIMINATION ACT (PREA)

Lesson Goal

At the end of this lesson, you will understand the legal provisions of the 2003 Prison Rape Elimination Act and how it affects your job duties.

An inmate or an offender may be a perpetrator or a victim of sexual battery while incarcerated. Some offenders may not report being the victim or perpetrator of sexual assault until released to your supervision. During the intake and orientation process, you must identify offenders who are a victim or perpetrator of sexual battery when incarcerated. Become familiar with the specific duties when dealing with an identified or designated PREA victim or perpetrator.

Provisions of Prison Rape Elimination Act

If an offender or third party reports a sexual incident during incarceration or supervision, designate the offender as a PREA victim or perpetrator in OBIS. The ***Prison Rape Elimination Act (PREA)*** National Standards refers to Part 115, Title 28, CFR, a federal act that establishes a zero-tolerance standard for sexual abuse. PREA requires an investigation of the incident that includes gathering information, resources, recommendations, and funding to protect individuals from prison rape.

Section 944.31, F.S., directs the Department of Correction's response to PREA incidents. PREA provides guidelines for the first responding officer and the investigator of a suspected sexual abuse incident. In addition, chapter 794, F.S., addresses prosecution of sexual assault or sexual battery.

F.A.C. 33-208 details administrative penalties for officer failure to report sexual battery or sexual assault of an offender. Treat all sexual abuse allegations seriously. There are legal provisions that you must adhere to and failure to do so may result in disciplinary action against you.

☑ **CP442.1. Describe the legal provisions of the Prison Rape Elimination Act (PREA)**

If an offender reports to you that they were a victim of sexual abuse or sexual battery, and it occurred in a residential treatment facility, refer the offender to local law enforcement authorities. If an offender reports that they were a victim of sexual abuse or sexual battery, that it occurred inside of the incarceration environment, and they did not previously report it, notify proper chain of command. Generate an incident report and refer all allegations to the Department of Corrections, Office of the Inspector General.

☑ **CP442.2. Identify how the Prison Rape Elimination Act (PREA) may affect a probation officer in the performance of their duties**

Offer appropriate treatment referrals and document any information received from an offender or collateral contacts regarding the PREA incident. Institutions have treatment programs available for inmates, but unfortunately, these services are not available to an offender once they are under supervision. Refer the offender to a Department-approved provider for assistance and treatment. Document in OBIS whether the offender accepted or declined treatment. PREA incidents are Protected Health Information (PHI) incidents and are not subject to public records requests.

☑ **CP442.3. Record any actions taken related to the Prison Rape Elimination Act (PREA) in an offender's case notes while applying Department policy**

LESSON VOCABULARY

Prison Rape Elimination Act (PREA)

LESSON 3 BIOMETRICS

Lesson Goal

At the end of this lesson, you will understand your role in ensuring that offender photographs are on the DCWeb or the Department intranet, be able to make a positive identification of an offender using the Rapid ID system, and collect a DNA sample properly using an FDLE submission kit.

Everyone has unique features that help establish their identity. ***Biometrics*** is the measurement and analysis of fingerprints, palm prints, facial features, retinal scans, DNA, and other physical attributes. Collecting DNA is not only a condition of supervision but also assists various criminal justice agencies in identifying suspects. Many unsolved crimes have unidentified DNA evidence. DNA “hits” from collected samples have assisted investigations by linking offenders to these crimes.

Photograph an Offender for the Department of Corrections Website

Offenders will have their initial photograph taken during the intake process. Section 948.03, F.S., requires you to take digital photographs of offenders sentenced after July 1, 2010. Before taking the photograph, positively identify an offender.

Should an offender change in appearance, such as grow a beard, hair color change, or major weight change, policy dictates that a new photograph should update the offender case file. Transgender offenders are photographed as the gender that they represent in public.

An offender must stand or sit in front of a Department-approved background. Instruct the offender to remove any unnecessary accessories and cover inappropriate clothing. This includes hats, sunglasses, and t-shirts that may contain offensive materials. Remove or cover clothing depicting an employer’s name or any brand logo with a Department smock. Take every precaution to ensure photographs do not display any evidence of physical or health conditions, such as oxygen tanks, tubes, or wheelchairs. If this is not feasible, document case notes the reason for inclusion.

Instruct an offender to sit upright, look forward with both eyes open, and refrain from any facial expressions (i.e. smiling, smirking, or glaring). The offender will hold a Department issued ID nameplate at chest level while being photographed. Verify the Department of Corrections number before placing a photograph or any biometric information into OBIS. The Department authorizes only properly trained staff to take and submit offender photographs.

☑ **CP443.1. Describe the role of the probation officer when obtaining the photograph of an offender under supervision during the intake and orientation process**

Unable to Read DC Number

Authorized personnel will review the photograph for quality before submitting it to the Department of Corrections website. If any corrections are necessary, retake the photograph. Once published, it is your responsibility to ensure an offender’s photograph is on the Department of Corrections intranet or the Department of Corrections public website.

☑ **CP443.2. Verify that an offender's photograph is uploaded on the Department intranet while applying Department policy**

Florida public records law, found in s. 119.07, F.S., exempts certain offender photographs from publication on the Department of Corrections public website, such as offenders participating in a PTI program, prior law enforcement officers, and confidential informants.

☑ **CP443.3. Identify the exceptions to photographing offenders under supervision while applying the Florida Statutes and Department policy**

Submitting Offender Fingerprints

Rapid ID is a computer-based system used to validate or identify an offender reporting to a probation officer. It captures fingerprints and compares prints to known arrest prints in FCIC. The Rapid ID system can assist officers in identifying an offender and developing "watch lists" that can generate an alert when an offender is arrested. The Rapid ID system is the result of the ***Jessica Lunsford Act (JLA)*** of 2005 and provides immediate identification of an offender with a background of sex offenses. The JLA is a Florida law designed to protect potential victims of sexual battery and reduce a sexual offender's ability to re-offend.

Rapid ID is a fingerprint scanner wirelessly tethered to a laptop or computer in a secured area within the probation office. Rapid ID captures offender fingerprint images and transmits them electronically to the FCIC/NCIC databases for a search or a match of an offender's identity. The system determines personal identifiers, outstanding warrants, criminal history, and DNA submissions.

Florida's Rapid ID system interfaces with the FBI's Repository for Individuals of Special Concern (RISC) database. Rapid ID allows Florida's officers to query this database of known criminal subjects including wanted persons, sex offenders, and known or suspected terrorists. RISC database contains nearly 3 million additional criminal records and allows Rapid ID users to assess the threat level of an offender effectively.

☑ **CP443.4. Describe the role of the Rapid ID system when positively identifying an offender under supervision**

The Rapid ID system has two types of transactions. A search transaction establishes the identity of an offender by using the submission of two fingerprint images. Conduct a search transaction when an offender does not have a SID or FDLE number. Conduct a match transaction when an offender has an established SID or FDLE number within the system. A match transaction validates the identity of an offender using the submission of one fingerprint image and a SID.

☑ **CP443.5. Recognize the differences between a search and a match transaction when identifying an offender through the Rapid ID system**

The Rapid ID system can provide three different responses, regardless of the type of transaction:

1. ***Hit response*** indicates that there is one exact match.
2. ***No hit response*** indicates the system was unable to find a match to the two-fingerprint image. If you receive a no hit response, submit another search transaction using another set of

fingerprint images.
Reasons for no hit responses:

a. poor fingerprint quality
b. multiple fingerprint images transmitted
c. multiple criminal records
d. no record found (generally means an offender has no previous criminal history).

3. ***Ambiguous response*** means there were multiple potential matches. If you receive this response, submit a different set of fingerprint images.

☑ **CP443.6. Describe the different responses that the Rapid ID System can provide after submitting an offender's fingerprints**

Collecting Offender DNA Sample

Sections 943.325 and 948.014, F.S., require offenders with a felony or certain misdemeanor offense(s) to submit DNA samples. OBIS may indicate a DNA sample is required; however, always research the FDLE DNA database and review any DNA notifications before collecting a new specimen. If you determine there is not a DNA sample on file for an offender, follow Department policy to collect and submit a DNA sample to the FDLE database.

☑ **CP443.7. Verify the identity of an offender under supervision before collecting a DNA sample while applying the Florida Statutes and Department policy**

Once you verify the identity of an offender in the Rapid ID system, select the option to print a Rapid ID DNA label. Gather a DNA submission kit, a fingerprint inkpad, and PPE. The DNA submission kit should include:

- 1 Fast Technology for Analysis (FTA) Collection Card
- 1 sterile cotton tip swab
- 1 sterile foam tip swab

☑ **CP443.8. Gather an approved DNA submission kit and PPE before collecting a DNA sample from an offender under supervision**

Use universal precautions by applying PPE when handling biological samples to ensure no cross contamination occurs while performing the following collection process:

1. Make sure an offender did not eat, drink, or smoke in the last fifteen (15) minutes before beginning the process.
2. Instruct the offender to wipe the inside of their cheek with the sponge swab, transfer the DNA to the collection pad, and return the sponge swab to the original packaging.
3. Instruct the offender to wipe the inside of their cheek with a cotton-tipped swab and return the cotton-tipped swab to the original packaging.

☑ **CP443.9. Collect a DNA sample from an offender under supervision in a professional and safe manner while applying Department policy**

Processing Offender DNA Sample

Complete processing an offender DNA sample in the presence of the offender to avoid inadvertently moving samples into another offender's envelope or losing or contaminating samples.

1. Seal the sponge swab, cotton-tipped swab, and the DNA collection pad into the attached interior envelope.
2. Affix the Rapid ID bar code label, which you just printed, to the interior envelope. If the Rapid ID DNA label is not available, complete all sections of the attached FDLE collection information card.
3. Make a copy of the completed card for your records and place it inside the interior envelope.
4. Insert the DNA submission kit into the pre-printed address envelope and seal.
5. Instruct an offender to place thumbprints in the designated area on the exterior seal of the envelope.
6. Sign the submission kit where indicated on the seal.
7. Fold and seal the kit and place it into the outside envelope.
8. Mail the sealed kit to the designated address for the Florida Department of Law Enforcement.

☑ **CP443.10. Process the DNA sample collected from an offender under supervision, safely and securely, applying Department policy**

LESSON VOCABULARY

ambiguous response

biometrics

hit response

Jessica Lunsford Act (JLA)

no hit response

Rapid ID

Caseload Management

Course Number: CJK_0267

Course Hours: 32 hours

Course Structure: 3 units, 12 lessons

Course Outcomes

At the end of this course, you will be able to:

- ✓ organize, maintain, and secure a caseload
- ✓ manage work resources and time effectively
- ✓ maintain Offender Based Information System (OBIS) screens
- ✓ manage cases of offenders under supervision efficiently
- ✓ conduct an initial 60-day review investigation
- ✓ respond to OBIS-generated exceptions in offender supervision reports promptly
- ✓ reconstruct an offender's missing case file following Department policy
- ✓ process a cost of supervision (COS) prepayment discount and waiver for eligible offenders
- ✓ process and update an undeliverable victim restitution payment in OBIS
- ✓ monitor changes in OBIS that affect offender contact standards
- ✓ identify and process eligible offenders for independent reporting status (IRS)
- ✓ conduct pre-termination review investigations
- ✓ close out an offender case file

Course Requirements

Students are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. You will learn to work in OBIS and manage your offender caseload through several student exercises. You will take a written exam that covers all of the course content.

Required Text/Materials/Aids

Florida Basic Recruit Training Program: Correctional Probation Officer, Vol.1 (Chapter 5)
Florida Statutes
Computer with access to OBIS, the DC intranet, and criminal justice databases
OBIS Manual and Screen Directory
COPS Manual

Information Provided by Academy

- ✓ course schedule
- ✓ attendance policy
- ✓ grading policy
- ✓ instructor’s office hours and contact information

Chapter Introduction

A probation officer’s primary duties include managing offenders using the supervision orders imposed by a sentencing authority, assisting offenders with successful re-entry into society, and maintaining public safety. To perform these duties effectively, you will organize, maintain, and secure your assigned caseload using case files, OBIS, and other criminal justice databases. You will also manage your time while processing various OBIS-generated, time-sensitive tasks and working deadlines in your caseload.

This chapter focuses on organizing, maintaining, securing, and monitoring your assigned caseload, processing OBIS-generated tasks relating to offenders’ financial obligations, and managing offender supervision changes.

Course Outline

UNIT 1 MANAGING YOUR CASELOAD

LESSON 1 ORGANIZE, MAINTAIN, AND SECURE CASELOAD

Lesson Goal

At the end of this lesson, you will be able to organize, maintain, secure offender case files and notes within your assigned workspace, and manage time effectively following Department policy.

Caseload

A ***caseload*** consists of all cases of offenders under supervision assigned to a probation officer as determined by Department policy. Some offender cases are specific in nature, such as violent offender and community control cases.

You are responsible for maintaining the security of all offender information in your caseload by preventing unlawful access to case files, OBIS, and other work resources. The Florida Department of Corrections and FDLE have a user agreement authorizing probation officers to access some criminal justice databases, such as FCIC/NCIC/e-Agent and DAVID via the FDLE-maintained CJNET. Offender information gathered from these databases is confidential, and it is your responsibility to secure this information properly, following Department policy.

Case File Contents

Section 945.25, F.S., requires the Department of Corrections to obtain and maintain documentation on every offender under supervision. The required information and documents can include:

- a copy of the indictment or sentencing information
- a complete statement of the facts of the crime an offender committed
- the court or sentencing authority in which an offender was sentenced
- the terms of an offender's sentence
- the name of the presiding judge, prosecuting officers, investigating officers, and attorneys of the convicted offender
- a copy of all probation reports
- any social, physical, mental, psychiatric, or criminal records
- a copy of other related court or sentencing authority minutes and other records
- a copy of the seriousness-of-offense
- a copy of the favorable-parole-outcome scores
- a list of factors and information to establish a presumptive parole release date

☑ **CP511.1. List the required documents and information within an offender's case file, applying the Florida Statutes and Department policy**

Organize a Case File

Proper case file organization facilitates easy and prompt retrieval of offender information, increasing your efficiency and productivity. Apply a systematic, orderly, and structured organization when managing offenders' case information and documents. Organize an offender case file in a six-part or a two-part file system, following the Department-approved Offender File Organization Sheet guidelines. When organizing an offender's records in a two-part file system, file documents into two separate sections by placing the legal and investigative documents on the left-hand side of the file and all other remaining documents on the right-hand side of the file. When organizing an offender's records in a six-part file system, file documents into the following six, separate sections:

- legal data
- supervision data
- monetary obligations
- monetary payments
- structured treatment programs
- supplemental information

Approaches for organizing case files can include:

- in alphabetical order
- by offender supervision level, status, or type
- using offender case investigation deadlines
- by geographic region of an offender
- by importance of event, such as a violation hearing, deposition, or trial

☑ **CP511.2. Organize offender case documents and files systematically, for efficient accessibility**

It is your responsibility to file all received and gathered documents promptly, including confidential information relating to an offender. Prompt filing of documents will avoid overflow of paperwork, misplacing offender information and documents, or exposing documents to unauthorized people such as offenders and visitors. Proper filing will assist with easy access to information for various planning and monitoring activities of offenders.

☑ **CP511.3. Conduct prompt filing of all documents, including those containing confidential information related to offenders under supervision**

Offender File Organization Sheet: Six-Part Files

NOTE: If the file contains case material from older periods of supervision, file the older material chronologically in the appropriate section, with the newer case material on top.

1. LEGAL DATA	2. SUPERVISION
Orders of Supervision Affidavits/Warrants/Motions and Notices of Hearings Warrant Request for Revocation Hearing (old DC3-231) Any document signed by a judge/Parole Commission/Court Commitment/Handling/Disposition Sheet Modification/Revocation Orders/Other Orders Pre-trial Intervention Program Status PSI/Post Investigation/State Attorney Information or Indictment/Other Investigations include Bond or PTI Pre-Plea Release DC3-232 Sentencing Scoresheets Violation Reports, Technical Violation Notification (TVN) letter, or notification of un-willful non-compliance Probable Cause Affidavits, DC3-2015 or DC3-295 Offender's Application for Interstate Compact Transfer Interstate Warrant DC3-120 or DC3-121	All non-legal or non-treatment related letters Violation Review Report DC3-189 Case Sheet (DC4-921 A & B old blue case sheets) **– Filed Chronologically** Community Control Offender Schedule/Daily Log-DC3-207 Electronic Monitoring Assignment Rules DC3-260 Electronic Monitoring Equipment Victim DC3-264 Community Corrections Report of Force Used DC3-210 Community Corrections Report of Force Supplement DC3-211 Search Report DC3-233 Recommendation to Early Terminate Probation or Community Control DC3-272 Closing Summary Report (prior 11/12/04) Address Information Request Electronic Messages/Memos **Victim forms including DC3-280, DC3-283, DC3-284, DC3-2017, DC3-2018, and Zero Tolerance Victimization** Job Lists or Job Search Forms DC3-2004 Termination Letter Intrastate Transfer Requests DC3-237 Interstate Compact Transfer Material (ICAOS forms and/or screens printed from ICOTS) App. for Compact Services and Agreement to Return DC3-122 (older case material) Interstate Information DC3-125 (older case material) Travel Permits and Waiver of Extradition DC3-220 Written Monthly Reports DC3-268 Supervision Review DC3-285 Offender Digitized Photograph (which remains as the bottom document of the section, prior to 4/09)
3. MONETARY OBLIGATIONS	**4. MONETARY PAYMENTS**
COPS Change DC3-251/Input Forms DC3-221 COPS Printouts Offender Payment History (prior 11/12/04) Offender Financial Obligation Agreement (OFOA) SSI/SSD/AFDC Information Waivers/COS Statutory Exemption Sheet DC3-252	Receipts - Including all Receipts as well as Receipts from the Clerk's Office (prior 11/12/04)

5. STRUCTURED TREATMENT PROGRAMS	6. SUPPLEMENTAL INFORMATION
Individualized Supervision Plan (Effective 01/15/09 –Maintain on top) Sexual Offender Checklist DC3-209 (Older on top) DHSMV Drivers License Sexual Offender or Career Offender Registration letter (formerly DC3-227) Sex Offender Probation Driving Log DC3-244 Notification Electronic Monitoring Not Imposed as Condition of Supervision (JLA-post 09/01/ 05) Notice of Responsibilities DC3-203A and DC3-203B Career Offender Notice of Responsibilities DC3-2001A and DC3-2001B Sexual Predator Registration DC3-203 Sexual Offender Address Verification (older DC3-208) Consent to Provide Specimens for DNA DC3-292 Verification HIV Testing Results Campus Sex Crimes Prevention Act Notice Letter Request for Sexual Predator Designation Attendance Information relating to Alcoholics or Narcotics Anonymous DC3-2005 Client Management Classifications (older case material) Drug Test Results or Special Test Request DC5-405 Positive Drug Urinalysis Statement DC3-289 Public Service Work forms DC3-204, DC3-205, DC3-206 (prior 11/12/04 as to DC3-206 only) Referrals for Treatment DC5-404 Structured Treatment Plans (older case material) Substance abuse Treatment Correspondence including evaluation, progress reports, polygraph reports, and discharge notices	Intake Investigation Entry Transaction Register DC3-212 **(Always on Top)** Case Assessment (DC3-265) and Classification Reassessment (DC3-266) (older case material) Case Reviews (Case Review Summary Report) (older case material) Felony Disposition and Sentence Data DC3-236 Offender Information Sheet and Reporting DC3-297 Initial Reporting Instructions DC3-298 Initial 60-Day Review (IT60) DC3-242 or Sex Offender Initial 60-Day Review DC3-2018 Instructions to the Offender DC3-246 Investigative Supporting Documents (i.e. older ITS sheets or Investigative Worksheet [Form 1] DC3-213) Offense Report Pre-Termination Review DC3-243 Signed Authorization & Release DC3-214, DC4-711B Notice of Privacy Practices (older DC3-2006) Notice Placement of Ineligible Offender on CC (older case material) Miscellaneous Documents

Offender File Organization Sheet: Two-Part Files

Left side of file–legal/investigative documents (filed chronologically):

- Orders of Supervision
- Court Commitment/Handling/Disposition Sheet
- Offense Report/Circumstances of Offense
- State Attorney Information/Indictment
- Presentence Investigation or Other Investigation, for example, Bond or PTI
- “Pre-Plea Release,” DC3-232

- Modification/Revocation Orders or other documents signed by Judge/Commission
- Motions and Notices of Hearings
- Affidavits/Warrants, Warrant Request for Revocation Hearing, or Probable Cause Affidavits
- Violation Reports or “Violation Review Report,” DC3-299
- Technical Violation Notification (TVN) letters or Notification to FPC of Un-willful Non-Compliance
- “Recommendation to Early Terminate Probation or Community Control,” DC3-272
- Request for Sexual Predator Designation
- Pre-trial Investigation Program Status letter
- Sentencing Guidelines/Criminal Punishment Code Scoresheets

Right side of file–all other case material (filed chronologically).

Secure Documents and Information, Equipment, and Workspace

Secure hard copy documents relating to an offender under supervision in a case file; save electronic information in OBIS. Keep all case files confidential and secure in filing cabinets or a file room where they will not be accessible to unauthorized people.

Computers assigned to officers are Department property; you must secure your computer within your workspace or office at all times. Secure and store all your computer login information following Department policy and Criminal Justice Information Services (CJIS) requirements. You must not share login information with other officers, staff, or unauthorized people. Do not leave a computer logged on and walk away from it.

☑ **CP511.4. Secure paper and electronic documents related to an offender under supervision**

Position your computer monitor facing away from a door, window, and the view of offenders and other unauthorized people, following Department policy and CJIS requirements. Proper positioning of your computer in your work area protects the confidentiality and integrity of all electronic records relating to an offender. Avoid conducting warrant and detainer queries in front of an offender to avoid unapproved individuals from reading over your shoulder or memorizing keystrokes to re-create your password.

☑ **CP511.5. Position the computer monitor in a secure setting when protecting the confidentiality of electronic records related to an offender under supervision**

It helps to keep your workspace, case files, and notes in a well-organized, manageable, and professional setting. When you are finished working in an offender case file, refile it immediately. Organize any paperwork in order of priority and file when processed. Maintain a “To Do” list or calendar of deadlines in lieu of many different pieces of paper. An organized and professional looking office will convey to offenders that you take your job seriously and that they should expect the same level of job commitment when supervising offenders.

☑ **CP511.6. Maintain an organized workspace and case files in a professional manner, applying Department policy**

Manage Tasks and Time Frames

The Department of Corrections has an Investigative Tracking Statistics (ITS) system within OBIS that allows supervisors and officers to track generated tasks and associated deadlines. It displays the type of pending tasks, including beginning and completion dates. Common ITS system-generated tasks can include:

- initial 60-day review (IT60) investigations
- investigations of offender new violations
- monetary obligation discrepancies
- pre-termination reviews
- re-review investigations (REVW)
- presentence investigations (PSI)

☑ **CP511.7. Describe the role of the Investigative Tracking Statistics (ITS) system when managing tasks and deadlines in the Offender Based Information System (OBIS)**

Use the ITS system daily to prioritize offender supervision and investigative tasks based on the level of importance and associated deadlines in compliance with Department policy. Develop effective appointment scheduling, time management, and multi-tasking skills to assist in managing caseloads and meeting task deadlines.

☑ **CP511.8. Organize tasks based on level of importance and associated deadlines for effective caseload management**

Review the Open Investigation screen in OBIS regularly and develop reasonable time frames to complete generated tasks. If multiple tasks have the same deadline, develop realistic time frames for completing each of the tasks before the deadline date. When circumstances exist that may justify a delay in completing a particular task on its due date, notify a supervisor with reasons for the delay and an estimated date for completing the task. Always consult your supervisor when facing unexpected circumstances in managing your caseload.

☑ **CP511.9. Establish realistic time frames for completing tasks associated with an officer’s duties**

Use a calendar to manage office and fieldwork, including task deadlines and appointments, following the guidelines established in the Correctional Probation Officer Schedule. Common tasks requiring a calendar for scheduling appointments and monitoring task deadlines can include:

- office work hours
- office visits by offender
- investigation deadlines
- court or sentencing authority hearing dates and times
- attendance for in-service training courses
- approved leave

- fieldwork hours
- home field supervision tasks
- community control activities

☑ **CP511.10. Use a calendar regularly when scheduling appointments and monitoring deadlines during caseload management activities**

Other Investigations

Officers are responsible for investigating and resolving OBIS-generated tasks within the Department-approved time frames. Supervisors can assign some tasks, designated as Other (OTH) in OBIS, when offender information is incomplete or inaccurate. The Department refers to OTH tasks as investigations that will appear in ITS. Common OTH tasks may include:

- obtaining a missing DNA swab
- retaking an offender photo
- obtaining missing signatures on documents

Complete the OTH investigation within 30 days; however, based on the urgency of the task, you may adjust the deadline.

☑ **CP511.11. Describe Other (OTH) investigation tasks, to include the required time frames, when performing the duties of an officer**

Begin an OTH investigation by reviewing the note section of the ITS system screen and offender case notes for more specific information related to the task. Complete the investigation using appropriate resources. Upon completion, submit the OTH investigation form to your supervisor for approval. Document all activity related to the OTH investigation in case notes.

☑ **CP511.12. Prepare an Other (OTH) investigation involving an offender under supervision for supervisor approval**

Manage Fieldwork in the Office

Fieldwork is a job duty performed outside of the probation office; however, organize fieldwork in the office before venturing out into the field. Begin by reviewing the Case Management screens in OBIS and the offender field sheet. The field sheet contains a summary of information on each offender, such as sentencing information, residence and employment information, and special conditions. To help you stay organized and on schedule, group your fieldwork activities according to an offender supervision level, type, status, geographical location, or personal schedule.

Prepare an itinerary and submit it to your supervisor for review and approval. All scheduled fieldwork requires you to complete an Itinerary/Travel Log, which contains information regarding your travel for field supervision. Include the following information in your field itinerary:

- your name
- offender’s name

- offender risk level
- reason(s) for contact
- planned date and time of departure, location of departure and return, estimated time of your return to the office or residence
- any additional planned activities during the fieldwork activity
- tag number, make, model, year, and color of your car

Complete a Voucher for Reimbursement of Travel Expenses following Department policy, and obtain your supervisor’s approval. The voucher will initiate reimbursing you for travel expenses incurred during fieldwork.

☑ **CP511.13. Organize your fieldwork itinerary and tasks for effective caseload management in the field**

LESSON VOCABULARY

caseload

fieldwork

Lesson 2 Introduction to the Offender Based Information System

Lesson Goal

At the end of this lesson, you will understand how the Offender Based Information System (OBIS) functions, how it assists you in the performance of your duties, and that access to the database is limited based on assigned job duties of the user. You will also know how to navigate through the database screens commonly used to document the offender intake process.

Understanding how to use the Offender Based Information System (OBIS) database is fundamental to your position as a probation officer. You enter information imposed by the sentencing authority; identify offender characteristics, and record historical, residential, and employment information into the OBIS database. When you enter information accurately, OBIS will provide detailed reports that serve as a status check of all offenders in your caseload, measuring their progress.

Offender Based Information System (OBIS)

The Offender Based Information System (OBIS) is the Department's computer database that contains detailed information regarding offenders. The database:

- documents offender sentence
- calculates offender termination date
- tracks offender location
- facilitates case management reviews
- maintains an active listing and count of offenders categorized by type, status, location, and risk classification
- tracks investigations
- generates various reports for case management
- generates various reports for administrative use

Use the data in OBIS to manage information and account for inmates and offenders at all times. Because you use this system daily, understanding the system's screens and reports is essential.

☑ **CP512.1. Describe the functions of the Offender Based Information System (OBIS) for documenting information related to an offender under supervision**

Access to OBIS

OBIS contains vast amounts of information related to offender cases, such as confidential and health information. Depending upon their assigned job functions, authorized Department personnel have limited access in OBIS to edit or view screens. Access to specific types of offender information relates directly to the position an officer or staff member holds and the duties they perform. Limited access provides the necessary checks and balances that ensure the confidentiality of all electronic records and serves to protect the integrity of the system. Access is limited to criminal justice information technicians

(CJIT), word processing system operators (WPSO), probation and parole specialists (PPS), probation officers, supervisors, and administrators.

☑ **CP512.2. Identify who has access to specific types of offender information in the Offender Based Information System (OBIS)**

All OBIS user access is password protected because OBIS stores sensitive information. The Department will assign a username to new officers at the time of hire. In order to obtain access to OBIS, you need your username to establish a password. As an extra security measure, through the log on screen, the Department will periodically prompt you to change your password. Do not share passwords with other officers or unauthorized people such as support staff.

☑ **CP512.3. Describe the process for obtaining access to the Offender Based Information System (OBIS)**

OBIS Screens

Each OBIS screen has a four-character designation beginning with two alpha characters and ending with two numeric characters. Your security clearance may limit your ability to view, edit, or modify screens. Basic screens that you use daily can include:

DC14	Overall Inmate Record
IT03	Investigations for Offenders
OP03	Offender COPS Obligation
OP10	Offender Obligations/Payment History
OT17	Special Conditions for Period
OT18	Public Service Hours Worked
OT20	Offender Sentence History
OT22	Probation and Parole Case Sentence Structure
OT23	Personal Characteristics
OT24	Security Threat Group Affiliation
OT35	Employment Record Summary
OT40	Arrest History
OT70	Residential History
OT71	Offender Residence (detail)
OT77	Referrals for Individual Needs Period Beginning MM/DD/CCYY
PP01	Probation and Parole Record
PP02	Gain/Loss/Status History
PP04	Offender Classification System
PP11	Officer Caseload

PP36	Officer Contact by Caseload (Contact)
PP43	Weekly Contacts by Officer
PP70	Referral/Treatment Summary
PP73	Offender Drug Test History
PP76	Offender Contact History
PP79	Offender Contact/Comment Summary
PP89	Caseload Management—Active Cases
PP90	Offender Detailed Case Review—Active Cases
RA06	Conditional Release Events
RA30	Addiction Recovery Supervision Events

Standard screen transactions follow the four-character designation, including:

0—View only (no additions, changes, or deletion capabilities)

1—Add (new record)

2—Edit/update

It is best to navigate through the system by using the tab key to move the cursor on the screen. You can also navigate through these screens by using functions keys, such as F1, and a prompt will appear at the bottom of the screen.

☑ **CP512.4. Describe common screen character names and transactions when navigating in the Offender Based Information System (OBIS)**

OBIS includes numerous screens and information relating to each offender. These screens provide an official chronological record detailing the events or actions occurring during an offender's supervision.

Initial Intake Screens

The ***Personal Characteristics*** screen contains mandatory information about an offender, such as:

- true name, birth name, aliases
- identifying marks, scars, or tattoos
- date of birth, place of birth
- sex, race, weight, height, eye and hair color, skin tone, body build
- religion, marital status, education level, citizenship status, language
- date of last photo, proof of DNA submission
- Social Security number, driver's license number, FBI number, and Florida's State Identification number (SID) or FDLE number

The ***Special Conditions*** screen lists special conditions for each period of an offender's supervision. OBIS monitors the completion of these conditions. Examples of special conditions include:

- no contact with victim
- substance abuse or mental health treatment
- no alcohol use or possession
- a curfew
- community service hours
- restitution
- education requirements

The ***Residential History*** screen provides an offender’s current address, temporary or emergency address, vehicle information, email addresses, other residents in the home, gate codes, and phone numbers. You can also enter directions to the offender’s residence or record safety information, such as animals in the residence.

The ***Employment Record*** screen records an offender’s employment status and historical employment records. It also displays various statuses, including unemployed, student, retired, and disabled. You can view the employer’s name, address, phone number, and immediate supervisor on this screen. It is mandatory to input monthly salary, as this will affect the classification screen(s).

The ***Referral/Treatment*** screen displays current and prior treatment records for an offender. This screen displays any referrals or treatment currently enrolled in, facility attended, and the treatment status. This data is confidential health information.

The ***Individualized Supervision Plan*** screen displays the offender goals and objectives, including anticipated deadlines. It documents the plan and identifies court-ordered requirements and personal goals to encourage offender self-sufficiency.

The ***Community Service*** screen allows you to enter the offender’s required community service hours. It also provides a method for entering and tracking the number of completed and remaining community service hours, including approved work sites.

The ***Court Ordered Payment*** screen allows you to verify that the account information was entered correctly by listing the various monetary obligations the offender is responsible for during supervision.

The ***Offender Contact History*** screen allows you to enter contact information with or about an offender, providing documentation of offender supervision history. This is an entry screen for codes as well as text.

☑ CP512.5. Describe the primary Offender Based Information System (OBIS) screens associated with the intake process

Working With Offender Screens Worksheet

(Use Offenders Supervision Orders, Offender Information Sheets, and Screens Cheat Sheet to obtain the required information)

OT23 0 DC#: OFFENDER PERSONAL CHARACTERISTICS SCREEN

Record the following information from the OT23 screen for each offender.

1. FDLE number and FBI number________________________________
2. Driver's license number___________________________________
3. True and alias names__________________________________
4. Social Security number__________________________________
5. Photo date_______________________________________
6. DNA draw date____________________________________

OT71 0 DC#: OFFENDER RESIDENCE SCREEN

Record the following information from the OT71 screen for each offender.

1. Supervision risk level___________________________________
2. Notify/begin date of residence________________________________
3. Verified date_______________________________________
4. Curfew hours____
5. With whom the offender resides________________________________
6. Offender vehicle description___________________________________
7. Type of address listed___________________________________

OT36 0 DC#: OFFENDER EMPLOYMENT/CAMPUS SCREEN

Record the following information from the OT36 screen for each offender.

1. Date offender notified officer of employment___________________________
2. Name of employer or school attending____________________________
3. Monthly income____
4. Name of offender's supervisor________________________________
5. Offender's primary duty___________________________________
6. Date officer notified the offender's supervisor of their supervision__________________

OT17 0 DC#: SPECIAL CONDITION SCREEN

Record the following information from the OT17 screen for each offender.

1. What type of monies are ordered_________________________________
2. What the code 24 signifies________________________________

3. What date the special condition started______________________________
4. What the code 33 signifies________________________________
5. What code the urinalysis (UA) signifies____________________________
6. Conditions completed or closed, and if so how_________________________
7. Is the prefix/component the same as the active supervision's prefix/component on the sentence structure?_______________________________________

PP70 0 DC#: OFFENDER REFERRAL/TREATMENT SCREEN

Record the following information from the PP70 screen for each offender.

1. Referral date_____________________________________
2. Type of treatment listed_________________________________
3. Begin date of treatment___________________________________
4. Name of vendor providing the treatment___________________________
5. Evaluation date___________________________________
6. What is the code that signifies the treatment type?_______________________
____
7. Is the prefix/component the same as the active supervision's prefix/component on the sentence structure?_____________________________________

OT18 0 DC#: PUBLIC SERVICE HOURS WORKED SCREEN

Record the following information from the OT18 screen for each offender.

1. Total community service hours ordered____________________________
2. Hours to be performed per month_____________________________
3. Location where hours are to be performed_________________________
4. Active prefix assigned to these hours_____________________________

OT77 0 DC#: REFERRALS FOR INDIVIDUAL NEEDS SCREEN

Record the following information from the OT77 screen for each offender.

1. Goal set by the offender_______________________________
2. Date this goal was set_____________________________________
3. When was this goal accomplished?______________________________
4. Name of provider_______________________________________
5. Status of the goals set___________________________________

PP76 0 DC#: OFFENDER CONTACT HISTORY SCREEN

Record the following information from the PP76 screen for each offender.

1. Contact type for office personals (offender visiting the office)__________________

2. Type of contact HPV represents______________________________
3. Position number of the officer who made an OP contact____________________
4. Contact type and default comment to be used_______________________
5. Indication that signifies a comment has been entered on a contact entry_______________

OP03 0 DC#: OFFENDER COPS OBLIGATIONS SCREEN

Record the following information from the OP03 screen for each offender.

1. Numbers for the opened COPS obligations__________________________
2. Payee ID number for the clerk of court account______________________
3. Payee ID number for cost of supervision account______________________
4. Account prefix for the drug fee_____________________________
5. Payee has a payment tier 1__________________________________

OT22 0 DC#: CASE SENTENCE STRUCTURE SCREEN

Record the following information from the OT22 screen for each offender.

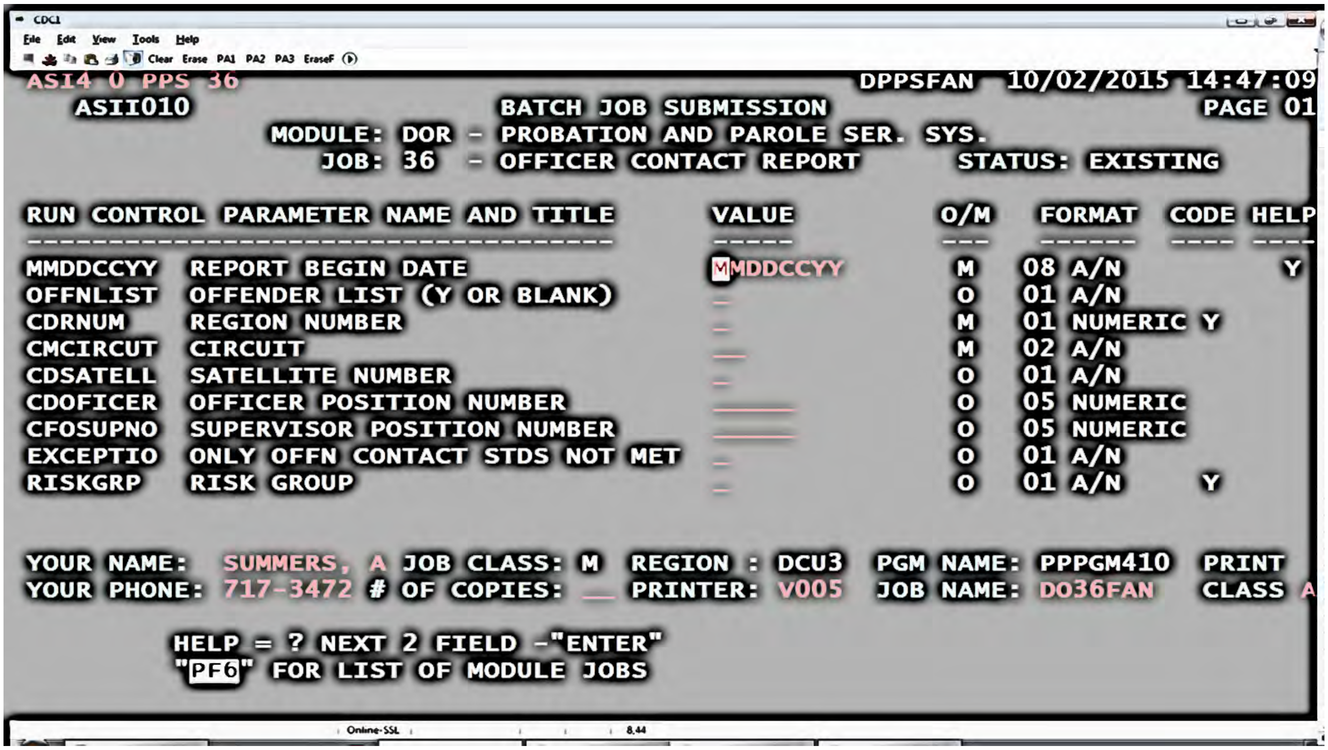
1. Supervision case number____________________________________
2. Supervision offense_______________________________________
3. Offense code_______________________________________
4. Statute____
5. Length of supervision__________________________________
6. Beginning and ending dates of supervision__________________________
7. Date offense was committed________________________________
8. Name of sentencing judge and county___________________________

OBIS Reports

Officers use OBIS screens to generate reports, which assist them in supervising offenders and assist supervisors in monitoring officer performance. These reports filter large amounts of data to provide an overview of your caseload. For example, one report can identify all offenders with missing residential addresses. Officers and supervisors use these to monitor due dates and completion of assigned tasks. OBIS reports can generate information related to a single offender or a report for a specific type of information on all offenders within your caseload, such as offender:

- residences
- characteristics
- employment
- treatments
- special conditions of supervision

Each OBIS report has a five-character designation beginning with three alpha characters and ending with two numeric characters. Your security clearance may limit your ability to view, edit, or modify reports.



Each job submission includes several parameters that you may select to build the desired report. If a code table exists for the parameter, you may press the F12 key to view the table. If there is not a table but help exists, you may insert a question mark in the parameter, and the code description will display at the bottom of the job submitter page.

☑ **CP512.6. Describe the reports and information the Offender Based Information System (OBIS) can generate**

LESSON 3 OBIS SCREENS AND CASE NOTES

Lesson Goal

At the end of this lesson, you will be able to review and manage OBIS screens and generated tasks within specified deadlines, applying Department policy.

Case records for an offender under supervision consist of hard copy file documents and OBIS electronic information. During the intake process, establish basic offender information in the database; however, throughout an offender’s supervision, continually process updates to OBIS regarding any progress or changes to offender information.

Updating OBIS Screens

A good caseload management practice is to review your entire caseload periodically. This enables the Department to comply with the operational mandates of providing protection to the community through effective monitoring of offenders and ensures that you comply with supervision procedures. Periodic caseload reviews will also assist you in determining what tasks to perform.

☑ **CP513.1. Review the case file and the Offender Based Information System (OBIS) screens throughout supervision, when managing an offender under supervision**

It is your responsibility to recognize when you need to respond to an update or task in OBIS. Examples of new information or tasks that may prompt an OBIS update can include:

- sentence status, level, and type—contact standard requirement
- offender treatment—provides status of offender court- or sentencing authority-ordered treatment status
- special conditions—reflects status of special conditions
- contact notes—provides contacts made with offender and related comments
- urinalysis results—may change contact standard requirement of offender

OBIS can generate the following reports, which after review, may indicate that offender information is not up to date.

- employment—generates list of offenders with employment record
- residence—generates list of current addresses of offenders
- monetary obligations—generates list of offender financial obligations
- personal identifiers or characteristics—generates list of offenders by name, DC number, and personal characteristics

New offender information may direct you to complete a form that will require supervisory review and approval before updating offender information in OBIS, such as:

- Felony Disposition and Sentencing Data form—records sentencing data
- Court Ordered Payment System Input form—records information about court- or sentencing authority-ordered obligations

- Intake Investigation Entry Transaction Register form—assigns an offender to a particular officer

You or designated support staff will input information directly into OBIS, based on the type of information or Department policy. Help panels are also available in OBIS to assist in navigating the various screens. Always follow the Department guidelines when updating OBIS with new offender information.

☑ **CP513.2. Identify the process for updating information in the Offender Based Information System (OBIS) for an offender under supervision**

Caseload Management Reports

Regular and timely offender case reviews are necessary for effective caseload management and offender compliance with the terms of court- or sentencing authority-ordered supervision, and accomplished through the caseload management reports. A ***caseload management report*** is an OBIS-generated summary of active offender status with conditions of supervision and tasks that you or your supervisor needs to complete. The caseload management report is a type of case review system you or your supervisor can generate at any time. It provides an up-to-date view of an offender's current obligations and due dates. You may view these reports either in OBIS or as a printed copy. Common caseload management reports generated in OBIS include:

- offender residence
- offender characteristics
- offender employment
- offender treatment
- special conditions of supervision
- offender case notes

☑ **CP513.3. Determine the necessary tasks to manage the case of an offender under supervision effectively**

Case Notes

Case notes are permanent electronic entries made in OBIS that record information related to an offender. Case notes provide an official and chronological record detailing the events or actions that occur during an offender's supervision. Proper documentation in case notes can illustrate your due diligence in managing every aspect of an offender's case. Case notes may protect you against criticism for non-performance of duties. Write case notes professionally, clearly, concisely, accurately, and factually, as they are subject to public records requests. Use case notes as legal record when testifying in court proceedings.

☑ **CP513.4. Recognize the role of case notes when documenting information related to offenders under supervision**

Information entered in case notes may come from multiple sources, such as:

- contacts with an offender

- offender’s family
- treatment provider
- employer
- community
- law enforcement
- court officials
- victims
- educational staff
- contract providers
- anonymous tips

Enter case notes on the Offender Contact History screen either the same day or the next business day for field entries. Case notes should answer the questions of who, what, where, when, why, and how you took action. Once entered, you cannot alter or delete case notes in OBIS.

☑ **CP513.5. Describe basic types of offender-related information to document in case notes**

LESSON VOCABULARY

caseload management report

LESSON 4 INITIAL 60-DAY REVIEW INVESTIGATION

Lesson Goal

At the end of this lesson, you will know how to conduct an initial 60-day review investigation, using the necessary forms and OBIS screens.

Initial 60-Day Review Investigation

Initial 60-day reviews (IT60s) are conducted to confirm that all accumulated preliminary information is accurate and complete to appropriately manage a case under community supervision. IT60s are critical to ensure the accuracy of the data entered into OBIS and confirm that each offender is properly oriented to their supervision requirements and appropriate referrals have been made.

One of the final steps of the intake and orientation process is to conduct an IT60 investigation. The IT60 is an investigation that can ensure that you have entered all initial offender intake and sentencing information correctly. You have 60 days from the date of intake to complete this investigation. Complete an IT60 on current offenders who committed a subsequent offense and were sentenced to an additional period of supervision.

☑ **CP514.1. Describe an initial 60-day review (IT60) investigation, including the required time frames and documentation, when monitoring an offender under supervision**

The Department provides an IT60 form DC3-242, which serves as a checklist to guide you in completing the investigation. Some of the common tasks can include:

- organizing all associated sentencing documents and locating any missing documentation
- reviewing and updating the movement and status review screen to confirm you assigned an offender to the appropriate supervision status and officer
- reviewing an offender's sentence structure screens and comparing it to the supervision orders and arrest report to ensure accuracy and completion of all entered sentencing data
- reviewing and updating an offender's individual identifying information
- reviewing and updating court- or sentencing authority-ordered monetary obligations
- instructing an offender to acknowledge by signature the probation order and OFOA form; ensuring that you placed all forms in the offender case file; documenting in OBIS that you provided the initial instruction to the offender
- obtaining an offense report, reviewing the FCIC/NCIC records check, and documenting your findings in case notes
- ensuring that an offender's contact standards are established according to supervision status, type, and risk level
- reviewing and updating an offender's address and verifying the residence (initial home verification must be a personal visit at the home); verifying and notifying the employer, service provider, or school of the offender's supervision status; and if unemployed, instructing the offender to complete job search logs

- reviewing all special conditions in OBIS; completing all referrals for treatment, community service, and the “No Contact” victim notification letter; sending notification to the victim regarding how to register with VINELink, if there is a victim involved in the case
- confirming that an offender received and acknowledged by signature instruction on the supervision forms available online; the grievance process; remaining in contact with the supervising officer; the firearms prohibition; complying with criminal registration requirements; remaining drug free; the residence and employment verification processes
- instructing offenders to sign the Health Insurance Portability and Accountability Act (HIPAA) disclosure form
- instructing court-designated career offenders on registration requirements and acknowledgement by offender signature

Complete all sections of the IT60 form DC3-242 ensuring all sections are accurate and complete. Maintain the original copy of all signed forms in an offender’s case file. Submit the investigation to your supervisor for approval no later than 60 calendar days past the initial intake date.

☑ **CP514.2. Process an initial 60-day review (IT60) investigation of an offender under supervision within the required time frame**

Initial 60-Day Review Process: Technical Instructions

1. Use the Initial 60-Day Review form DC3-242 to ensure you complete all initial work on the case.
2. Provide the offender file to your supervisor within 60 calendar days, allowing 15 days for the supervisor to review, and include an FCIC/NCIC record.
3. Your supervisor will use the DC3-242 to review the file material and data entries on various OBIS screens to ensure that everything is in compliance as required.
4. Your supervisor reviews each section and checks the “Completed” box if all work is complete for the section and completes the IT60 Review by the 45-day due date.
5. If any section does not apply (for example, an offender is employed, the “Unemployed” section does not apply, or the offender is not a Career Offender) you and your supervisor will check the box to indicate this was reviewed and write N/A in the comment section.
6. If work for a particular section is not complete, your supervisor will leave the “Completed” box blank and write whatever work is pending in the “Exception” column, with a due date written in the “Due” column.
7. Once the initial 60-day review is conducted, your supervisor will sign and date the DC3-242 and place it in the offender file.
8. Your supervisor will enter the completed date on the IT01 3 with a “C1” investigation status code, which generates an “IR” Initial Review contact and an “IT3” default comment in case notes.
9. If there are any exceptions noted on the IT60, your supervisor will ensure a re-review (REVW) is entered in ITS with the corresponding due date to follow up on any work that is still pending after the initial 60-day review is conducted.
10. Once the work identified on the re-review is checked for completion, your supervisor will update the DC3-242, initialing and dating that the work is completed, and ensures the re-review completion date is entered in ITS.

NOTE: If the offender is not available for supervision (absconded or serving a jail sentence), certain areas of the initial 60-day review investigation that require offender participation cannot be completed. These exceptions will be noted on the DC3-242; however, a re-review should not be entered in the ITS system. If (or when) the offender becomes available for supervision, the officer will address all exceptions previously noted on the DC3-242 and request the supervisor to note on the DC3-242 that the sections have been completed.

Instructions for Conducting the IT60 Review

The officer and supervisor must complete the following work to review each section of the IT60 accurately and thoroughly.

SECTION 1: FILE ORGANIZATION

Review the file to ensure that it is organized in accordance with "Offender Records" Procedure 302.004 and, for two-part files, also in accordance with the "Offender File Organization Sheet," NI1-006, which requires chronological filing for each section including:

- Six-part files
    - Section 1 Legal
    - Section 2 Supervision
    - Section 3 Monetary Obligations
    - Section 4 Monetary Payments
    - Section 5 Structured Treatment Programs
    - Section 6 Supplemental Information
- Two-part files
    - Legal documents on the left side of the file
    - All other documents on the right side of the file

SECTION 2: PP02 MOVEMENT AND STATUS REVIEW

- Review that movements entered are correct.
- Review that supervision type is correct.
- Review that the offender is in the correct supervision status, e.g. active or active suspense.
- Review that all appropriate movements and status codes are entered, including S11, S13, and S04.

SECTION 3: OT22/OT21 SENTENCE STRUCTURE REVIEW

- Compare sentence structure(s) on the OT22/OT21 with the order of supervision to review that information is entered correctly, including but not limited to the following:
    - intake date should match Gain 01 date
    - imposed date is date sentence imposed by sentencing authority
    - offense code, qualifiers, disposition and offense date
    - sentence type/length/scheduled and overall termination date

  - special provisions, e.g. HV for habitual violent felony offender
  - chaining, e.g. “IN” for initial sentence, “CC” for concurrent to another component, “CS” consecutive to another component, or “CT” coterminous (having the same boundaries) with another component.
- Verify “SS” “SSA” was entered in case notes to reflect that sentence structure was reviewed.

NOTE: If any corrections or updates are made during the IT60 Review, the supervisor must enter another “SS” contact to document the review after changes made.

SECTION 4: OT23 PERSONAL CHARACTERISTICS AND PHOTO

- Make sure information on the OT23 is correct and complete, including but not limited to:
  - true name, alias, birth
  - date of birth/sex/race
  - FDLE # (state ID)/SSN#/DL# OR ID#
  - DNA drawn date displayed
  - photo taken, if applicable
  - review photo in file with photo on web and compare with identifying information to confirm correct photo

SECTION 5: COPS

- Review COPS accounts compared to the order of supervision to ensure all accounts are entered with correct account information.
  - Review for correct COS rate on OP22; if exempt, review documentation and appropriate entries to rate for time period COS is exempt.
  - Review for drug testing account
  - Review for electronic monitoring account, if on electronic monitoring
- Review OP03 7/OP23 7 to confirm officer audit of accounts
- Review the OP04 screens on each payee account to verify:
  - payee information and type are correct
  - obligation is entered for the correct amount
  - pay schedule is entered if required monthly payments are court-ordered
  - final due date is correct
  - payment status is correct
- Supervisor entry of “P3” “OP3” is entered in case notes to reflect the supervisor has completed the COPS Account audit.

SECTION 6: ORDERS AND OFOA

- Review the order of supervision.
  - Compare with court disposition sheet to ensure they reflect same information, including disposition and special conditions ordered.
  - Review file for officer and offender signatures and dates on order(s).

- If conditional release, review for non-generic certificate signed by the offender.

- Review that the offender financial obligation agreement (OFOA) has been signed and dated by the officer and offender and has been placed in the correct section of the file.
- Review case notes for "INT" to document offender was instructed on orders and OFOA, offender received copy of order, and additional instructions provided.
- Supervisor entry of "SA" "SOA" is entered in case notes to document supervision orders have been audited by the supervisor.

SECTION 7: CRIMINAL HISTORY/OFFENSE CIRCUMSTANCES/VICTIM INFORMATION

- Review file material for PSI on instant offense, located in the legal section of the file, if ordered by the court.
- If no PSI was ordered, review file material for the following:
    - current FCIC/NCIC record
    - circumstances for instant offense (located in Supplemental section 6 of file)
    - victim impact information (if applicable, located in Supplemental section 6 of file), review case notes for officer entry of 'RC' documenting officer review of criminal history
- Officer to compare FCIC/NCIC record with OT41 entries to ensure data (offense codes, dispositions, etc.) is correct; if not, ensure corrections are made on OT41 immediately. These entries may impact JLA or other designations. Once the review is complete, shred the FCIC/NCIC record.

SECTION 8: JESSICA LUNSFORD ACT (JLA) REVIEW

- Review for JLA flag generated on PP01 (JLA-EM) and, if electronic monitoring is not ordered, ensure state attorney's office is contacted and results documented in case notes.
- Review criminal history and current offense using JLA cheat sheet to determine if offender meets JLA criteria.
- Review OT74, input any needed victim age and parent indicator.

SECTION 9: PP04 RISK REVIEW

- Review the PP04 to complete risk assessment review using the FCIC/NCIC criminal arrest history to ensure the appropriate supervision level is displaying.
- If an override is warranted, enter on PP04.

SECTION 10: PP76 CONTACT STANDARDS AND ELECTRONIC CASE NOTES

- Review contacts for the first month to ensure that contact requirements are being met as required. Although officers cannot "catch up" contacts after the fact, deficiencies or difficulties in making contacts with the offender should be addressed. The officer and the supervisor should have a discussion regarding better contact management with the offender.
- Review content of case notes for good quality.

- Review contacts for appropriate use of contact codes or default comment codes (e.g. verification or notification codes for employment and residence), text required for all collateral contacts, excessive attempted personal (AP) contacts, protected health information entered using "PHI."
- Review case notes to ensure that "A3" "ALL" audit code has been entered (or individual codes of "SS/SSA," "SA/SOA," or "P3/OP3").

SECTION 11: OT71 RESIDENCE VERIFICATION

- Review the OT71 screen, comparing residence information reported by the offender on the most recent report (or in case notes) to ensure the following information is entered completely and correctly.
    - Ensure there is an open residence for the current period of supervision.
    - Correct type of residence is entered (Permanent, Temporary, etc.)
    - Complete address on the first line including street address, apartment/building/suite/lot number using the U.S. Postal Service standard abbreviations (ST, AVE, BLVD, RD)—spelled correctly, apartment/subdivision complex name on the second line ensuring no gate codes are entered on either line.
    - Telephone numbers, including cell phone
    - Vessel information if offender residence
    - Vehicle information (if vehicle is the offenders' residence, indicate so)
    - Curfew hours (if applicable)
    - If homeless, review case notes to ensure offender is actively seeking a better residence.
- Review OT71 to ensure residence verified with date within Notify/Begin date.

SECTION 12: OT36 EMPLOYMENT/SCHOOL VERIFICATION AND NOTIFICATION

- Review the OT36 screen, comparing employment information reported by the offender on the most recent report (or in case notes) to ensure current employment information has been entered completely including:
    - an open employment for the current period of supervision
    - correct significance of employment
    - complete name of employer
    - complete address
    - salary
- Ensure an OT36 screen is completed for the following:
    - primary job
    - second job, if applicable
    - school attendance, if applicable
    - unemployed, if applicable
    - disabled, if applicable
    - retired, if applicable

- Review OT36 for employer notification and verification dates within current period of supervision.
- Review OT36 for employer notification date and "EN" or "EMN" case note with text describing the offender's job title, duties, length of employment, salary, work location, hours, travel required, etc.
- Review OT36 for employer verification date and "EV" or "EPS" for 2nd Job case note.
- If the offender is unemployed, review offender's ability to work, referrals to job services, job search forms, "JOB" entry, instructions given by officer, and documentation in case notes of efforts offender has made to locate employment.
- If the offender is self-employed, review file for occupational license and case notes for details on work duties, location, hours, travel, etc.
- If the offender is disabled, review file for appropriate SSI/AFDC/Disability documentation.
- If the offender is retired, review case notes for verification.

SECTION 13: OT17 SPECIAL CONDITIONS

- Review the OT1 7 screen compared to the order of supervision to ensure all special conditions listed on the order(s) have been entered on the OT1 7 screen, using the correct prefix/component. If no special conditions were ordered, ensure the "ZZ" code is entered to document no special conditions are ordered.
- If treatment is ordered, review that treatment referrals ordered have been made within 30 days by reviewing the PP70 screen for appropriate entries and review the file for the DC5-404 referral form(s). Review to ensure that separate conditions are entered for the evaluation and treatment.
- If education condition is ordered, review case notes for documentation that education referrals were made and review OT36 for appropriate school information.
- If public service work is ordered, review OT18/OT19 screens and file for public service work referral forms and entries required. Ensure total number of hours ordered is input, with the agency name, type and skill required. Review to ensure if hours worked input, there is documentation in file to support.
- If "victim-no contact" condition is ordered, review file to ensure "Victim –No Contact" letter was mailed to victim and review case notes to ensure that the "no contact with victim" special condition was addressed with the offender. Review PP76 to ensure the "VN" is documented in case notes.
- If "victim apology" condition is ordered, review file to ensure an apology letter was sent to the victim. If complete, review order for officer's initials and date by this condition and review OT17 for completed status and date.
- Review OT1 7 for entry of "99" code for conditions ordered that are not listed or entry of text on conditions ordered with exceptions or more specifications. Text is required for all "99" code entries.
- Other—use these sections to note other conditions ordered (not listed above) that need additional work or attention.

SECTION 14: CAREER OFFENDER REGISTRATION NOTICES SIGNED

If the PP01/OT23 flags the offender as a career offender, review file to ensure the "Career Offender Notice of Responsibilities" DC3-2001A and DC3-2001 B forms are signed, with the originals in the file.

SECTION 15: INSTRUCTIONS TO OFFENDER (DC3-246)

Review file to ensure the DC3-246 has been signed and dated by the officer and offender and has been placed in the file.

SECTION 16: NOTICE OF PRIVACY PRACTICES (DC3-2006)

Review file to ensure the DC3-2006 has been signed and dated by the officer and offender and has been placed in the file.

SECTION 17: VICTIM NOTIFICATION (VINE/VINEWATCH) LETTER SENT (OCC FORM LETTERS)

Review file to ensure the VINE letter has been mailed to the victim (if there is a victim and the victim is a person and not a business). If the offender is transferring out of state, review file to ensure the VINEWatch letter has also been mailed to the victim (if there is a victim and the victim is a person—not a business).

SECTION 18: GPS ENROLLMENT/ACTIVATION (ALL TASKS COMPLETED AS REQUIRED)

Review GPS vendor software application, the offender file, and case notes to ensure the following are complete and accurate.

- Offenders are enrolled and activated in the vendor's software application per policy and procedure.
- Offender's DC number and general information, including the offender's photo, is entered in the vendor's software application.
- Offender's schedule, curfew (if applicable) and rule information are entered in the vendor's software application.
- Offenders have been instructed or re-instructed on DC3-260 (Electronic Monitoring Equipment Assignment Rules) as evidenced by the offender's signature on the DC3-260 maintained in the file.
- Offender equipment inspection conducted on offender and documented in case notes as required in procedure.
- Offender tracking point reviews are conducted in accordance with procedure/technical manual requirements.

Re-review Investigation

If your supervisor identifies any errors or omissions in the IT60 investigation, they will assign you a re-review investigation. A re-review (REVW) investigation is a follow-up investigation to notify you of any errors or omissions in the IT60. You have up to 60 days to address all errors or omissions, unless otherwise noted. Complete the IT60 and its REVW on the IT60 form. Once you resolve errors or omissions, submit the investigation to your supervisor for review and approval. Document all actions taken to resolve error and/or omissions in OBIS.

☑ **CP514.3. Describe a re-review (REVW) investigation, including the required time frames and documentation, when monitoring an offender under supervision**

LESSON 5 RESPOND TO EXCEPTIONS IN OBIS

Lesson Goal

At the end of this lesson, you will be able to recognize and clear OBIS-generated exceptions in caseload management reports, following Department policy.

Role of Exceptions

Exceptions notify you of outstanding tasks related to an offender under supervision that require action on your part. The Caseload Management Report screen indicates exceptions for all offenders within your caseload. It is your responsibility to review and monitor Caseload Management Report screens on a monthly basis to identify and resolve any generated exceptions.

OBIS-generated exceptions, or outstanding tasks, are typically denoted by the letter “R” for reminder or “O” for overdue in the Offender Detail portion of the Case Management Summary screen.

☑ **CP515.1. Describe the role of an Offender Based Information System (OBIS)-generated exception when managing an offender caseload**

Common Types of Exceptions

Case Management Summary screens can generate several types of exceptions, including:

- residence verification
- employment verification
- urinalysis results
- treatment referral
- data entry reminders

☑ **CP515.2. List types of exceptions the Offender Based Information System (OBIS) can generate when managing an offender caseload**

Clear Exceptions

After identifying outstanding tasks, take immediate action to clear them by reviewing any exceptions with an offender to address deficiencies in their conditions of supervision. Be familiar with the reasons why OBIS generated the exceptions and how to clear the exceptions following Department guidelines.

Clearing exceptions may be as simple as entering missing data in the appropriate OBIS screen or entering the result of a urine test. It can be more involved, such as performing a curfew check or conducting a search of an offender’s residence, and then entering the appropriate information in OBIS.

Some exceptions may be time sensitive and require prompt action. Document all actions taken to resolve OBIS-generated exceptions in case notes accurately and completely, following Department policy.

☑ **CP515.3. Respond to an exception generated by the Offender Based Information System (OBIS) when managing an offender caseload**

LESSON 6 RECONSTRUCT A MISSING OFFENDER CASE FILE

Lesson Goal

At the end of this lesson, you will be able to re-create a missing offender case file in six-part and two-part file systems following Department-approved Offender File Organization Sheet guidelines.

An offender case file may be missing for various reasons including misplacement, theft, or damage. You must recreate any missing offender file with all of the missing information and documents using the Department-approved six-part or two-part case file system. Recreating a missing offender case file is an important task in managing your caseload efficiently.

Missing Offender File

Make every effort to locate the file. Check with other staff via email or in person, look in all file cabinets and drawers, and mail and file rooms. If you cannot locate the missing file, notify your supervisor and complete an Incident Report.

☑ **CP516.1. Investigate a missing case file incident regarding an offender under supervision**

Gather Information and Documents

To recreate a missing offender case file, obtain copies of the official documents related to an offender from the appropriate agencies or entities. Relevant documents may include:

- order(s) of supervision
- violation report(s)
- affidavit(s)
- warrant(s)
- relevant arrest report(s)
- presentence investigation (PSI)
- any other written record relevant to the supervision or investigation

Contact the appropriate entities or agencies by phone, facsimile, email, standard mail, or personal visit to obtain the missing documents. Agencies and resources to contact include:

- clerk of the court
- court or sentencing authority
- law enforcement agencies
- office of the state attorney
- treatment or service providers
- any other relevant entity or department that may be involved in the supervision of an offender
- DC intranet
- DAVID

- ***Bureau of Classification***—a section within the Florida Department of Corrections responsible for the management of inmates while incarcerated, that assists inmates with successful re-entry into the community upon release
- ***Comprehensive Case Information System (CCIS)***—portal used by officers to access clerk of court information and records throughout Florida

You may also print additional offender information and documents from OBIS. Obtain the required signatures on the appropriate forms, such as the Order of Supervision, Individualized Supervision Plan (ISP), and OFOA. After gathering all relevant information, documents, and signatures relating to the missing case file, you are now ready to recreate the file.

Recreate Missing File

Organize the gathered replacement information and documents, using an empty six-part or two-part file, and follow the Department-approved Offender File Organization Sheet guidelines. Document all actions taken in recreating a missing offender case file in OBIS following Department policy.

☑ **CP516.2. Recreate the missing case file of an offender under supervision to include the necessary documents, forms, and signatures**

LESSON VOCABULARY

Bureau of Classification

Comprehensive Case Information System (CCIS)

Unit 2 Offender Financial Obligations

Lesson 1 Process Offender Cost of Supervision Prepayment Discount or Waiver

Lesson Goal

At the end of this lesson, you will be able to process a cost of supervision (COS) prepayment discount and waiver for an eligible offender applying federal, state, and Department guidelines. You will also be able to correct discrepancies with an offender's monetary obligations using the Court Ordered Payments System (COPS) and corresponding documents and forms.

Most offenders have financial obligations from the outset of supervision, ordered by the court or sentencing authority. These financial obligations, or ***cost of supervision (COS),*** may include court or sentencing authority costs, fines, restitution, and other supervision related fees. An offender must pay imposed financial obligations at the scheduled time, usually monthly, unless the court or sentencing authority discounts or waives the obligation. In Florida, the COS may vary from county to county.

Cost of Supervision Prepayment Discount

A ***cost of supervision (COS) prepayment discount*** is a court- or sentencing authority-ordered reduction of 25% for the statutory cost of supervision financial obligation of an eligible offender. Section 948.09, F.S., and Department policy determine an offender's eligibility for a COS prepayment discount. To be eligible for a COS prepayment discount, an offender must:

- have more than ninety (90) days remaining in supervision
- pay any outstanding cost of supervision obligations in full
- pay all other financial obligations in full (only if specifically ordered by the court or the sentencing authority)

☑ **CP521.1. Verify if an offender under supervision is eligible for a cost of supervision (COS) prepayment discount, applying the Florida Statutes and Department policy**

Process COS Prepayment Discount

Process a COS prepayment discount for an eligible offender following Department guidelines.

1. Calculate the amount an offender will pay in OBIS.
2. Instruct the offender to pay the calculated amount.
3. Verify that the Department received the calculated amount from the offender.
4. Complete the prepayment discount form.

5. Submit the completed prepayment discount form to a supervisor for review and approval.
6. After receiving supervisory approval, send the prepayment discount form to the appropriate Department or support staff for processing.
7. Make the appropriate entry in OBIS.
8. Verify that OBIS applied the prepayment discount accurately and completely.

☑ **CP521.2. Describe the procedures for processing a cost of supervision (COS) prepayment discount for an offender under supervision, applying Department policy**

Cost of Supervision Waiver

A ***cost of supervision (COS) waiver*** is a motion to the court or sentencing authority that instructs the Department to release an offender from some of their financial obligations. Section 948.09, F.S., and Department policy determines an offender's eligibility for a COS waiver.

☑ **CP521.3. Describe the cost of supervision (COS) waiver, applying the Florida Statutes**

Department policy provides justifications for waiving a COS for an offender into two categories—mandatory or discretionary.

Common mandatory reasons for a COS waiver can include:

- an order by the sentencing authority
- an offender receives supplemental security income (SSI)
- an offender receives aid to families with dependent children (AFDC)
- an offender receives veterans disability pension

Section 948.09(3), F.S., outlines common discretionary reasons for a COS waiver, including:

- documented employment handicap (physical, psychological, psychiatric)
- age prevents an offender from obtaining employment
- offender is a student
- support of dependents, including court- or sentencing authority-ordered child support
- diligent attempt to work, however unable to secure employment
- offender transferred out of state as provided by Interstate Compact

☑ **CP521.4. List common reasons the sentencing authority may waive a cost of supervision (COS) fee**

Process a COS Waiver

Investigate an offender's eligibility for a COS waiver by directing an offender to provide documentation in support of the waiver request. Obtain verification quarterly, semiannually, or annually. Examples of documentation may include a notice from a doctor, college transcript, Social Security award notice, or an inability to secure employment. Upon receipt of acceptable documentation, review to determine their eligibility for a COS waiver based on federal, state, and Department guidelines. Use Department-approved forms to document an offender COS waiver, which may include the COS Statutory Exemption Worksheet and Court Ordered Payments System Change form.

For mandatory COS waiver processing, complete the following steps:

1. Complete the COPS Change form.
2. Submit the completed form to a supervisor for review and approval.
3. After receiving supervisory approval, forward the form to the designated Department staff for entry in OBIS.
4. Verify that the waiver entry in OBIS is accurate and complete.

For discretionary COS waiver processing:

1. Calculate the COS waiver amount.
2. Complete the COS Statutory Exemption Worksheet form, applying the calculated amount.
3. Complete the COPS Change form.
4. Submit both completed forms to a supervisor for review and approval.
5. If the waiver request is approved, forward to designated Department staff for entry in OBIS.
6. Verify that the waiver entry in OBIS is accurate and complete following Department policy.

☑ **CP521.5. Describe the procedures for processing a cost of supervision (COS) waiver based on offender eligibility, federal guidelines, and Department policy**

Resolving Monetary Discrepancies

You are required to resolve any discrepancies or changes to an offender's court- or sentencing authority-ordered monetary obligations. OBIS designates these discrepancies as COPS investigations. Your supervisor will assign a COPS investigation using the ITS system. Common discrepancies or updates to an offender's monetary obligations could include:

- returned checks
- deferred accounts
- offender refund
- undispersed payments
- monetary obligations incorrectly entered
- incorrect victim address
- changes to the amounts required (e.g. reduced court cost or waived cost of supervision)
- incorrect payee account ID

Complete all COPS investigations within 60 days of assignment, following Department policy.

☑ **CP521.6. Describe a Court Ordered Payment System (COPS) investigation to include the required time frame and documentation when monitoring an offender under supervision**

To resolve a COPS investigation, review supporting documentation such as the supervision order, police report, DAVID, clerk of court records, and victim restitution order to obtain updated or correct information. The Department provides a COPS manual to assist you with navigating the COPS, OBIS screens, and taking necessary actions, based on the type of offender information you receive.

Using the COPS Change form or a court-ordered input form, enter changes to an offender’s monetary obligations. Submit the completed form with supporting documentation to the supervisor for approval and signature. Follow up to ensure the system updated with the correct information.

☑ **CP521.7. Process a Court Ordered Payment System (COPS) investigation when monitoring an offender under supervision**

LESSON VOCABULARY

cost of supervision (COS)

cost of supervision (COS) prepayment discount

cost of supervision (COS) waiver

LESSON 2 VICTIM RESTITUTION

Lesson Goal

At the end of this lesson, you will be able to process a victim restitution payment returned as undeliverable, following Department policy.

Section 775.089, F.S., states that the sentencing authority levies victim restitution on an offender. If the sentencing authority did not articulate the restitution amount at the time of sentencing the offender, a subsequent restitution hearing may determine the amount.

Investigate Victim Location

Proper resolution and documentation of an undeliverable victim restitution payment is an important function in managing your caseload effectively. Upon notification that a victim restitution payment is undeliverable, make every effort to locate the victim. Common reasons for undeliverable restitution payments can be the victim has a change of address, cannot be located, or is deceased. If you receive the victim notification as undeliverable, you are required to document this in case notes in OBIS. Exhaust all resources to locate and notify the victim, victim's family, or other designated contact.

Several resources available to assist you can include:

- DAVID
- office of the state attorney
- victim's advocate
- sentencing authority orders or minutes
- Department victim services website
- OBIS for victim phone numbers and family members' information
- obituary announcements
- documents within the case file such as a police report, affidavits, presentence investigation reports

☑ **CP522.1. Research the available resources for victim contact information when you receive a restitution payment as undeliverable**

Update Victim Restitution Payee Account

Submit the Create/Modify Payee ID form to your supervisor for approval if you are able to verify a new address for the victim. Use this form to update the ***payee ID***, which is a 10-character alphanumeric identification code generated by OBIS unique to each payee. Create a new payee identification if necessary.

Review the Payee COPS Account Detail screen in OBIS, which shows detailed account information associated with an offender's financial obligations. Review the screen for accuracy before forwarding the undelivered restitution payment to the victim's new address.

After due diligence, if you cannot locate the victim while an offender is still under active supervision, request the sentencing authority to shift restitution to the General Revenue Fund. If you cannot locate the victim within one year after termination of an offender's supervision, transfer the restitution payment balance to the General Revenue Fund. The ***General Revenue Fund*** is an account maintained by the State of Florida. It consists of monies received from all sources, except trust fund monies and budget stabilization funds. Complete a COPS Change form to transfer money to the General Revenue Fund. Forward the completed form to your supervisor for approval. After gaining your supervisor's approval, forward the form to the approved Department or staff for transfer to the General Revenue Fund. It is your responsibility to review the Payee COPS Account Detail screen in OBIS to verify the transfer.

If the victim is subsequently located after the transfer of the restitution payment to the General Revenue Fund, notify a supervisor for further action. If the victim is deceased, investigate for the next of kin or executor of the victim's estate. Notify your supervisor for approval before establishing a new payee account for the deceased victim's next of kin or executor, using the Create/Modify Payee ID form.

☑ **CP522.2. Describe how to revise the victim restitution payee-account information, using the correct Court Ordered Payment System (COPS) form, and applying Department policy**

LESSON VOCABULARY

General Revenue Fund

payee ID

UNIT 3 MANAGING CHANGES IN OFFENDER SUPERVISION

LESSON 1 MONITOR OFFENDER CONTACT STANDARD CHANGES

Lesson Goal

At the end of this lesson, you will understand factors that may affect the supervision level for an offender, including contact standard requirements.

Contact Standard Changes

Entering information changes in OBIS may affect an offender's contact standard requirements. Changes in supervision level, type, or status because of change to the offender information in OBIS, may affect the contact standard. Common factors that may change an offender supervision level can include:

- employment status
- monthly financial obligation status
- supervision, prison, and violation history
- violation due to new criminal offense
- violation due to positive urine screen
- violation due to non-compliance with treatment
- violation due to contact with victim when prohibited
- completion of special conditions
- officer override (based on officer discretion)

Ensure that any information you enter in OBIS is accurate and complete, as it may have an impact on offender supervision level, type, or status, case management responsibility, and your supervisor's actions.

☑ **CP531.1. List the factors that may affect the supervision level for an offender**

REDUCED REPORTING CONTACT STANDARD REQUIREMENTS

When the sentencing authority or Department grants an offender reduced reporting to quarterly, semiannual, annual (QSA), or mail-in cases (MICs), the reporting requirements can include:

- no contact required
- continued offender employment and residence verifications
- offender written and signed report submitted monthly
- offender payment for supervision collected as per schedule

SUSPENSION OF CONTACT STANDARD REQUIREMENTS

You may suspend the contact standard requirement, with a supervisor's approval, if an offender is:

- unavailable for supervision
- unable to report to a probation office
- placed in independent reporting status (IRS)

☑ **CP531.2. Describe alternative contact standard requirements of an offender under supervision**

GRADUATED INCENTIVES

With a supervisor's approval, an offender's contact standards could change if graduated incentives are used to promote positive compliance, such as:

- up to 25% reduction of required community service hours
- waiver of supervision fees
- reduction in frequency of reporting
- permission to report by mail or phone
- transfer of an eligible offender to administrative probation

Reviewing OBIS Screens

Frequent monitoring of OBIS for changes based on new offender information is critical in managing your caseload effectively. Review the following screens regularly.

- The Offender Case Review screen captures information from multiple screens to address deficiencies and needed action. It provides a contact summary that identifies whether you are meeting all offender contact standards. This screen also displays OBIS-generated supervision categorizations, grouping offenders based upon supervision type.
- The Officer Caseload screen maintains an active listing and count of your offenders on supervision categorized by type, status, location, and level. The information on this screen is a compilation of data from various OBIS intake screens.
- The Offender Contact screen lists your contact standards with offenders under your supervision to include any outstanding contact standards.

☑ **CP531.3. Review the Offender Based Information System (OBIS) when determining whether an offender's contact standard has changed**

Lesson 2 Process an Offender's Independent Reporting Status

Lesson Goal

At the end of this lesson, you will be able to process an eligible offender under supervision for independent reporting status (IRS), following Department policy.

Eligibility for Independent Reporting Status (IRS)

Independent reporting status (IRS) is one of the least restrictive classes of offender supervision. IRS is a reduced level of supervision for low risk/needs offenders. Offenders on IRS are not required to report to the office unless otherwise instructed. You are not required to make field contact with an IRS offender. IRS requirements include:

- contacting you by phone during IRS supervision
- mandatory submission of a signed monthly report to you by mail, email, or fax
- when instructed, physically report to a probation office

☑ **CP532.1. Describe independent reporting status (IRS) as it applies to an offender's supervision**

Placement in IRS is at your discretion with approval from your supervisor. Review offender case files for eligibility based upon an offender's positive adjustment and progress with conditions of supervision. To be eligible, an offender must meet the following Department-approved criteria:

- maintain a minimum supervision level (excluding drug offender probationers or offenders with curfew requirements)
- be self-sufficient, or have low needs
- maintain a stable residence
- have a source of income
- follow a treatment program judiciously, if applicable
- be in compliance with special conditions
- have more than 90 days of supervision remaining

When an offender fails to meet any of the above requirements or transfers to another office after placement on IRS, the offender will automatically return to regular reporting status.

☑ **CP532.2. Verify if an offender is eligible for independent reporting status (IRS), after ensuring an offender's compliance with the conditions of supervision**

Process an IRS

Once you have determined that an offender is eligible for IRS, notify your supervisor for an independent review of an offender case file. Upon gaining approval, complete a Department-approved form that documents changes in offender status. Forward the completed form to support staff for data entry in OBIS.

It is your responsibility to verify in OBIS that an offender's IRS change is complete and accurate. Instruct the offender regarding IRS reporting requirements and the consequences of not meeting these requirements by providing a signed copy of the IRS Instruction Letter.

☑ **CP532.3. Process an independent reporting status (IRS) change of supervision for an eligible offender**

LESSON VOCABULARY

independent reporting status (IRS)

Lesson 3 Pre-termination Review Investigations

Lesson Goal

At the end of this lesson, you will be able to conduct pre-termination reviews, taking into consideration the required time frames, forms, and notification letter to the sentencing authority.

As an offender's supervision termination date approaches, ensure the offender has met all conditions imposed by the sentencing authority. You are responsible for conducting two pre-termination review investigations to confirm the offender satisfied all conditions of supervision and that the sentencing authority receives notification. A ***pre-termination review*** is a review of an offender's case conducted 90 and 30 days before a scheduled termination date to determine compliance with conditions of supervision.

90-Day Pre-termination Review Investigation

Before an offender's termination date, conduct an initial review, or a 90-day pre-termination review (TRM9), 90 days before an offender's supervision termination date. A TRM9 is an investigation that analyzes the offender's compliance with all conditions of supervision. A TRM9 may reveal offender exceptions. Instruct the offender to resolve all exceptions 30 days before their scheduled termination date or notify the sentencing authority of non-compliance.

☑ CP533.1. Describe a 90-day pre-termination review investigation to include the required time frames when monitoring an offender under supervision

When completing a TRM9 investigation, review the original court or sentencing authority documents, supervision orders, dispositions, and any modification orders contained in an offender's case file. Contact the clerk of court and service providers for confirmation of compliance or non-compliance with any special conditions of supervision after reviewing OBIS. Review criminal justice databases, such as NCIC, FCIC, CCIS, and local records, to ensure the offender has not had any new law violations.

☑ CP533.2. Verify the status of all offender conditions of supervision prior to preparing the 90-day pre-termination review investigation

Document all exceptions during the TRM9 on the Pre-Termination Review form and submit to your supervisor for approval. Your supervisor will review the TRM9 and verify for accuracy. Upon completion, the supervisor will approve and sign the TRM9 investigation. If the supervisor identifies any exceptions, they will notify you and assign a 30-day pre-termination review investigation (TRM3). The TRM9 and TRM3 are OBIS-generated investigations assigned to officers before a scheduled offender termination date. When an offender reaches 120 days before their scheduled termination date, the system generates and assigns a TRM9. The same is true for the TRM3; however, OBIS will generate the investigation 60 days before the scheduled termination date.

☑ CP533.3. Provide an offender 90-day pre-termination review investigation to your supervisor, within the required time frame

30-Day Pre-termination Review Investigation

The TRM3 is a follow-up investigation to the TRM9 that verifies you have resolved all offender exceptions in OBIS. Complete the TRM3 using a section of the Pre-Termination Review form initiated during the TRM9. TRM3 investigations are due 30 days prior to an offender's supervision termination date. This investigation documents unresolved exceptions on the Pre-Termination Review form. Submit the completed form, with a violation report outlining the unresolved exception, to the sentencing authority or the clerk of the court.

☑ **CP533.4. Describe a 30-day pre-termination review investigation to include the required time frames and documentation when monitoring an offender under supervision**

Submit a "Notification of Scheduled Termination with VOP Pending" form letter to the sentencing authority 30 days before the scheduled termination date if an offender under supervision has a pending violation of probation (VOP) hearing scheduled beyond the offender's scheduled termination date. The letter notifies the sentencing authority that the Department no longer has the authority to supervise the offender after the scheduled termination date.

Some offenders have multiple termination dates as they may have separate cases, different sentence lengths, or different start dates. Conduct pre-termination reviews for each termination date.

☑ **CP533.5. Notify the sentencing authority of an offender with a pending VOP hearing, applying Department policy and the Florida Statutes**

LESSON VOCABULARY

pre-termination review

Lesson 4 Close out of an Offender Case File

Lesson Goal

At the end of this lesson, you will be able to close out an offender's file, applying Department retention policy.

Upon terminating an offender's supervision, the Department maintains an electronic copy of an offender's case file. Department policy specifies the length of time to archive an offender's records. Offender records may also assist the court or officer(s) with future actions related to the offender, such as a re-offense, a presentence investigation, or another Department investigation.

Case File Close Out

Some of the reasons to close out an offender file include:

- normal termination of supervision—an offender has successfully satisfied all requirements set forth by the sentencing authority.
- early termination of supervision—the sentencing authority grants a request to terminate supervision early.
- revocation of supervision—the sentencing authority closes the current period of supervision because of a violation of probation report.
- ***sentence vacated***—the sentencing authority determines that supervision is invalid.
- Interstate Compact, Closed Interest—advises another state that Florida will no longer supervise their offender because of a VOP, supervision ended, or an offender moved back to their state.
- offender death—an offender dies before their supervision termination date.
- investigation only—upon completion of an investigation that does not result in supervision.

☑ **CP534.1. List the common reasons an officer closes an offender's case file**

The Pre-termination Review form contains a checklist to assist with case file close out. Complete a case file close out within 90 days following an offender's termination of supervision. If the sentencing authority revokes an offender's supervision because of a violation, sending the offender back to incarceration, the offender has up to 60 days to appeal. Hold all original file materials for 60 days before conducting the case file close out.

Following the Pre-termination Review checklist, complete the following:

- Ensure that OBIS designates an offender as inactive.
- Close monetary obligations accounts in OBIS.
- Close any treatment referrals in OBIS.
- Close any special conditions in OBIS.
- Send appropriate victim notification letters as notification of a change in offender supervision.
- Notify an offender of successful termination of supervision.
- Ensure a copy of the termination order is in the file.

- Ensure a copy of the revocation order is in the file.
- Ensure a copy of the Interstate Compact case-closure response letter is in the file.
- Remove the HIPAA form from the case file and forward to the circuit office for the required retention period.

After successful completion of supervision, provide an offender with a termination letter, which includes information on how to apply for restoration of civil rights or direct the offender to the Office of Executive Clemency for additional information.

☑ **CP534.2. Identify the deadlines and tasks associated with the close out of an offender case file**

Separate and archive documents from an offender case file, including:

- most recent supervision report
- all COPS input and change forms
- all orders, legal documents, violation of probation reports, technical violation notification (TVN) letters
- court disposition sheets
- public service hours logs
- arrest reports
- presentence investigations (PSI)
- treatment certificates of completion
- victim no contact letters/VINEWatch letters
- notification of status letters
- Interstate Compact Offender Tracking System (ICOTS) documents
- HIPAA form

☑ **CP534.3. Separate paper documents to archive from documents to destroy, when conducting the close out of an offender case file**

Submit the documents to archive and to destroy to your supervisor for final review and approval. After obtaining the supervisor’s approval, submit an offender’s case file to the appropriate staff for imaging. After staff images and archives the documents into an electronic file, it is safe to destroy the hard copies.

☑ **CP534.4. Provide an offender file pending close out to the appropriate personnel for final review and processing**

LESSON VOCABULARY

sentence vacated

SUPERVISION OF OFFENDERS

Course Number: CJK_0268

Course Hours: 88 hours

Course Structure: 6 units, 23 lessons

Course Outcomes

At the end of this course, you will be able to:

- ✓ apply evidence-based practice and intervention principles
- ✓ conduct a motivational interview with an offender
- ✓ conduct a routine office visit with an offender
- ✓ practice officer safety within the office
- ✓ verify offender employment and school attendance
- ✓ process an offender’s court-ordered treatment
- ✓ process an offender’s travel request
- ✓ conduct a transfer send and transfer receive investigation
- ✓ understand the role of the Interstate Commission for Adult Offender Supervision, the Federal Interstate Compact, and the Interstate Compact Offender Tracking System
- ✓ respond to a citizen’s complaint regarding an offender
- ✓ prepare a response to an offender’s motion to the sentencing authority
- ✓ conduct a presentence investigation
- ✓ prepare a bond reduction recommendation, to include violent offender notification
- ✓ understand the restrictions and process for using an offender as a confidential informant
- ✓ make a recommendation for an offender’s early termination
- ✓ investigate an offender’s failure to report
- ✓ respond to and process an offender’s violation of probation (VOP) packet
- ✓ understand the differences between concurrent, split, and consecutive sentences
- ✓ conduct a consecutive sentence investigation
- ✓ understand tolling
- ✓ respond to and monitor an offender issued an ICE detainer
- ✓ monitor an offender sentenced to administrative probation
- ✓ respond to offender manipulation and deception
- ✓ recognize signs and indicators of gangs, security threat groups (STGs), extremists, and sovereign citizens
- ✓ document an offender’s gang, security threat group (STG), and extremist or sovereign citizen association

Course Requirements

Students are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below. Several student exercises and role-play exercises will provide opportunities to interact with offenders and conduct routine supervision tasks. There will also be a written exam covering all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation Officer, Vol.1 (Chapter 6)
Florida Statutes
Computer with access to OBIS, the DC intranet, and criminal justice databases
OBIS Manual and Screen Directory
COPS Manual

Information Provided by Training Center

- ✓ course schedule
- ✓ attendance policy
- ✓ grading policy
- ✓ instructor's office hours and contact information

Chapter Introduction

Supervising offenders will form the core of your duties as a new probation officer. This will require applying all the skills you have learned so far, including legal principles, effective communication, and knowledge of caseload management, which will provide offenders with the tools and information they need to remain in compliance. This chapter addresses basic officer responsibilities when meeting with offenders and conversing with the sentencing authority. Knowledge of these fundamentals is critical to performing your job effectively, protecting the community, and working toward the rehabilitation of offenders.

Course Outline

UNIT 1 THEORIES AND PRACTICES IN MODERN COMMUNITY CORRECTIONS

LESSON 1 EVIDENCE-BASED PRACTICE

Lesson Goal

At the end of this lesson, you will know what evidence-based practices are and how to use them in a community corrections setting.

How do you encourage an offender to change for the better? The Department recognizes the importance of introducing and relying upon scientific-based practices to produce positive changes in behavior. These practices are the tools that you will need to facilitate an offender's successful re-entry into society.

Evidence-Based Practice

An ***evidence-based practice (EBP)*** is an approach to community corrections that focuses on using proven risk reduction strategies for offenders. It relies on researched, scientific studies to identify the programs, or interventions that produce the most significant positive results for offenders. EBP is based on the view that interventions are most effective when they address identified risk factors and promote positive behavior change, contributing to fewer reoffenders and greater public safety.

Chapter 944, F.S., provides the Department of Corrections the authority "to provide intensive and meaningful supervision for those on probation so that the condition or situation which caused the person to commit the crime is corrected." Florida law also requires officers to "use all practicable and proper methods to aid and encourage" offenders and "to bring about improvement in their conduct and condition." EBP uses a variety of principles, techniques, and resources considered effective in reducing repeat criminality to fulfill this mandate.

☑ **CP611.1. Describe the concept of evidence-based practice (EBP) in community corrections**

Intervention Principles

EBP builds on several interdependent principles to develop and implement effective interventions for offenders under supervision. This lesson will focus on four principles of the practice. You will examine the remainder in later lessons.

Take the following actions when addressing each principle:

- Assess actual risk or needs.
- Enhance intrinsic motivation.
- Target interventions.
    - Risk principle—prioritize supervision and treatment resources for higher-risk offenders.
    - Need principle—target interventions to criminogenic needs.

    - Responsivity principle—be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
    - Dosage or frequency of interaction—structure 40% to 70% of high-risk offender's time for three to nine months.
- Train with directed practice (use cognitive behavioral treatment methods).
- Increase positive reinforcement.
- Engage ongoing support in the offender's natural community.
- Measure relevant processes and practices (fidelity).
- Provide measurement feedback.

Four Principles of Practice

1. Risk principle—targets higher-risk offenders (WHO)

   The risk principle places priority on providing interventions for higher risk offenders. Rather than devoting scarce correctional and community resources to offenders with a low risk of reoffending, concentrate resources on offenders most likely to fail when released from incarceration. Higher risk offenders are more likely to commit new crimes, have greater needs for intervention, and demonstrate greater degrees of improvement when officers integrate EBP into offender supervision programs. Research shows that measures aimed at lower risk offenders tend to have little impact on recidivism rates.

   Many factors influence recidivism, including age, race, and ethnicity, gender, lack of education and employment, and substance abuse. Reducing recidivism results in fewer crimes, fewer victims, and cost savings for taxpayers.

2. Need principle—targets criminogenic risk or need factors (WHAT)

   The need principle targets an offender's criminogenic needs. ***Criminogenic needs*** are those risk factors or behaviors associated with failure of traditional forms of rehabilitation, leading to recidivism. Major criminogenic factors can include:

    - a history of antisocial behavior
    - an antisocial personality pattern
    - antisocial attitudes
    - antisocial associates, peers
    - family or marital stressors
    - a lack of employment stability, achievement, or education
    - a lack of pro-social leisure activities
    - substance abuse

   An offender should receive the interventions designed to address their particular criminogenic needs. Neither the "one size fits all" approach to supervision, nor the imposition of sanctions alone reduces the rate of recidivism. More individualized interventions may include engaging in programs that address anger management, problem solving, self-control, or vocational skills. Other individualized interventions may include addressing the needs of women offenders. For example, finding housing and employment may be difficult for women offenders who are single parents. The offender may feel that the only way to survive is to commit another crime, which will ultimately increase the rate of recidivism.

3. Treatment principle—uses behavioral approaches (HOW)

   The treatment principle identifies which interventions will achieve the most effective results for a particular offender. This step requires integrating treatment programs into supervision plans and proactively managing an offender's progress. Develop supervision plans to address the needs of each offender. Emphasize changing behavior, taking current circumstances in the offender's life and situation as the starting point. Concentrate on how you can positively change the offender's situation here and now.

4. Fidelity principle—implements the program as designed (HOW WELL)

   The fidelity principle identifies how effectively programs deliver interventions, and emphasizes that programs should be research-based and implemented as designed. Make sure that programs are of sufficient length, focus, and quality to assist an offender and that properly trained staff deliver the interventions. If an offender is not adequately progressing, intervene to correct, working with the offender to make necessary changes or updates to the plan. This includes addressing barriers, such as a lack of motivation for change on the offender's part, and providing structured aftercare.

☑ **CP611.2. Describe the intervention principles of evidence-based practice (EBP) as applied in community corrections**

Applying EBP

Now that you know something about EBP, how do you use this when supervising offenders? You will assess several factors when applying EBP. Consider an offender's type and level of supervision and any special conditions as identified in OBIS. Take into account the offender's criminogenic needs.

Where does the offender need to concentrate their efforts to affect the situation positively and counteract a crime-inducing environment or mindset? Try to match the offender with the initiatives that best address their needs. Higher risk offenders usually benefit from longer interventions than lower risk offenders.

An offender will need some degree of motivation to make positive changes. You can encourage this through motivational interviewing, a process that will be discussed in a later lesson. Work with the offender to identify areas for potential improvement and incorporate these into the offender's personal goals in their ISP. Establish and follow a well-developed plan.

Research shows that the most effective programs are behavioral and cognitive in focus. This means that programs using strategies, such as role playing and practicing new behaviors, are more successful in reducing recidivism than some traditional interventions, such as talk therapy or 12-step programs. One example of a behavior changing intervention is ***Thinking for a Change (T4C)***, a program designed by the National Institute of Corrections to help an offender learn and practice healthy behavior, social skills, and problem solving. Through role play, an offender can practice control of their thoughts, feelings, and interactions with others in increasingly complex situations. The goal of behavioral interventions is to reduce antisocial thinking, recognize risky thinking and feelings, and adopt alternative thinking patterns.

It is important to provide positive reinforcement when an offender displays constructive behavior change or successfully completes an intervention program. Enlist the support of family members, employers, or mentors (sometimes called “natural communities”) who possess positive behaviors that the offender can emulate. Change is more likely to occur and to continue when an offender’s family and friends collaborate in the plan and when offenders develop connections within a pro-social community. The aim is to reduce association with “antisocial others” and enhance contact with “pro-social others.”

Work with an offender to develop and use an ISP to monitor their own progress. An ISP outlines the specific goals that an offender aims to achieve, including personal goals. If a program appears to be ineffective, act quickly to intervene and reevaluate the plan. Additionally, encourage offenders to take advantage of organized re-entry efforts, designed to help the offender connect to information and resources such as housing, employment, and financial management.

Remember factors to consider when applying EBP:

- who you put in a program
- what behavior or need you target
- how you target offenders for change
- how well you implement the plan

☑ **CP611.3. Apply the concept of evidence-based practice (EBP) when monitoring an offender under supervision**

LESSON VOCABULARY

criminogenic needs

evidence-based practice (EBP)

Thinking for a Change (T4C)

Lesson 2 Motivational Interviewing Theories

Lesson Goal

At the end of this lesson, you will understand motivational interviewing and how to use it when interacting with an offender.

Motivational Interviewing Versus Traditional Interview

Motivational interviewing (MI) is an evidence-based practice (EBP) for motivating offenders and fostering positive behavioral changes. MI is one of the most important skills that you can learn and practice in supervising offenders. If used correctly, it can encourage an offender to change their lifestyle and attitudes. Research shows that programs emphasizing motivation and behavior change are more successful than punishment in reducing crime rates among offenders.

The principle behind MI is that by listening to offenders and following up on the positive aspects of speech and thinking, you can help increase an offender's motivation to make positive changes in their life that will reduce the likelihood of reoffending. In contrast, traditional interviewing is more coercive, relying on the threat of punishment and incarceration to influence offenders' compliance with the conditions of probation.

☑ **CP612.1. Describe the difference between motivational interviewing (MI) and traditional interviewing**

Cognitive Dissonance and Ambivalence

MI builds on the concept of ***cognitive dissonance*****,** the idea that it is impossible for a person to hold on to two opposing principles at the same time; one must give way to the other. A more general way to understand this state is as a discrepancy between the present state of affairs and how one wants to be, an instance of divergence or disagreement; or a conflict or variation between facts, figures, or claims. It can be an uncomfortable feeling to hold two conflicting beliefs, a feeling of discomfort that motivates a change.

Ambivalence is the dilemma of change, uncertainty, or indecisiveness on which course to follow; "I want to, but I don't want to." Feeling two, contrasting ways about something or someone is a common experience, different from cognitive dissonance, but important in understanding how and why people change.

Cognitive dissonance and ambivalence are important concepts, because they both provide the opportunity to make a choice. An offender addicted to drugs, alcohol, or gambling and negative behaviors can recognize the risks, costs, and dangers in their behavior. An offender with addictions or other negative behaviors may be able to recognize the risks associated with continuing the lifestyle. They might want to change some of these behaviors, but may lack the drive or knowledge to help the situation.

Offenders may want to change some of these behaviors and at the same time, do not want to change them. For example:

- cognitive dissonance—thinking "I know that smoking is harmful, but I continue the behavior anyway."
- ambivalence—thinking "I want to quit smoking because it is bad for me, but I like the calming effect it has on me."

The motivation for change occurs when offenders perceive a difference between "where they are and where they want to be." MI works to develop this perception by helping offenders examine the discrepancies, or gaps, between their current circumstances or behavior and their values and future goals. Cognitive dissonance and ambivalence must be resolved for change to occur. Offenders need alternative encouragement or incentive to change a behavior. They not only need to know that a behavior has to change; they must also want to perform the work necessary to make the change.

Brief interventions under certain conditions trigger and facilitate change, and you can have a huge positive or negative impact on the success of your offenders. The way you communicate will have an effect on how the offender will change. Small comments about a change in behavior or lifestyle can encourage your offenders to continue to make positive choices.

However, resistant offenders are less likely to make a change. If they argue more about not wanting to change, they probably will not change. Focus on what the offender is saying while they are arguing. If you can listen and hear any indication of a possibility to make a change, it is likely you can advocate for change. Once you hear that slight indication that the offender may want to change, ask the offender how confident they are about making a particular change; the answer is a good predictor of what will happen. If you do not listen and do not pay attention to the offender's language, you run the risk of being directive, confrontational, and arguing, which results in increased resistance. Effective listening, being supportive, and evoking change language decreases resistance and increases the likelihood that change will occur.

Rokeach Value Survey and Discrepancy

The Rokeach Value Survey is a tool that psychologists, sociologists, and marketers use to help someone determine what is important in their lives that allows them to make good choices. The survey asks the participant to arrange 18 terminal values in order of importance to them and 18 instrumental values in order of their most important guiding principles. Someone's value structure, as measured on the value survey, is made of these two different value dimensions: instrumental values or how they would like to behave and terminal values or how they would like to exist.

Offenders will come to community control with a lot of discrepancy between what they want to do and what they are actually doing to effect change needed to live the life that they want to live. ***Discrepancy*** is a lack of agreement or balance; there is a difference between two things that should be alike. The following exercise will demonstrate what a difficult process this can be.

Student Exercise 6-2: Personal Target Behavior

Arrange the 18 terminal values and the 18 instrumental values into an order of importance to you, as guiding principles in your life.

Terminal Values—desirable end-states of existence, goals that a person would like to achieve during their lifetime

True Friendship	Wisdom
Mature Love	Salvation
Self-Respect	Family Security
Happiness	National Security
Inner Harmony	A Sense of Accomplishment
Equality	A World of Beauty
Freedom	A World at Peace
Pleasure	A Comfortable Life
Social Recognition	An Exciting Life

Instrumental Values—preferable modes of behavior or means of achieving the terminal values

Cheerfulness	Imagination
Ambition	Independence
Love	Intellect
Cleanliness	Broad-Mindedness
Self-Control	Logic
Capability	Obedience
Courage	Helpfulness
Politeness	Responsibility
Honesty	Forgiveness

Developing a discrepancy means to bring to "light" what a person says they want (goal), what a person's values are (values), and what they are actually doing (action). Once you have completed this, fill in this sentence:

I say I want____

I value____

Yet, I continue to_____________________________________

Do you have discrepancy here?__________________________

☑ **CP612.2. Describe the difference between cognitive dissonance, discrepancy, and ambivalence when describing how and why people change behavior**

Stages of Change

Offenders often hesitate to change. Behavior changes involve a process that occurs in increments with specific tasks at specific stages. The stages of change refer to phases through which people pass as they change a behavior; these play an integral role in MI. Behavior change is rarely a discrete, single event. People progress through periods of change as they try to overcome old habits or patterns of behavior. To be successful at assisting others in the process of change, you must adapt your techniques and communication skills to match the offender's current state of change. Most people find themselves recycling through the stages several times (relapses) before the change occurs.

PRECONTEMPLATION

An offender may be in denial and not even recognize there is a problem that applies to them personally; they appear argumentative, hopeless, or in denial. Our natural tendency is to try to convince them, which usually increases resistance. Examples include:

- arguing—"I might listen if I thought you knew anything!"
- challenging—"You are the one in denial, not me."
- denying—"Sure I drink, but it is not a problem."

Do—listen and reflect more than you talk, express accurate empathy, instill hope and explore barriers to change, and inquire about risks and problems with current behavior.

Do not—demand, confront, label, or blame.

CONTEMPLATION

An offender may have mixed feelings about change, may dwell on the barriers to change, acknowledge a behavior as maybe becoming a problem, gather information on how to fix the possible problem, but never follow through to actually making a change. Examples include:

- blaming—"I use, but so does my brother."
- justifying—"I'm not sure giving up everything will make a difference."
- minimizing—"I use, but I still get up, go to work, and pay the bills."
- redefining—"I'm ready to give up crack, but not marijuana."

Do—point out the discrepancies between their current behavior and what they say is important to them, listen for ambivalence and tip the scale to favor change, and use cognitive dissonance.

Do not—propose a plan (contemplation does not mean ready), try to fix the problem, or debate or argue the offender into a new behavior.

PREPARATION

An offender may make small steps to move toward change and experiment with small changes. They are ready to change in the near future, on the verge of taking action, may have tried to change in the past, but failed, or are ready to make a plan. Examples include:

- realizing that something has to change—"It is time."
- starting some behavior changes that relate—"I have cut down to one pack a day."
- having an interest in developing a plan—"It is worth a try."

Do—assess the strength of the commitment to change, support skills, knowledge, and experiences supportive of change. Support self-efficacy and listen. ***Self-efficacy*** is the belief in one's ability or capacity to change a behavior required to attain a specific goal, the confidence to be able to control one's motivation and behavior. The offender may ask questions to get specifics for the plan or may present possible options. Draw on experiences from past offenders you have worked with who have been successful in changing behavior.

Do not—try to fix the problem, make it your plan, do the work for the offender, take credit for the plan, and support unrealistic goals.

ACTION

An offender takes action to make and demonstrate changes. This is the most obvious, observable stage. The offender makes the moves and implements the plan they spent time developing.

- actual behavior change—"What I am doing different now is . . ."
- trying out new behaviors—"Things seem to be better at home."
- focusing—"I am going to give it more time."
- fearing failure—"I tried doing that instead and it didn't seem to help."

Do—develop ongoing support, focus on successful activities, reaffirm the decision for change, reaffirm and build self-efficacy, assist with revising the plan if needed, and assure the offender they can continue the change long term.

Do not—assume the work is over, take ownership for the offender's success, or tell the offender "it is all downhill from here."

MAINTENANCE

An offender incorporates the new behavior over a prolonged period. This is the final stage in the process of change. The offender is working toward evaluating the gains and struggles and preventing relapse in this stage. It can last anywhere from as little as six months to as long as a lifetime. During this stage you may observe that:

- Offender behavior has changed for more than six months.
- Old behavior is not a constant temptation—"It has been hard, but I am starting to feel more relaxed about it."
- The offender exhibits confidence—"I like the new me!"
- Lack of strong commitment may result in relapse.

Do—focus on relapse prevention strategies (roleplay), discuss the effects of complacency (confidence can slip into complacency very quickly), and focus on strengthening family and community support.

Do not—support the offender being overconfident, assume the work is done, or assume relapse is not an option.

RELAPSE

Relapse can happen at any stage. Offenders will often recycle through the stages many times before being successful. Do not consider a slip as a failure but rather a step back.

Signs of relapse include:

- avoiding family, community supports—"I cannot face them, they will be disappointed."
- boredom—"I can do it this once and stop."
- missed appointments—not showing up, calling in sick.
- excuses—"I am a failure. I am no good. It was not my fault. Other people are good at this, I am not."

Do—offer to help with revisiting the process, support the acknowledgement of relapse, show disapproval of relapse appropriately, and acknowledge the offender's accountability for the relapse.

Do not—give up, show disgust, make light of the relapse, or make judgments.

Once you meet with an offender and identify where they fall on the continuum of change, use this knowledge to shape the structure of one-on-one conversations with the offender. It is critical to understand that you are guiding an offender through a process, not imposing decisions on their behalf.

☑ **CP612.3. Determine where an offender under supervision falls within the stages of change continuum during a motivational interview**

Officer Behavior During the Stages of Change

MI principles, strategies, and skills are intended to help you resolve ambivalence and to get the offender moving along a path of change. This is motivation and not therapy; officers are not skilled therapists. However, you can elicit, motivate, and support change with offenders.

EXPRESS EMPATHY

Expressing empathy, sometimes called accurate empathy, involves seeing the world through the eyes of an offender, without judging, criticizing, or blaming. It is possible to accept and understand an offender's perspective but not agree with it. This approach provides the foundation for offenders to feel you are listening and understand; it frees the offender to change. Consequently, offenders may be more likely to share experiences honestly and in depth. For example, you may comment, "It is very difficult for you to stop drinking when alcohol is so available at home and with friends."

DEVELOP DISCREPANCY

Your specific purpose for reflective listening is to create and amplify, in the offender's mind, a discrepancy between the offender's present behavior and patterns of thoughts and feelings with what they say they want from life. Assist in clarifying important goals for the offender and exploring the consequences or potential consequences of their present behavior that conflict with those goals.

AVOID ARGUING

The purpose of MI is to increase awareness for problems and the need to do something about them. Arguing with the offender regarding their problems and need for change, while the offender is defending an opposite viewpoint, does not accomplish this goal. Accusing offenders of being in denial or addicted is more likely to increase their resistance than to instill motivation for change.

SUPPORT SELF-EFFICACY

The basis of the MI concept is that offenders have within themselves the strength and potential to change successfully. An offender may have tried in the past to change; however, was unable to achieve and maintain the desired change, creating doubt about their own ability to succeed. To instill hope about making those difficult changes, an offender must believe that change is possible (self-efficacy). Affirm all efforts toward change and remain optimistic. You might comment, “It sounds like you’ve made real progress in your job search. How do you feel about that?”

ROLL WITH RESISTANCE

This behavior ties into arguing. Resistance often occurs when an offender experiences a conflict between their view of the “problem” and solution and your view of the “problem” and solution. Resistance also occurs when the offender experiences their freedom or autonomy curtailed. In MI, de-escalate and avoid a negative interaction by “rolling with it.” Do not argue with the offender, be patient, and try to redirect the conversation. Assuming a confrontational manner can actually have a reverse effect and make the offender more resistant to change. The MI focus on having the offender define the problem and develop their own solutions, leaves less ground for the offender to resist. For example, if an offender expresses resentment to performing one of their supervision conditions, you may comment, “It seems that you would rather not address this requirement right now. Why don’t you think about it some more and let’s talk about it at our next meeting.”

☑ **CP612.4. Describe the principles of motivational interviewing (MI) for interacting with an offender under supervision**

Resistance Behavior

Offender attitudes and beliefs may show themselves in the form of resistance. This provides the opportunity to discuss discrepancy and ambivalence to elicit change without debate and argument. Numerous studies conclude that a directive-confrontational style produces twice the resistance and half the positive offender behaviors, as does a supportive, offender-centered approach. Research shows that problems compounded because of a confrontational style not only reduce the success rate but also can make matters worse.

ARGUING

The offender contests your accuracy, expertise, or integrity.

- challenging—the offender directly questions or challenges the accuracy of what you say.
- discounting—the offender questions your personal authority, expertise, experience, or understanding.

INTERRUPTING

- talking over—the offender speaks while you are still talking, without waiting for an appropriate pause of silence.
- cutting off—the offender breaks in with words obviously intended to cut you off.

DENYING

- blaming—the offender blames other people for problems.
- disagreeing—the offender disagrees with a suggestion you have made and offers no constructive alternatives.
- excusing—the offender makes excuses for their behavior.
- claiming impunity—the offender claims that they are not in any danger.

- minimizing—the offender suggests that you are exaggerating risks or dangers.
- pessimism—the offender makes general statements about self or others that are defeatist or negative in tone.
- reluctance—the offender expresses reservations and reluctance about information or advice given.
- unwillingness to change—the offender expresses a lack of desire to change or an intention to change.

IGNORING

- inattention—the offender's response indicates that they have not been paying attention to what you are saying.
- non-answer—the offender gives a response that is not an answer to your question or request.
- no response—the offender gives no audible or verbal reply to your question.
- sidetracking—the offender changes the direction of the conversation you have been pursuing.

If you cannot argue and debate, and you cannot tell the offender what to do, how can you respond when the offender tries to disagree, sidetrack, minimize, and talk over you?

☑ **CP612.5. Describe resistance behaviors an offender under supervision can display when faced with the need to change their behavior**

Offender Confrontation or Responsibility

Many offenders have self-centered thinking, antisocial logic, and see people in positions of authority as the enemy. They often resist suggestions, advice, directives, and demands from any person in that role. Some officers believe that a confrontational style sends a message as to who is "in charge." A better strategy is to draw the focus from verbal confrontation between the officer and offender and rest it solely on the offender. This redirection or refocusing can provide the offender with an alternative concept or activity to consider instead of the non-constructive thoughts. The only confrontation that should arise is the confrontation that the offender has with himself and dealing with his own issues (discrepancy and ambivalence). MI considers confrontation to be the goal when it is approached in this manner. If the offender cannot see the discrepancies in their behavior, actions, attitudes, beliefs, and values, they will also see no need to resolve the ambivalence that is occurring.

A good place to start is to emphasize that the responsibility for change is up to the offender and not you. You cannot control the choices other people make, but you can clarify that there are choices and enforced consequences. MI supports taking a more persuasive than coercive approach and a more supportive than argumentative role. When you do this well, the offender offers ideas and suggestions for change, rather than the officer. This will ultimately lead to less work and less stress.

☑ **CP612.6. Describe the role of motivational interviewing (MI) in offender confrontation and taking responsibility for change when under supervision**

LESSON VOCABULARY

ambivalence

cognitive dissonance

discrepancy

motivational interviewing (MI)

self-efficacy

LESSON 3 MOTIVATIONAL INTERVIEWING STRATEGIES

Lesson Goal

At the end of this lesson, you will be able to apply motivational interviewing theories and conduct a motivational interview with an offender.

OARS

There are four interaction strategies used in MI, which when combined create the acronym "OARS." Think of OARS as what you need to keep moving if you were in a boat. The OARS strategies describe the phases of an interview structured to encourage discussion about change.

OPEN-ENDED QUESTIONS

Instead of asking yes or no questions an offender can answer with limited response, phrase questions so that they will have a chance to elaborate and think about the response. Listen carefully so that you learn more about the offender and can reflect genuine interest back to them. Your goal is to encourage the offender to recognize discrepancies and assume more responsibility for change. Do not ask too many questions at once; give them time to think about and answer the question asked. Multiple-choice questions are not open-ended. Never ask why, as this opens the door for an excuse. Examples of open-ended questions can include:

- "What do you know about the risks of drinking?"
- "Do you feel you have a problem with alcohol?"
- "How can I help you with ____?"

AFFIRMATIONS

Recognize an offender's strengths and affirm achievements, even if they seem small or are unrelated to positive behavior change. Do this with sincerity, conveying a message of respect. Acknowledging an offender's efforts builds confidence in their ability to change. Some affirming statements can include:

- "You are making good headway on your job search."
- "You have accomplished a lot in a short time."
- "That was a good way to handle that situation."
- "That's a good suggestion."
- "That must have been very difficult for you."
- "I appreciate you coming in today."

REFLECTIVE LISTENING

Rephrase what an offender said without necessarily indicating agreement. This lets them know you have listened and provides them an opportunity to hear what they said again, opening the door to a deeper conversation. Reflections can redirect the conversation by emphasizing part of what an offender said, or by pointing out a connection between two statements. Your goal in this phase of the interview is to guide the offender to resolve ambiguities and understand their thoughts more fully. Reflection also helps avoid unproductive disagreements with the offender's decisions or actions. This type of listening takes a tremendous amount of practice. Examples of reflective-listening statements can include:

- "This is what I am hearing; correct me if I am wrong."
- "You are angry about that situation."
- "It sounds like you do not want to perform any more community service hours."

Pay attention to the communication that is going on between you and the offender at all times, being aware of the places where communication can break down. Offenders do not always say what they mean; however, you have to hear the words accurately and then decode the meaning. This is where communication can go wrong. As the reflective listener, make a reasonable guess on what you interpret the meaning to be and reflect it back to the offender.

Reflective listening takes practice. It is not just repeating back what the offender has said. Reflections should always be collaborative and non-judgmental. The offender will be inclined to communicate more about themselves if they feel that you are trying to get what they are saying right. You do not want to overstate the actual intensity the offender is feeling. You cannot use the skills of MI without reflective listening.

SUMMARY

Summarize what an offender has talked about to distinguish alternatives and help the offender strategically select the best option. Recap the issues discussed, the reasons the offender wants to address them, and any plan of action, including the consequences of not implementing the changes. This may also reinforce incentives for change and give them a clearer picture of discrepancies and a road map to achieving change. Determine what you should repeat and what you should omit from the summary, based on the tone and context of the interview. Some examples of summary statements can include:

- "Let me see if I understand this so far..."
- "You have talked about the effect your drinking has had on your relationship with your kids, and you have some ideas about how to correct that situation..."
- "You want to get more job skills, and you plan to enroll in a training program next month."

The OARS steps do not have to proceed in the above order; you may ask a number of open-ended questions, followed by some reflection, followed by questions that are more open-ended. Keep track of what might motivate them to better direct the conversation. The objective is to have them do the talking. You should talk only as needed to keep them talking in a positive direction. Research shows that speech is a predictor of behavior and that change is more effective when it is internally driven, not externally imposed.

☑ **CP613.1. Describe the OARS concept used in motivational interviewing (MI) strategies when interacting with an offender under supervision**

Change Talk

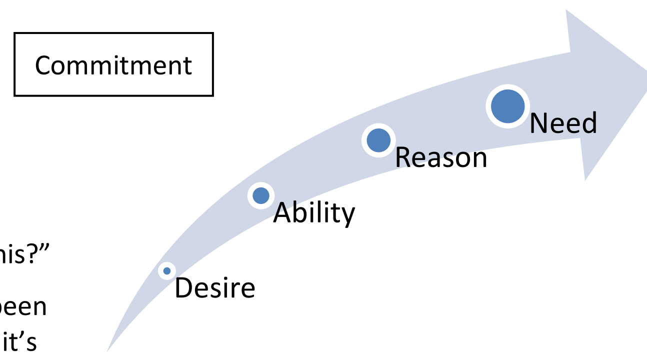
The goal of using the OARS model is to foster change talk by an offender. ***Change talk*** refers to indications or statements made by the offender expressing the desire to change, and may include non-verbal cues. This is not to be confused with “sustain talk,” offender statements that reinforce an undesirable behavior and counter change talk. The goal is to elicit high levels of change talk and low levels of sustain talk.

In MI, you encourage and guide an offender to express change talk as a means to encourage change. The principle behind change talk is that the more someone talks about change, the more likely they will change. Once you hear change talk, reinforce it, or carry it forward, so they can recognize it. When you recognize change talk, whether a person continues to explore or steer away from change talk, depends on how you react to it. The question should be “Why is this offender motivated?” DARN-C is another strategy to use when listening for change talk.

Desire (“I would like to quit smoking.”)

Q: “What do you want to do about this behavior?”

A: “I would like to change it/stop it.” (I want to, prefer, wish)



Ability (“I could quit smoking.”)

Q: “What makes you believe you can do this?”

A: “I believe I can change because I have been working my steps.” (I can, am able, could, it’s possible)

Reason (“Smoking flares up my asthma.”)

Need (“I have got to quit smoking for my health.”)

Q: “Why would you want to make this change?”

A: “I would be able to breathe better if I stopped smoking.” (I should, why do it?)

A: “I have to get control of this problem for my kids.” (I must, it’s important, got to)

Commitment (“I am going to quit smoking.”)

Q: “So what are you willing to do now?”

A: “I will stop and I will change.” (I will, am going to)

We can relate this back to ready, willing, able. An offender may see something as important and be confident that they can succeed at it, but may not be ready to make the change.

High Importance/Low Confidence	High Importance/High Confidence
These offenders are willing to change; they desire to change. The problem here is low confidence that they could succeed if they tried.	These offenders see it is important to change and believe that they could succeed.

Low Importance/Low Confidence	Low Importance/High Confidence
These offenders neither see change as important nor believe that they could succeed in making such a change if they tried.	These offenders are confident that they could make the change if they thought it were important to do so but are not convinced that they want to change.

Some questions to encourage change talk can include:

- "What would be the pros and cons of changing versus staying the same?"
- "Can you remember a time before ___________ [the negative behavior emerged]? How were things better, different?"
- "What might happen if things continue as they are?"
- "If you were completely successful in making the changes you want, what would be different?"
- "How confident are you that you could make the change if you decided to do it?"
- "What are the worst things that might happen if you do not make this change?"
- "What are the best things that might happen if you do make this change?"
- "What are your guiding values? What do you want in life?"
- "Is ___________ [the negative behavior] so important to you that you will not give it up, no matter what the cost?"

☑ **CP613.2. Describe how to recognize and respond to change talk when interacting with an offender under supervision**

Decision Balance Scale

When offenders think about making a change, they may not consider all sides in a complete way. Offenders often think about what they should do, avoid things they do not feel like doing, or become confused or overwhelmed and give up. Decision-making involves thinking about all the options and an evaluation of the consequences of each option, which can range from desirable to undesirable.

Offenders need help making the decision to change by making a complete and realistic assessment of the value of changing. Thinking through the pros and cons of making or not making a change can help the offender make sure they have fully considered all options. Exploring what needs to happen for barriers to diminish opens the mind to changing behavior and working toward a positive result. When facing a tough decision, asking these four questions can assist with identifying the reason behind the reluctance to move forward.

Benefit	Concern
"What is the benefit of continuing the behavior?" The offender may be able to answer this without thinking, because it defends the current behavior.	"Why would continuing this behavior be problematic?" This question can potentially nudge an offender in the direction of change but still might not cause them to initiate significant change.

Change—Benefit	Change—Concern
"If you made the change, how would it improve your situation?" This question tends to be more accepted because it focuses on the positive, the benefit associated with the change rather than the concern.	"If you made the change, how might it make your situation worse?" If the offender is able to answer this question honestly, they will probably arrive at the real root of their reluctance to initiate change.

☑ **CP613.3. Describe the role of the Decision Balance Scale in facilitating an offender's decision-making process to change a behavior**

Communication Traps

The most challenging aspect of applying these communication skills may be your willingness to examine your current communication habits and stopping those habits that are not effective at reducing resistance. When you allow yourself only brief periods of time to interact with other people and listen with the only intention of offering solutions, you fall into the habit of fixing rather than listening to the problem.

- fixers vs. listeners—being a fixer inhibits your ability to suspend judgment and to listen with the intent of really understanding the problem or issue from the offender's perspective. It also reinforces antisocial thinking from the offender that someone else is responsible for the solutions to the offender's problems and interferes with the offender's capacity or ability to resolve their own problems.
- question answer trap—this refers to using only questions that solicit "yes" or "no" answers. It is often used when you are seeking specific information. This can also be a sign of an officer who wants to take control of the situation or an offender who wants to get the interview over with and get out of the office as quickly as possible.
- expert trap—this is thinking that you (the officer) have all the answers and know what is best for the offender. It conveys to the offender, "just follow the rules and do what I say and you will be just fine." Alternatively, "here's how you can do it."
- blaming trap—finding or placing blame can be an agenda for the offender as well as the officer. Placing blame leaves little room for obtaining relevant information. You will waste time arguing who is to blame, when that topic is irrelevant to solving "your" problem.
- confrontation/denial trap—this is for the officer who falls into the "fixer mode" very quickly. The officer may focus their attention on a specific problem and offer a quick "solution."
- taking sides trap—as you argue for one side of the argument, the offender will naturally argue for the other side. If you take the side of problem or change, the offender will take the side of problem/no problem. Taking sides leaves little room for recognizing change talk. It may even lead the offender to hear reasons why they shouldn't change and slip even farther back into not making a positive change.

- labeling trap—we can look at problems, elicit change talk, and elicit change without placing labels on offenders. Certain social stigmas come with labels and often give the offender an excuse for their behavior. If the offender has given themselves an identifying label, allow the offender to refer to themselves as that. Only when the offender slips can you mention that in the past the offender referred to themselves as "the label."
- premature focus trap—avoid rushing into a problem situation that you can see clearly as a problem before the offender has identified it as a problem. The offender may have other pressing issues that they feel they need to address. Prematurely focusing on a different issue may steer the offender away from what they may be ready, willing, and able to tackle.
- gloom and doom trap—this is not taking the confidence (self-efficacy) issue seriously. It is taking up or sharing the offender's helplessness or hopelessness perception. At least one person in the room needs to be optimistic. Focus on problem solving rather than despair.

Do you see yourself falling into patterns of communication that resemble these traps? It is easy to fall into these traps due to caseload size, workload, stress, and limited amount of one-on-one time with offenders. Falling into these traps actually influences resistance and increases the amount of work for you.

☑ **CP613.4. Describe the different types of communication an officer should avoid when motivating the behavior of an offender under supervision**

Intrinsic Motivation and Responsivity

As part of evidence-based principles for effective interventions, three of the eight principles previously identified are significant elements in MI.

- Assess actual risk or needs.
- Enhance intrinsic motivation.
- Target interventions.
    - risk principle—prioritize supervision and treatment resources for higher-risk offenders.
    - need principle—target interventions to criminogenic needs.
    - responsivity principle—be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
    - dosage—structure 40% to 70% of high-risk offender's time for three to nine months.
- Train with directed practice (use cognitive behavioral treatment methods).
- Increase positive reinforcement.
- Engage ongoing support in natural community.
- Measure relevant processes and practices.
- Provide measurement feedback.

To enhance intrinsic motivation, communicate in ways that influence motivation to change. When offenders begin to present arguments for change, MI skills can enhance motivation and increase the likelihood for change. ***Responsivity*** suggests that you are aware of individual characteristics and needs when assigning offenders to programs. One of those characteristics is an offender's motivation to begin and succeed in the program.

Placing offenders into programs or interventions that they are not willing to start, not ready to complete, and see no positive reason to complete, likely will result in the offender not completing them.

☑ **CP613.5. Describe the role of evidence-based practice when using motivational interviewing (MI) to elicit change in an offender's behavior when under supervision**

Self-Motivating Statements

Remember to suspend your own judgment and really try to understand an issue or problem from the other person's perspective. You can practice these principles in casual conversation, at the office, with co-workers and other people in your life. Your first challenge is to listen with the intent of really trying to understand and not fix. Your second challenge is to express empathy, be sincere about your feelings, and be genuine about what you understand to be the other person's experience.

The purpose of using these basic communication skills is to "elicit self-motivating statements," to use those statements to overcome offender resistance, and to support internal motivation for change. Self-motivating statements do not happen spontaneously, but rather through a process of reevaluating prior actions and making the choice to alter the behavior. Sometimes you may need to prompt them. The communication skills you have learned so far will assist you in prompting offenders to make these statements. If you think of why offenders continue to become involved in harmful behavior, it may be because they have convinced themselves (ambivalence) that there are more reasons not to quit the behavior than there are reasons to quit.

You can further encourage offender internal motivation to change not by blaming, judging, or giving advice but rather, by asking questions of the offender in specific areas. You, as the officer, can draw from experiences with other offenders with the same problems who may have changed their behavior. It is not what you see wrong in the offender's life that is important. What is important is that the offender sees it. The motivation for change must come from within the offender.

CATEGORIES OF SELF-MOTIVATING STATEMENTS

- problem recognition—any indications of problems with the current behavior

  Example: "I can get a project started, but I never seem to be able to follow through with it to the end. I can't ever finish what I start."
- expression of concern—any expression of emotions related to the current behavior

  Example: "I worry about not being a good enough parent and spouse because of my alcohol use."
- intention to change—any indication of a willingness to change

  Example: "I know I really should quit."
- optimism about change—any positive statements indicating the rewards of changing

  Example: "I felt a lot better physically and mentally when I was able to quit last time."

TECHNIQUES TO ELICIT SELF-MOTIVATING STATEMENTS

- elaboration—statements or questions you can use when you hear a self-motivating statement or a comment that you want to build on to support motivation to change

  Example: "Tell me more about that."

- decisional balance—statements or questions that reflect negative and positive aspects of the offender's current behavior

  Example: "It sounds like you have a lot of stress in your life right now, but as I hear you say that alcohol helps you to relieve some of that stress, is it still the cause of the arguments with your spouse?"

- using extremes—getting the offender to examine the best and the worst consequences of their behavior

  Example: "I can see how difficult this situation is for you, it sounds like the best you can hope for is not to relapse. What is the worst thing that can happen if you continue this behavior?"

- looking forward and back—probing or asking questions that get the offender to look at how life was before the problem or how it might be in the future without the problem. Compare these times with present behavior.

  Example: "What was your life like before________? What do think it could be like in the future?"

- exploring goals—asking questions that reveal goals, expectations, dreams, what the offender values and wants to accomplish. No one is truly unmotivated. Offenders' priorities may be different, but they do have goals and values. Do their goals fit with their current behaviors?
- paradox—an amplified reflection in which you take the position that no change is necessary, a form of reverse psychology. This is a very risky methodology, because of the potential for the offender to perceive you as being sarcastic, indifferent, or giving up on him or her.

  Example: "You have been continuing to engage in drinking heavily, and yet you say that you want to get your driver's license back. Maybe this is not a good time to try and make those changes."

☑ **CP613.6. Describe the role of eliciting self-motivating statements from the offender under supervision to encourage a change in behavior**

Advanced Communication Skills

- simple reflection—the strategy here is to reflect the resistance and to make the resistance the focus. You will do this by making a statement rather than asking a question.
- amplified reflection—the strategy here is to listen to the resistance and then make a reflective statement in an amplified or exaggerated form. The purpose of the technique is to create the opportunity for the offender to hear their own logic as they use it, with some amplification that might cause them to shift their thinking. Timing and tone of voice are very important here. Be careful not to sound sarcastic or demeaning.

- double-sided reflection—the strategy here is to take a statement the offender has just said and connect that statement to something they said previously in a way that creates dissonance.
- shifting focus—the strategy here is to find a way around the resistance when you feel like you hit a wall.
- emphasizing personal choice—the strategy here is to ensure the offender knows the likely outcome and that it is their choice, not yours. Let reality be the disciplining agent.
- reframing or reflection with a twist—in this strategy, you acknowledge a portion of the offender's statement and you restate it with a slight twist, so the offender can see it from a different perspective.

☑ CP613.7. Describe the advanced communication skills used in motivational interviewing (MI) when supervising an offender under supervision

Motivational interviewing is not just a list of questions and statements to use on offenders, or a way of "tricking" the offender into doing what you want them to do. As the Department moves toward a more evidence-based approach, you will focus more on outcomes. These main goals are to reduce recidivism, reduce victimization, and provide safety for our communities. Positive outcome measures will become a priority, and to be successful does not mean that you only process probationers, ensure adequate supervision, collect fees, and enforce orders of the court. You will also play an important role in reducing crime and victimization through positive behavior change. Among these positive behavior change outcomes are successful discharges, not returning to incarceration, less violation reports, less victimization, and safer communities.

Eight Tasks in Learning Motivational Interviewing

1. Adopt the overall spirit of MI—maintain openness to a way of thinking and working that is collaborative rather than prescriptive, an approach that honors the offender's autonomy and self-direction and is more about evoking than instilling. This involves at least a willingness to suspend an authoritarian role and to explore an offender's capacity rather than incapacity with a genuine interest in the offender's experience and perspectives.
2. Follow the principles of OARS: offender-centered counseling skills—develop proficiency in offender-centered counseling skills to provide a supportive and facilitative atmosphere in which offenders can safely explore their experience and ambivalence. This involves the comfortable practice of open-ended questions, affirmations, summaries, and particularly the skill of accurate empathy.
3. Recognize change talk and sustain talk—this is the ability to identify offender "change talk" and commitment language that signals movement in the direction of behavior change as well as offender "sustain talk." Preparatory change talk includes desire, ability, reasons, and need for change that favor increased strength of commitment.
4. Elicit and strengthen change talk—learn to elicit and reinforce offender change talk and commitment language. Here the offender-centered OARS skills are applied strategically to differentially strengthen change talk and commitment.
5. Roll with sustain talk and resistance—be able to respond to an offender's sustain talk and resistance in a manner that reflects and respects without reinforcing it. The essence is to roll with it rather than oppose it.

6. Develop a change plan—make the transition into recognizing offender readiness. Negotiate a specific change plan that is acceptable and appropriate to the offender. This involves timing as well as negotiation skills.
7. Consolidate commitment—be able to elicit increasing strength of offender commitment to change and to specific implementation intentions.
8. Practice transition and blending—learn how to blend an MI style with other intervention methods and to transition flexibly between MI and other approaches.

☑ **CP613.8. Describe the eight tasks for learning motivational interviewing (MI) an officer should master to increase motivation for an offender under supervision**

LESSON VOCABULARY

change talk

responsivity

CHANGE PLAN WORKSHEET

The most important reasons why I want to make this change are:

My main goals for myself in making this change are:

I plan to do these things in order to accomplish my goals:

Specific action:

When?

Other people could help me with change in these ways:

Person:

Possible ways to help:

These are some possible obstacles to change and how I could handle them:

Possible obstacle to change:

How to respond:

I will know that my plan is working when I see these results:

UNIT 2 STANDARD SUPERVISION PRACTICES

LESSON 1 MEETING WITH AN OFFENDER IN THE OFFICE

Lesson Goal

At the end of this lesson, you will know how to conduct a routine office visit with an offender safely.

Conducting routine office meetings with offenders is a critical part of your responsibilities. Regular meetings are essential for getting to know an offender, gaining insight into their behavior and character, and understanding how this knowledge enables you to interact safely with an offender in a familiar environment. There are types of offenders you do not need to see every month such as offenders:

- with independent reporting status (IRS) or administrative probation
- with quarterly, semiannual, and annual reporting requirements

Safety in the Office

A supervisor or designee should always be on duty and present in the building when you meet with an offender. For the purpose of officer safety, never be alone in the building with an offender. Offenders should not bring any of the following items into the probation office:

- any items unrelated to supervision
- bags, backpacks, briefcases, large purses
- cell phones

Each office has signs posted advising people of these requirements. Unless required for a disability or an accommodation, tell offenders to avoid bringing other people, especially children, to monthly office visits, as sex offenders may be present in the office and pose a danger to vulnerable individuals. While escorting an offender within the office, always ensure that the offender remains in front of you and within close proximity.

Conducting the Office Visit

Before an offender reports for their routine monthly visit, review all case files and OBIS screens relevant to the offender to ensure they are in compliance. If the offender is non-compliant, prepare to address the deficiencies. Based on the offender conditions of supervision or other circumstances, it may be necessary to prepare to administer an offender urinalysis.

☑ **CP621.1. Prepare for an offender's office visit, applying officer safety**

An offender must submit a completed supervision report when they arrive at the probation office. They can download forms from the internet or get copies in the probation office lobby. If the offender failed to complete the form properly, instruct them to complete it in its entirety, making special note of any contact they may have had with law enforcement.

Review the supervision report for any changes to an offender's information, and verify it with the offender. Note any offender progress made on fulfillment of special conditions. Information that an offender must report includes any anticipated changes to their address, employment, student status, email address, and phone number.

If an offender has had any contact with law enforcement, positive or negative, determine if it requires notification to the sentencing authority. Discuss any special conditions with the offender to monitor for compliance or non-compliance. If the offender is in non-compliance, instruct them on what they need to do to correct the situation. Update OBIS screens to reflect any changes.

☑ **CP621.2. Review the supervision report with an offender during the office visit**

Address ISP goals at this time. ISP goals identify the actions that an offender should undertake in order to increase chances of successful re-entry into society. These goals should be realistic and obtainable for the offender. Examples of ISP goals may include furthering education, obtaining a driver's license, attending relevant support groups, or improving housing or employment. Review progress made from the previous month's meeting and expectations for the next monthly reporting period.

How you interact with an offender during an office visit can greatly affect the progress of their supervision. During the office visit, encourage the offender to identify personal goals and discuss their plans to reach these goals. You may need to help the offender recognize these personal goals. Examples of goals may include stop smoking, start exercising and develop healthy habits, participate in faith-based activities, or obtain employment with a living wage. Encourage the offender to attain these goals, and make any appropriate referrals. Provide positive feedback throughout the process and upon completion of a goal.

☑ **CP621.3. Review the individualized supervision plan (ISP) with an offender during the office visit**

Some offenders may have intellectual disabilities, mental health, or substance abuse issues; others with specific needs may require Americans with Disabilities Act (ADA) accommodations. Be attuned to the individual characteristics of an offender and practice effective communication skills when interacting with offenders. Assume a calm manner and repeat instructions in plain language when warranted. If you sense an offender has an undiagnosed medical or psychological condition, interview the offender to determine if an additional referral to community services would be appropriate. Review any Department records for any previously documented disability and consult family members for additional information, if possible.

☑ **CP621.4. Identify if an offender requires additional community services based on a perceived need during an office visit**

Keep the re-entry process in mind during the office visit. Encourage an offender to participate in local community re-entry initiatives designed to promote offender success and public safety. Examples of re-entry initiatives are T4C, alternative sanctions programs, and re-entry fairs. An alternative sanctions program, available in some circuits, allows adding sanctions or conditions, with the court's approval, rather than filing a violation report with the court. Re-entry fairs are events that offer offenders helpful information related to welfare, employment, or education. Community re-entry initiatives give you the opportunity to refer offenders to local resources that may address their criminogenic needs.

Remember to address any questions or concerns that an offender may have. Be sure that the offender clearly understands their responsibilities. Document any changes to the offender's information in case notes and relevant screens in OBIS.

☑ **CP621.5. Provide appropriate re-entry initiatives to an offender when meeting during an office visit**

Offender Financial Obligation Agreement

The Offender Financial Obligation Agreement (OFOA) outlines the monthly fees and payments that an offender is required to make while under supervision through the COPS screens in OBIS. COPS tracks monies paid by the offender for distribution by the Department to the appropriate payees using the COPS Input form. Each offender has their own payment schedule. Review and discuss information from the COPS screens during routine monthly visits, being careful not to display the screens to the offender. If the offender has not complied with payments, encourage them to address the delinquencies and discuss the consequences of a violation.

Under normal circumstances, conduct an OFOA review during the orientation process. For some offenders, you may need to conduct an OFOA review periodically due to changes or additions to monetary obligations, for example, if the sentencing authority ordered restitution during the supervision period or an offender incurs additional court costs. If OFOA changes are required, review this information for accuracy and discuss during the offender's office visit.

☑ **CP621.6. Review the Offender Financial Obligation Agreements (OFOA) with an offender during the office visit**

Drug Testing

Offenders are subject to random drug testing as required by the officer. Although many offenders test during their monthly office visits, ensure you test them randomly to avoid establishing a pattern an offender can use to avoid testing positive. Question the offender to gain information on possible drug usage over the past month.

If an offender admits to using an illegal substance and tests positive, have the offender sign a positive drug test statement. Should the offender test positive but will not admit to using an illegal substance, you must send the drug test for laboratory confirmation. In some circuits, the sentencing authority requires sending an on-site positive specimen sample to a laboratory for confirmation.

If an offender tests positive for a non-prescribed, illegal, or controlled substance, notify the sentencing authority either in the form of a full violation report or a technical violation notification (TVN) letter. Upon confirmation of a positive drug test, Florida Statute and Department policy require that you contact the Department of Children and Families (1-800-96-ABUSE) if the offender has children or elderly people residing at home.

If an offender denies drug usage, package the specimen, and send it to a lab for confirmation. Follow all Department policy to ensure proper chain of custody. Based on the results, notify the sentencing authority and prepare a violation report to submit to the sentencing authority. Recommend substance abuse evaluation and treatment on a case-by-case basis.

☑ **CP621.7. Describe the procedure for processing the results of an offender drug test during an office visit**

Lesson 2 Employment and School Verification

Lesson Goal

At the end of this lesson, you will know how to verify an offender's employment or school attendance.

In the interest of public safety, know where an offender works and attends school. It is your responsibility to verify an offender's employment and school attendance, and notify an offender's employer and school officials of the offender's offense and status.

Verify Employment

All offenders under supervision are encouraged to obtain employment. If employed, an offender must provide detailed employment information, including the business name, the address and telephone number of the employer, the name of the offender's supervisor, job duties, any travel required, and scheduled work hours. Section 33-302.102, F.A.C., requires that you advise the employer within 30 days regarding the offense(s) for which the offender is under supervision unless the sentencing authority orders no contact with the employer. Each time an offender changes employment, contact the employer with this information within 30 days.

If an offender is unemployed, document the offender's efforts to seek employment in OBIS. Refer the offender for job placement assistance and require them to report the results of the job search. Standard conditions of supervision require the offender to support any dependents to the best of their ability. However, there is an option to list an offender as a homemaker, which does not require the offender to seek employment.

If an offender is disabled, obtain supporting documentation such as proof of Social Security disability or medical documentation.

If an offender is self-employed, they must provide an occupational license or tax information within the period specified by the Department. These offenders must provide the Department with a current occupational license on an annual basis. In addition, these offenders must provide a copy of the sales tax return each time they submit the form to revenue authorities, as verification of self-employment. Place all documentation in the offender's case file and document receiving the paperwork in OBIS case notes.

Contact an offender's employer to verify that the offender notified the employer regarding probation status. The offender must tell the employer their supervision status, the original offense, and any prior offenses that may be potential risk factors, such as a prior sexual offense if the offender works at a recreation venue for children.

☑ **CP622.1. Verify the employment of an offender under supervision based on information provided by the offender**

Restrictions to Employment

Review the details of an offender's employment to determine if there are risk factors that, due to the offender's offense or prior record, would cause the officer to monitor the offender's employment more closely. An example of risk factors might include an offender employed in retail sales with a history of credit card fraud or theft. The law may prohibit offenders convicted of a felony from practicing some professions, such as:

- pest control, as found in s. 482.161, F.S.
- bar tending, as found in s. 562.13(3)(a)3., F.S.
- security guard, as found in s. 493.6118(4)(a), F.S.
- home inspection, as found in s. 468.8314, F.S.

If an offender is self-employed with risk factors, instruct the offender to inform clients of their supervision status and the offenses for which he or she is under supervision. Confirm with the clients that the offender has notified them of the offender's supervision status and offense. In addition, if the offender's employment requires work in homes or offices, instruct the offender to provide an itinerary of work sites, including the name of the addressee, address, and telephone number. Document all employment information in OBIS case notes.

☑ **CP622.2. Recognize the employment restrictions that pertain to an offender under supervision, applying the Florida Statutes and Florida Administrative Code (F.A.C.)**

Offender School Attendance

If an offender is attending high school, college, or any other educational or vocational school, notify school officials in writing using the School Verification Notification Attendance letter. Depending upon the educational institution, send notifications to the school principal, the school board, university president, or a specially designated official. Maintain a copy of the notification in the offender's case file. Some offenders may be court-ordered to attend an educational institution and participate in a GED or diploma-based program. Notify those institutions of an offender's court-ordered attendance.

☑ **CP622.3. Establish a line of communication with an offender's school, applying Department policy**

Obtain information from an offender regarding dates, days, and hours of school attendance. The offender should provide the officer with a copy of the offender's schedule upon registration. Instruct the offender to provide a report card or progress report when the school issues grade reports. Direct the offender to provide notification and documentation when they graduate, complete a course, or stop attending school. Document all information in OBIS case notes following Department policy.

☑ **CP622.4. Analyze an offender's proof of school attendance based on information provided by the school and the offender**

LESSON 3 PLACING AN OFFENDER IN COURT-ORDERED TREATMENT

Lesson Goal

At the end of this lesson, you will know how to process court-ordered treatment for an offender under supervision.

When an offender is court-ordered to treatment, initiate the referral and placement of the offender, and monitor the treatment progress. In some cases, a direct referral from you may require the offender to participate in a treatment program. Any FCOR-ordered supervision, Pre-Trial Intervention Agreement, or Interstate Compact may also order an offender into treatment.

Substance Abuse Treatment

All circuits offer substance abuse treatment court programs such as outpatient treatment, residential treatment, and drug court for individuals whose criminal charges are the result of substance abuse. Drug treatment is often only one of the conditions an offender must complete as part of their conditions of supervision. However, in exchange for successfully completing the treatment program, the sentencing authority may dismiss the original drug charge, reduce or set aside a sentence, propose a lesser penalty, or offer a combination of the above incentives.

Substance abuse treatment programs offer an opportunity for people with substance abuse issues to participate in an intensive, supervised program. An offender must comply with all requirements of the program or face sanctions by the sentencing authority for non-compliance. Criteria for successful completion of the program include but are not limited to consecutive negative drug screens, a substance abuse assessment by a certified addiction counselor, completion of a period of inpatient or outpatient counseling, and other coordinated strategies with ongoing judicial interaction.

Mental Health and Psychological Treatment

When the court sentences an offender for a domestic violence related offense, they may be required to complete a state-sanctioned batterer's intervention program. The primary purpose of batterer's intervention is providing safety for victims and children. When batterer's intervention is required, refer the offender to the appropriate program, and follow up to ensure that they attended.

Other forms of intervention that are court-ordered may target behavioral modification. These programs can include anger management, impulse control, anti-theft, T4C, and parenting and life skills. Be aware of these local programs and make the appropriate referrals and follow-up.

☑ **CP623.1. Describe the types of court-ordered treatment that may be included in an offender's conditions of supervision**

When the sentencing authority orders a psychological or psychiatric evaluation and treatment, contact the appropriate contracted vendor, and set up an initial visit. Obtain the appropriate release forms, signed by an offender, which will allow you to follow up with the vendor on the outcome of the referral. The vendor should send you regular progress reports while the offender is in the program, and should provide a certificate of compliance or completion before the end of the supervision period. In an emergency, it may be necessary to initiate the Baker Act to provide involuntary temporary detention and services. Contact law enforcement for assistance in situations involving the Baker Act.

Processing Court-Ordered Treatment

Review court documentation to determine the type of treatment ordered for an offender. Residential treatment programs provide secure or non-secure facilities, on either a short term (six to eight months) or long term (up to 18 months) basis. Become familiar with Department-contracted providers in your local area that can meet the type of treatment specified by the sentencing authority. Once you identify a provider, check to verify availability and a reporting date and time for the offender. Make referrals as appropriate on a Community Supervision Program Referral form.

For inpatient treatment programs, verify bed availability at the treatment facility. If there is currently no bed space, the Department may place an offender on a waiting list until a bed is available. The judge can also order the offender to be held in jail until a bed is available or the Department can hold an offender in the county jail or released to supervision, until a bed is open. The offender is “awaiting placement” to a treatment facility in this situation.

☑ **CP623.2. Determine which Department-approved provider is able to deliver the court-ordered treatment for an offender under supervision**

Ensure that an offender acknowledged and signed the Consent for Authorization for Use and Disclosure Inspection and Release of Confidential Information forms during the intake process, allowing for open communication between the Department and the treatment provider.

Use the Community Supervision Referral form to document offender information that refers an offender for their court-ordered treatment. This form documents the type of treatment program and the payment options. Determine if OBIS will make the payment through allocated Department funds or by another means. Submit the form to your supervisor for approval and update the offender’s treatment screen in OBIS. The vendor will use the Community Supervision Referral form to notify you of the offender’s initial evaluation, start date, and discharge date from treatment.

☑ **CP623.3. Process a Community Supervision Referral form for an offender that is court-ordered to a treatment**

Working With the Treatment Provider

After contacting the treatment provider, obtain a reporting date for an offender. Instruct the offender on the date, time, and place to report. The offender may need to bring payment, photo ID, a list of prescribed medications, or any other documentation required by the provider when they report.

☑ **CP623.4. Notify an offender when to report to the assigned Department-approved treatment provider**

Follow up regularly with the treatment provider by telephone, field visit, registration documentation, or evaluation recommendation and treatment reports to verify that the offender has reported. Maintain all documentation of court-ordered treatment or medical information as confidential in a separate, sealed envelope marked Protected Health Information, within the offender’s file. Record any follow-up action in OBIS case notes.

☑ **CP623.5. Verify an offender reported to the assigned Department-approved treatment provider**

LESSON 4 OFFENDER TRAVEL REQUESTS

Lesson Goal

At the end of this lesson, you will know how to process an offender's request for travel.

During the course of supervision, offenders may request permission to travel for recreational, personal, or work purposes. Familiarize yourself with Department-established guidelines for the documentation and time frames required for processing a travel request. Section 948.03, F.S., requires offenders to "remain in a specified place." This means that offenders must report and receive permission before traveling.

Routine Travel

When an offender must travel across a county line to get to their employment, school, treatment program, doctor, or shopping, they perform ***routine travel***. Routine travel should not interfere with the offender's compliance with their conditions of supervision or court-ordered treatment. Before processing the request for routine travel, discuss travel needs with the offender to ensure compliance and that they understand any restrictions. Consider if the offender has had any previous violations related to travel and is not presently in violation status.

Non-routine Travel

If an offender wishes to travel outside the parameters of routine travel, they must submit the request far enough in advance to give you time to verify the travel plan details. Obtain information on the destination, the time frame, method of travel, and if the offender is traveling with companions. Confirm offender travel plans by reviewing an itinerary or copy of travel reservations. Contact the offender's employer if the travel is work-related. Contact family members if the offender's travel is personal. You may also contact any person(s) that the offender will reside with while traveling. Ensure that the offender is current on restitution obligations before approving travel.

If a situation arises where an offender must travel out of county for an emergency, the offender must still obtain permission before departure. ***Emergency travel*** is travel due to an illness or injury to the offender, the spouse, a parent, a sibling, or a dependent who requires urgent medical care; or the death of the offender's spouse, parent, sibling, or dependent. The offender must provide an emergency contact, a travel time frame, and location where they will be residing. Process a request for emergency travel as appropriate to the nature and urgency of the event.

☑ **CP624.1. Identify the information an offender must provide before receiving approval for travel when under supervision.**

☑ **CP624.2. Evaluate the offender's request for travel based on reasons for travel and conditions of supervision, applying Department policy**

Offender Travel Guidelines

Tell the offender what they are required to do upon arrival at the destination. This will depend on the length of stay, and nature and jurisdiction of the offense for which the offender is under supervision. Section 775.13, F.S., states that convicted felons must register with the sheriff’s office in the destination jurisdiction, if the visit exceeds 48 hours. Offenders convicted of a crime in another state that is a felony in Florida, must also register with the sheriff’s office in the destination jurisdiction within 48 hours of arrival. Instruct the offender to contact you upon return to their jurisdiction. The offender must report any contact they may have with law enforcement while engaged in travel and if the offender finds it necessary to alter or cancel travel plans, they must notify you, according to F.A.C. 33-302.106.

The length of a travel permit cannot exceed 30 consecutive days. For example, an offender who travels for employment or exigent family emergencies must report to you within 30 days to maintain the current supervision status.

Document the offender’s residence plan on the Travel Permit/Intrastate Transfer form and in OBIS. Submit the Travel Permit/Intrastate Transfer form to a supervisor for approval when necessary and provide the offender a copy of the approved travel permit.

☑ **CP624.3. Provide the offender with guidelines upon approval for travel, finalizing the process**

International Travel

Before any international travel, review the court order and conditions of supervision to determine if the offender has permission to travel outside of the country. If the offender does not have preapproval for this type of travel, follow the same guidelines as routine or non-routine travel to verify the plans. You or the offender must also submit a motion to the sentencing authority requesting permission to travel outside of the United States. If the sentencing authority grants permission, issue a travel permit in compliance with Department policy. Review the conditions of the travel permit with the offender. If the sentencing authority does not grant approval for international travel, notify the offender. Document all international travel information in OBIS case notes.

☑ **CP624.4. Process an offender’s request for travel out of the country, applying Department policy**

LESSON VOCABULARY

emergency travel

routine travel

LESSON 5 INTRASTATE TRANSFERS

Lesson Goal

At the end of this lesson, you will be able to process an intrastate transfer send or transfer receive, using the necessary forms and applying Department policy.

Intrastate Transfer

An ***intrastate transfer*** occurs when an offender's supervision transfers from one office, county, or circuit to another office, county, or circuit in Florida. Common reasons for intrastate transfers can include:

- an offender moves outside the boundaries of the current supervision office
- a change in supervision type requires a specific probation office
- an offender seeks admission to a treatment facility that lies in another office's boundaries

There are two types of intrastate transfers: transfer send (TRNS) and transfer receive (TRNR). For each transfer, you will need to conduct an investigation. The sending officer is responsible for completing the TRNS investigation; the receiving officer assigned to the case is responsible for completing the TRNR investigation. The sending office maintains responsibility of the offender until that offender makes in-person contact with the receiving office.

☑ **CP625.1. Describe the types of intrastate transfer investigations that can occur for an offender under supervision**

Transfer Send

Before transferring an offender, discuss with the offender the reason for transfer and obtain the offender's relocation information. Make sure the offender's transfer does not violate their conditions of supervision or Department policy, such as a residence restriction, a no victim contact condition, or an area that is not beneficial to the offender. Verify the offender's relocation information with the property owner or manager to include the address, phone number, and additional residents at the new location.

Resolve pending non-compliance issues before transferring the offender's supervision to the receiving office. If the offender qualifies for a transfer, update the offender's case file and OBIS Residence screen, and contact the receiving office to obtain the reporting instructions. Record the reporting instructions in case notes. Provide the offender with instructions on reporting to the receiving office, including the office address, phone number, reporting date and time. Record all information on the Travel Permit/Intrastate Transfer Request form, and obtain your supervisor's approval. Electronically transfer a copy of the form to the receiving office, and attach the original to the offender's case file. Mail the offender's case file to the receiving office based on your office processes. Complete the TRNS investigations within five days of the transfer.

☑ **CP625.2. Describe the intrastate transfer send (TRNS) investigation that changes residence and reporting probation office for an offender under supervision**

Transfer Receive

Upon receiving an incoming transferred offender, the assigned officer receives a Travel Permit/Intrastate Transfer Request form. Verify the OBIS Residence screen matches the proposed residence and conduct a residence verification. You will ***gain the case*** upon the initial in-person contact with the offender and completing the Transaction Register form. Ensure the residence does not violate any residency restrictions, such as restrictions of victim contact or felony offenders prohibited from moving into subsidized housing. If the offender transfers for employment reasons, review the statutory employment restrictions. After the offender transfer is processed, make sure that you receive the offender case file from the sending probation office. You must accept or deny supervision of an offender within 20 days of assignment and complete an IT60 Review. Common reasons for denial of supervision may include:

- new residence is non-existent
- residence is in violation of Florida Statute restrictions
- court orders prohibit the new residence plan

☑ **CP625.3. Describe the intrastate transfer receive (TRNR) investigation that changes residence and reporting probation office for an offender under supervision**

LESSON VOCABULARY

gain the case

intrastate transfer

LESSON 6 FEDERAL INTERSTATE COMPACT

Lesson Goal

At the end of this lesson, you will understand the purpose of the Federal Interstate Compact, the Interstate Commission for Adult Offenders Supervision, and the Interstate Compact Offender Tracking System.

Interstate Compact

Like intrastate transfers, offenders may transfer in and out of Florida, called interstate transfers. Federal Interstate Compacts authorize interstate transfers. Federal Interstate Compacts are contracts between two or more states creating an agreement on a particular policy issue regarding the transfer of an offender between states. Section 949.07, F.S., and 28 CFR Chapter 1, Part 2, Subpart C, s. 2.107 governs the Federal Interstate Compact. The Interstate Commission for Adult Offender Supervision (ICAOS) is a governing body that administers and monitors the daily oversight of the Federal Interstate Compact between states. The Commission monitors each state's compliance with the rules governing the interstate movement of offenders, and provides training on annual updates to the rules governed by interstate movement.

☑ **CP626.1. Describe the Federal Interstate Compact, as administered by the Interstate Commission for Adult Offender Supervision (ICAOS)**

Tracking Interstate Transfers

The Interstate Compact Offender Tracking System **(**ICOTS) is a computer-based tracking system that documents the transfers of offenders from one state to another and provides the capability to correspond between the sending and receiving states. Conduct all interstate transfer communications through ICOTS. The Department will provide specific ICOTS training.

Initiate a request to transfer an offender using established eligibility guidelines. Request offender supervision-progress reports, track the offender's compliance, submit violation reports, and request return of an offender to the sending state. Common offender information requested or sent through ICOTS can include:

- an offender's application for interstate transfer
- photo of offender
- orders of supervision and special conditions
- reporting instructions
- victim information
- criminal history
- circumstances of the offenses
- progress report

☑ **CP626.2. Describe the role of the Interstate Compact Offender Tracking System (ICOTS) when tracking offender movement across state lines**

LESSON 7 CITIZEN COMPLAINTS REGARDING OFFENDERS

Lesson Goal

At the end of this lesson, you will know how to respond to a complaint issued against an offender.

Types of Complaint

Throughout your career, you may receive complaints from citizens in the community regarding one or more of your offenders under supervision. It is your responsibility to promptly verify the validity of the complaint and determine the need for follow-up action. Examples of complaints can include reports that an offender:

- has weapons or ammunition
- is selling or using illegal drugs
- has committed acts of domestic violence
- has violated no contact orders or injunctions
- has left the county without permission

Responding to Complaints

Complaints can come from a spouse, significant other, relatives, friends, law enforcement, offenders, or anonymous sources. Take action in accordance with the severity and type of the complaint. For example, if you receive a tip that an offender is using illegal drugs, instruct them to report to the office to conduct a drug test; depending upon the drug test results, you may need to submit a violation report to the sentencing authority. In other instances, you may be required to respond with a field visit. If you receive a tip that an offender has committed a new criminal offense, contact law enforcement and follow up as necessary.

☑ **CP627.1. Determine if a complaint regarding an offender under supervision is valid**

Once you have confirmed the validity of the information, determine if the complaint involves a violation of probation (VOP) by reviewing the offender's conditions of supervision. Depending on the severity or nature of the complaint, you may be required to notify chain of command immediately; a supervisor may need to provide a written response to the complainant within a specified time frame. Review orders of supervision, Department policy, and submit a violation report to the sentencing authority as necessary. If the complaint does not require submitting a violation to the sentencing authority, you may counsel the offender or make appropriate referrals. Document the incident in OBIS case notes.

☑ **CP627.2. Process a complaint regarding an offender under supervision, applying Department policy**

UNIT 3 INTERACTIONS WITH THE SENTENCING AUTHORITY

LESSON 1 MOTIONS TO THE SENTENCING AUTHORITY

Lesson Goal

At the end of this lesson, you will know how to provide a recommendation to the sentencing authority regarding offender progress and compliance with court orders or conditions of supervision, when offenders file motions regarding supervision.

Requests for Modifications

Sometimes offenders request modifications to the conditions of supervision. If requested, advise the sentencing authority of an offender's progress and compliance with conditions of supervision. Although OBIS can calculate many aspects of an offender's supervision, officer intervention and judgment are required to make a responsible recommendation regarding any modification to an offender's supervision.

File requests for modifications of supervision in the form of motions to the court by an offender, their attorney, or you. Examples of motions for modification might include requests to terminate supervision early, substitute community service hours for monetary obligations, request permission to travel, or remove or modify a curfew.

Preparing a Response

If you receive a motion, review it to determine the type of action needed. Review questions from the court or state officials about the motion. Consider an offender's case file, OBIS history, and specific information related to the offender before preparing a response for the sentencing authority.

☑ **CP631.1. Review an offender's information related to a motion to modify their conditions of supervision**

After reviewing all the information concerning an offender, prepare a summary of the offender's progress and compliance while on supervision. Make a recommendation to the sentencing authority to grant or deny the offender's request. Follow up with the sentencing authority to ensure the court filed your recommendation properly. The court may request your input in a modification hearing. After the sentencing authority makes a decision, review the decision with the offender. If new conditions of supervision are set, go over the new conditions with the offender to make sure they understand what is required for compliance.

☑ **CP631.2. Provide the sentencing authority with recommendations regarding an offender's motion for modification of conditions of supervision**

LESSON 2 PRESENTENCE INVESTIGATION

Lesson Goal

At the end of this lesson, you will be able to complete a presentence investigation (PSI) by conducting interviews, compiling and verifying necessary information, and providing a recommendation and assessment to the sentencing authority using the required forms.

Presentence Investigation

When the court finds the defendant in a criminal case guilty or the defendant pleads either *nolo contendere* or guilty, the court may order a presentence investigation (PSI). The primary purpose of the PSI is to provide the sentencing court with timely, relevant, and accurate data to assist the court in selecting the most appropriate disposition for the defendant. The secondary purpose of a PSI is to provide information for the correctional institution or probation office that may receive the defendant for supervision.

According to ss. 921.231 and 948.015, F.S., the court has the authority to order a PSI before sentencing an offender. The sentencing authority will rely on this information to determine and apply the appropriate sentence.

A PSI will provide the sentencing authority with the following information:

- an understanding of an offender's background
- offender's criminal offense(s)
- offender's life circumstances
- victim's loss or injury
- any statements regarding sentencing
- the officer's assessment and recommendation(s)

According to Department policy, you must complete the PSI within 21 calendar days if an offender is in custody. If the offender is not in custody, complete the PSI within 28 calendar days, providing more time to schedule and conduct an offender interview. The sentencing authority has the discretion to increase or decrease the PSI deadline.

☑ **CP632.1. Describe a court-ordered presentence investigation (PSI) to include Department time frames**

Compiling Information

The PSI form is a template that guides you through gathering and entering information into OBIS to complete the investigation. Obtain offender information from the state attorney's office, FCIC/NCIC, Comprehensive Case Information System (CCIS), other law enforcement agencies, records custodians, or people with knowledge of the case or the offender.

Common forms used to gather information when conducting a PSI can include:

- Pre-Plea Release form—a release from an offender, their attorney, and the state attorney, authorizing the Department to conduct the PSI when the offender has not pled or been found guilty of the charges

- Consent for Inspection and Release of Information form—used to obtain medical and treatment information
- Authorization and Release of Information form—signed by an offender and witnessed by the officer giving the Department permission to collect confidential information
- PSI Victim Impact form letter—a request to the victim to provide documentation of losses or injury because of an offender's criminal action
- Zero Tolerance for Victimization in the Schools form letter—a notice to the Department of Juvenile Justice (DJJ) when an offender and victim attend the same school

PSI investigations require that you gather many different types of information. The PSI form provides formatted sections to assist with organizing the information into manageable pieces for analysis. Review the court data you are able to gather, such as:

- ***instant offense*** (the primary offense for which the court ordered the PSI), criminal history, and codefendant sentencing status (if applicable)
- charge details
- State Attorney Information sheet (official charging document)
- plea agreement
- sheriff certification of time served (official record of time-served incarcerated on instant offense)
- scoresheet
- victim information

A PSI also includes an offender interview. This allows you to obtain the offender's personal demographics, family history, education, mental and physical health, substance and alcohol history, military and employment history, and offender statement, if provided. Depending on the circumstances, you may need to interview the victim, the victim's family, any witnesses, or the offender's family for additional information. Before conducting the interview, locate a suitable interview location. Conduct the interview with an offender who is not in custody at the field office. Either prepare for the interview with an offender who is in custody in an office or interview room in the jail or prison, or through a Department-approved video teleconference system.

During the interview, verify the offender's vital statistics, such as height, weight, hair color, address, next of kin, and gang affiliations. If the offender had a codefendant during the commission of the crime, document the codefendant's name, disposition of sentence, and DC number if applicable on the PSI form. Provide the sentencing authority with the offenses charged, legal status, plea agreement, and a precise description of the events that occurred during the commission of the crime. The offender may also want to make a personal statement to you during this interview.

Interview the victim to determine losses, injuries, required restitution, and a statement regarding sentencing. Document all attempts to locate the victim and contact the state attorney's office to obtain additional victim-related information.

The FCIC/NCIC databases can provide the background information you will need on any prior criminal justice history, including juvenile arrest history. The information in the offender's records may not be complete, and you might need to verify the disposition of any information not included in the FCIC/NCIC report through law enforcement agencies, juvenile justice, or the local clerk of court. Include the sealed prior record information, noting that the particular offense information is from a sealed record.

Include the following information in the PSI:

- education and employment summaries
- financial status
- family, marital, and residential history
- military history or status
- physical and mental health history

Other possible information to include in the investigation is any history of alcohol or substance abuse, statements from interested parties, and any other information relevant to the investigation. Make sure to contact the assistant state attorney, defense attorney, and arresting law enforcement officer to obtain any statements they may wish to include regarding an offender and the offender's case. Obtain a verifiable plan of action from the offender regarding their residence, employment, and any other recommendations the offender would like the court to consider, such as treatment or community service.

☑ **CP632.2. Assemble the necessary offender information for conducting a presentence investigation (PSI)**

Assessment and Recommendation

The information you have compiled on the offender will assist you in providing a clear and concise recommendation to the sentencing authority. Your recommendation must maintain a balance between the offender's re-entry into society and public safety. Your recommendations should include an assessment of the offender's likelihood to reoffend, the seriousness of the instant offense, prior criminal history, treatment needs, restitution, and the viability of the offender's plan of action. The recommendation should correspond with the Florida Statutes and Department policy. Present the results of the PSI to the sentencing authority in an organized and objective report.

☑ **CP632.3. Prepare organized and objective recommendations for offender sentencing based on PSI information**

Once you verify all the offender information in the PSI, finalize the investigation. Document all PSI activities in OBIS case notes. Submit the completed PSI to your supervisor for review and approval. The information contained in a PSI is confidential and released only to the sentencing authority.

☑ **CP632.4. Document an offender's information on the appropriate forms when conducting a presentence investigation**

Pre-plea Presentence Investigation

Before an offender pleads to charges, the sentencing authority may request a pre-plea presentence investigation (pre-plea PSI). The process to complete the pre-plea PSI is the same as the PSI; however, the interview portion must exclude questions related to the criminal offense and the offender's admission to the charges. The information contained in a pre-plea PSI must only reflect the information contained in the law enforcement officer's arrest report.

☑ **CP632.5. Describe a pre-plea presentence investigation when responding to the sentencing authority's request**

LESSON VOCABULARY

instant offense

LESSON 3 BOND REDUCTION

Lesson Goal

At the end of this lesson, you will know how to provide bond reduction information to the sentencing authority for an offender under supervision.

When an offender first appears before the sentencing authority for a new offense, they may receive the pretrial option of incarceration, bond, or bail. If the offender is not financially able to post a bond or make bail, allowing the release of the offender from incarceration until trial, the offender may choose to file a motion requesting a reduction of bond.

Preparing Bond Reduction Information

Your supervisor will assign a bond investigation when the sentencing authority requests information related to an offender's motion for bond reduction. Bond investigations assist the court in determining indigence, flight risk, and whether to release the offender on bond, released on own recognizance, or remain in custody. Offender information can include:

- the offender's residence and employment history
- prior criminal history
- any violation history of the offender
- the severity of current and any previous offense(s)
- the offender's degree of indigence
- the potential impact to the victim of the offender's release

The sentencing authority will use the information you provide to help determine an offender's flight risk, as well as any threat the offender poses to the community. When preparing bond reduction information for an offender, review all case files, including the status of special conditions. Consult with your supervisor before submitting the information to the sentencing authority.

☑ **CP633.1. Review an offender's information before providing bond reduction information to the sentencing authority**

Provisions in s. 948.06, F.S., state that if an offender's release would result in a danger to the community, the sentencing authority can deny bond and remand the offender. Alternatively, the court may decide to release the offender on bond or release the offender on their own recognizance.

The state attorney's office, judge's judicial assistant, or the offender's attorney may contact you with a list of specific questions or concerns related to the bond reduction request. Depending upon the circumstances, you may need to appear in court, or deliver your response by phone or email. Document all actions taken on this case in OBIS and complete the Bond Reduction Investigation form in a timely manner.

☑ **CP633.2. Provide bond reduction information to the sentencing authority for an offender under supervision**

Violent Felony Offender of Special Concern

If in the process of preparing a bond reduction recommendation, you discover that an offender meets the criteria for a violent felony offender of special concern, and that this designation has not been noted previously in the court records, you must inform the sentencing authority that the offender's case requires a special hearing. Section 948.06(8)(b)(c), F.S., defines a ***violent felony offender (VFO) of special concern*** as an offender sentenced under certain qualifying offenses, including kidnapping, false imprisonment, aggravated battery, robbery, burglary, certain sex offenses, or other violent crimes. The Anti-Murder Act of 2008 is a Florida law that created this special classification of offenders. The act requires VFOs who violate probation to remain in jail, ineligible for bond, until the court determines if the individual poses a danger to the community.

☑ **CP633.3. Notify the sentencing authority should an offender qualify as a violent felony offender (VFO) of special concern when preparing a bond reduction recommendation**

LESSON VOCABULARY

violent felony offender (VFO) of special concern

Lesson 4 Offenders as Informants

Lesson Goal

At the end of this lesson, you will know how to handle a request from law enforcement to use an offender under supervision as a confidential informant.

Confidential Informant

Sometimes law enforcement will ask an offender to serve as a confidential informant. You alone cannot provide approval for an offender to act as an informant. A ***confidential informant (CI)*** is a person who works undercover with law enforcement to obtain information relating to criminal activity. If an offender informs you that they are acting, or would like to act, as a confidential informant, request information from law enforcement regarding the offender's duties and the period of time they will act as an informant. Instruct the offender that they may not work, or continue to work, as a CI until the sentencing authority approves. Should law enforcement approach you about recruiting an offender to work as a CI, tell the officer or agency that you must first obtain approval from the sentencing authority. Duties performed as an informant may conflict with the conditions of supervision, potentially placing the offender in a situation that may jeopardize rehabilitation, or lead them to violate the conditions of supervision.

Notify your supervisor of any request to use an offender as a CI. Review the offender's conditions of supervision. Discuss with law enforcement the offender's status on supervision, criminal background, and social and behavioral information to determine if the offender would be a good candidate to work as a CI without jeopardizing the offender's safety.

☑ **CP634.1. Research the conditions of supervision for an offender requesting to serve as a confidential informant (CI)**

Section 914.28, F.S., known as Rachel's Law, places restrictions on the use of a CI to protect an offender and the integrity of the investigation. It requires agencies to provide training to officers who use confidential informants. Rachel's Law provides guidelines on the types of individuals who are suitable to use as confidential informants. Law enforcement must confirm with the informants that they may not receive reduced sentences in exchange for their cooperation. Individuals have the right to consult an attorney before agreeing to work as a confidential informant.

If you have obtained a supervisor's approval for an offender to serve as a CI, notify the sentencing authority, and secure a decision. In some jurisdictions and circumstances, it may be necessary to request a modification of supervision before approval, such as requesting suspension of the offender's curfew or community control requirements.

☑ **CP634.2. Secure the sentencing authority's approval for an offender to serve as a confidential informant (CI)**

If the sentencing authority authorizes an offender to act as a CI, maintain related information regarding the duties and time frames in an envelope marked "Confidential" in the offender case file. Do not disclose as public record any information or case material regarding the use of an offender as an informant, pursuant to s. 119.071(2)(f), F.S. Do not indicate in OBIS case notes that an offender is serving or has served as a CI. As part of Rachel's Law, s. 914.28(6), F.S., provides guidelines for CI document security and access.

☑ **CP634.3. Document confidential informant (CI) information as protected in the case file, applying the Florida Statutes**

LESSON VOCABULARY

confidential informant (CI)

Lesson 5 Recommendations for Early Termination

Lesson Goal

At the end of this lesson, you will be able to process a recommendation for an offender who qualifies for an early termination of supervision.

Early termination of supervision (ET) refers to ending an offender's supervision before the scheduled completion date. An offender may qualify for ET consideration by demonstrating ongoing compliance, or completion of the conditions of supervision. ET can be an incentive for an offender to successfully complete supervision. The sentencing authority, officer, or the offender can initiate the ET process.

Eligibility Verification

The OBIS-generated caseload management report may indicate in the early termination (ET) field of OBIS that an offender is a potential candidate for early termination of supervision. This report will prompt you to review potential candidates for ET, using a flag in the ET field.

To verify offender eligibility, review an offender's supervision orders issued by the sentencing authority. Some offender supervision orders may specifically state that the offender is ineligible for early termination. The offender may be eligible as long as all special conditions are complete and they continue to remain in compliance with all other conditions of supervision.

According to chapter 33-302.111, F.A.C., to consider an offender for early termination, they must have:

- completed one-half of the supervision period
- satisfied all financial obligations
- kept current on the cost of supervision
- completed all special conditions of supervision
- had no new arrests during supervision, not previously reported to the sentencing authority, based on an FCIC/NCIC records check
- received no pending violations
- received permission from the victim, supervisor, and state attorney.

☑ **CP635.1. Verify if an offender is eligible for early termination (ET) of supervision, applying Florida Administrative Code (F.A.C.)**

In cases where victims are involved, you must obtain the victim's permission before recommending a request for an early termination. Never disclose a victim's reason(s) for objection to an offender's early termination request. You must also gain permission from your supervisor and the state attorney's office. If your supervisor, the state attorney's office, or the victim denies the recommendation for an offender's early termination, you must stop the process.

☑ **CP635.2. Secure early termination (ET) permission from the sentencing authority for a qualifying offender, applying Florida Administrative Code (F.A.C.)**

An offender may meet the requirements for ET, as outlined in F.A.C.; however, the sentencing authority may deny an offender ET, depending on the circumstances of the case. For example, s. 948.04, F.S., provides that an offender convicted under chapter 794, F.S., sexual battery, or chapter 827, F.S., child abuse, is not eligible for early termination consideration. Before making a recommendation for ET, consider the following:

- seriousness of the offense or nature of the crime committed by an offender
- offender’s prior criminal and supervision history
- length or extent of current supervision already completed
- compliance with the provisions of s. 948.04, F.S.
- compliance with all other conditions of supervision

☑ **CP635.3. Identify additional considerations before recommending an offender for early termination (ET), applying the Florida Statutes**

After investigating an offender’s eligibility for ET, document in OBIS your recommendations for or against early termination. Submit the recommendation to your supervisor. If the recommendation is to approve the offender’s ET, and your supervisor approves, complete the Recommendation to Early Terminate Probation form. Send this form or a letter to the state attorney’s office to gain approval for the ET recommendation.

Once you receive approval from the state attorney’s office, complete an Order Terminating Probation form and a letter to the judge outlining an offender’s history of supervision and the reasons supporting your recommendation. The Order Terminating Probation form is a legal document that terminates an offender’s supervision once signed by a judge. Submit the form and the letter to the sentencing authority. The judge will make a decision whether to grant or deny the recommendation for early termination.

Once you receive the judge’s decision, update offender information in OBIS using the early termination review (ETR) default comment code.

Advise an Offender of the Judge’s Decision

F.A.C. 33-302.111(3) requires you to notify an offender of the judge’s decision once you receive a response to the recommendation. If the judge grants the request, provide the offender with a copy of the appropriate signed documentation. Review the restoration of civil rights process with the offender as previously discussed during the intake and orientation process. Follow Department policy in closing out the offender’s case.

☑ **CP635.4. Prepare a recommendation requesting early termination (ET) for an offender under supervision after meeting all qualifying criteria**

LESSON VOCABULARY

early termination of supervision (ET)

UNIT 4 OFFENDER VIOLATIONS

LESSON 1 INVESTIGATE AN OFFENDER'S FAILURE TO REPORT

Lesson Goal

At the end of this lesson, you will know what to do when an offender fails to report for a required monthly office visit.

Failure to Report

Offenders are required to report monthly, or as instructed by you. Investigate an offender's failure to report in a timely manner to determine if a VOP is necessary. There are many reasons why an offender may fail to report for supervision. Common reasons include:

- intentional failure to report
- failure to comply with the conditions of supervision and fear of arrest
- change of residence without permission or loss of residence
- avoidance of a substance abuse test
- incarceration
- admittance to a treatment facility or hospital
- death

When an offender fails to report for a required monthly visit, attempt to contact them via phone (home, cell, employer, family, or friends) to determine the reason for the offender's failure to report. Conduct a residential or field visit if necessary to verify why an offender has not reported for supervision.

You must be diligent in locating an unavailable offender. Make multiple attempts to contact the offender. Interview family members and attempt to obtain information on the offender's current location. If possible, schedule an appointment to meet with the offender.

Resources to Locate an Offender

Criminal justice databases may assist in locating an unavailable offender. Begin by checking OBIS to determine if someone made recent changes to the offender's contact information or status. Consult FCIC/NCIC to see if there is a recent arrest for an offender; if so, VINELink may provide information on incarceration location. Search the offender's name in CCIS for clerk of court files, which may indicate the offender's location. Check DAVID for recent address changes and vehicle information, and for the offender's emergency contact information. The Department provides limited access to social media as an additional tool to locate the offender. Contact the Department's absconder unit if necessary. Consult local newspapers sites for obituaries.

☑ **CP641.1. Investigate an offender's failure to report for the required monthly office visit**

Based on the nature of the failure to report, you may need to take follow-up action, which may include processing a VOP. If you determine that an offender is deceased, obtain the appropriate Department-approved documentation and submit a Court Order Terminating Probation form to the sentencing authority. Update OBIS case notes and appropriate screens.

☑ **CP641.2. Determine if an offender's failure to report requires any follow-up action, applying Department policy**

Absconders

When you have exhausted all possible attempts to locate an offender and their whereabouts are unknown, consider the offender an ***absconder***. Document all attempts to find the offender in case notes and discuss the results of your search with a supervisor. Prepare a violation report for the sentencing authority. Update the offender's status in OBIS in a timely manner. The Absconder Unit, located in the Central Office, will conduct annual criminal records checks on all absconders and, in the event of a new arrest, will notify the supervising officer.

☑ **CP641.3. Identify when to consider an offender under supervision as an absconder, applying Department policy**

LESSON VOCABULARY

absconder

Lesson 2 Responding to Offender Violations

Lesson Goal

At the end of this lesson, you will know how to respond to the common violations of probation, including the preparation of a technical violation notification letter, notice to appear (NTA), and release on own recognizance (ROR).

Types of Violations of Probation

You will encounter offenders who violate the conditions of supervision. You are responsible for investigating each alleged violation for willfulness and responding accordingly. This is a time-consuming yet critical aspect of your job.

There are two types of violations of probation:

1. ***new law violation (VIOA)*****—**when an offender is arrested or charged with a new criminal offense, including criminal traffic, misdemeanor, or felony offenses
2. ***technical violation (VIOT)***—when an offender fails to comply with any other condition of supervision (other than violating the law), for example:
    - failed urinalysis—an offender tests positive for a drug not prescribed to them by a physician.
    - change of residence without permission—an offender fails to report a change of residence before moving.
    - absconded
    - failure to pay monetary obligations—an offender fails to make court-ordered payments.
    - failure to report—an offender does not appear for the scheduled monthly visit with the officer.
    - failure to complete public service work
    - failure to follow special conditions imposed by the sentencing authority

☑ **CP642.1. Describe common violations of probation that an offender under supervision may commit**

In addition, you must determine whether a violation is willful or non-willful. A ***willful violation*** refers to a violation of probation (VOP) where an offender intentionally fails to make reasonable efforts to comply with the conditions of supervision. An example of a willful violation is an offender who has employment with the ability to pay restitution but refuses to make the required payments. A ***non-willful violation*** is a violation of probation (VOP) that occurs beyond the offender's control, such as an offender who becomes seriously ill and is unable to complete community service hours within their period of supervision.

☑ **CP642.2. Distinguish between willful and non-willful violations of probation when responding to an offender's violation of probation (VOP)**

Considerations for Reporting Violations

Before reporting a violation, consider the following:

- type of violation—new law violation or technical violation
- circumstances of violation—first “slip” or pattern; could circumstances of the violation have led to a crime or another violation?
- stability of an offender at the time of the violation
- type of offender or type of supervision
- seriousness of the violation
- outcome or disposition you recommend—if you are recommending a modification or revocation, there will be a hearing, and you will need a violation report, affidavit, and warrant or notice to appear (NTA)
- statutory requirements—Jessica Lunsford Act and Anti-Murder Act (VFO)
- length of time an offender has remaining on supervision—less than 90 days requires a violation report, affidavit, and warrant, or NTA
- authority given to you by the sentencing authority or Florida Commission on Offender Review to use a technical violation notification (TVN) letter, NTA hearing, or the Alternative Sanctions Program in lieu of a warrant.

☑ **CP642.3. List the considerations for reporting a technical or new law violation of probation (VOP) to the sentencing authority**

Methods for Reporting Technical Violations

Report technical violations to the releasing or sentencing authority in one of the following ways:

- violation report, affidavit, and warrant
- violation report, affidavit, and request for notice to appear/Reprimand Hearing
- violation report requesting no further action
- technical violation notification (TVN) letter recommending no further action, as authorized by the court or Florida Commission on Offender Review for specified violations
- Alternative Sanctions Program process

☑ **CP642.4. List the methods for reporting a technical violation of probation (VOP) to the sentencing authority**

Officer Responsibilities for Reporting

Section 948.06, F.S., addresses violations of probation. This statute gives you the authority to arrest, with or without a warrant, or process a VOP packet on an offender who is in non-compliance. Additionally, Department policy dictates how you perform your responsibilities related to an arrest.

Depending on the type of violation, you may have the option to use a technical violation notification(TVN) letter or a full VOP report. Report all violations to the sentencing authority and document in OBIS case notes. The sentencing authority may subpoena you for a violation hearing.

☑ **CP642.5. Identify your authority to respond to an offender who has violated their conditions of supervision, applying the Florida Statutes and Department policy**

Technical Violation Notification Letter

Judges have varying preferences on how they would like to receive violation notices. The Department therefore provides a judges' preference list. Depending on the circumstances of the case, the judges' preference list, and Department policy, you may use a technical violation notification letter (TVN) instead of a full VOP packet to report an offender's technical violation. You cannot use the TVN letter during the offender's last 90 days of supervision.

If acceptable, complete the TVN letter including specifics on the non-compliance issue(s) and officer comments. Submit the TVN to your supervisor for review. Once signed by a supervisor, document the circumstances of the technical violation in OBIS case notes and submit the TVN letter to the sentencing authority.

☑ **CP642.6. Prepare a technical violation notification (TVN) letter for the sentencing authority based on the judges' preference list**

Monitor the sentencing authority's response following the submission of a TVN letter. Perform the necessary actions based on the judge's response. Review and document the response from the sentencing authority with an offender and obtain the offender's signature of acknowledgement on the letter.

☑ **CP642.7. Review the sentencing authority's response to a technical violation notification (TVN) letter with an offender**

Notice to Appear

When submitting a VOP report, you can request an NTA in lieu of an arrest warrant. Depending on the circumstances, you may not consider a violation as willful and substantial. Examples of when you might recommend an NTA instead of an arrest warrant may include an offender who:

- is nearing the end of supervision and has not fully paid all fees.
- has some technical violations.
- has a specific type of positive urinalysis result.
- is unable to work enough hours.
- is not participating in a treatment program.
- is ill or disabled and cannot complete community service requirements.

☑ **CP642.8. Describe when a notice to appear (NTA) is the preferred action in lieu of an arrest warrant when submitting a VOP report**

Ensure an offender has a copy of the NTA. In some areas, you may be the person that serves the NTA. A notice to appear does not require the offender to appear for booking, just to appear at a hearing. Confirm on the NTA that the court included the hearing date on the document. Check administrative orders on the DC intranet to ensure the court in that circuit allows NTAs or does not have a restriction against them.

☑ **CP642.9. Describe how to process and serve a notice to appear (NTA)**

Release on Own Recognizance

Following an arrest of an offender, it is the judge's decision to release an offender on release on own recognizance (ROR). The judge may use a ROR for minor offender violations, releasing the offender without bail immediately following booking. According to Department policy, officers may not recommend that an offender be released on ROR or any other type of bond.

For both the NTA and ROR, you may consider telling an offender what your recommendation is; however, it is ultimately up to the judge regarding a final order. You may consider placing a notice on the front of the warrant or report to bring it to the attention of the judge that there is a recommendation accompanying the documents.

☑ **CP642.10. Describe when a release on own recognizance (ROR) is the preferred action when arresting an offender under supervision**

Conduct a background check, using FCIC/NCIC, to verify the status of a warrant on an offender under supervision and ensure the warrant is active. The Florida Commission on Offender Review can activate a warrant the same day and sometimes the same hour. In some cases, such as an out-of-county or out-of-state warrant, an active warrant may not appear in the system for up to two weeks.

☑ **CP642.11. Verify the status of a warrant using FCIC/NCIC when assisting with serving a warrant on an offender under supervision**

Should an offender have an out-of-county or out-of-state active warrant, determine if the offender is extraditable, or capable of surrender to the county or state holding the active warrant. Contact the state attorney in that jurisdiction to determine if another officer is willing to remove the offender from jail should you arrest and book the offender into jail. Based on resources in that jurisdiction, the Florida Commission on Offender Review, the state attorney, or sheriff's office may state that they are not willing to extradite the offender. Document all contact in case notes.

Sentencing Authority's Response to a Violation

When you charge an offender with a VIOA or VIOT, the sentencing authority may choose to:

- reinstate supervision—continue supervision with no additional sanctions.
- modify supervision—request a supervision change or add additional conditions.
- terminate supervision unsuccessfully—comparable to a "dishonorable discharge," terminates supervision without an offender satisfactorily completing all conditions.
- revoke supervision—discontinue current supervision and replace with a new period of supervision or incarceration.

The sentencing authority has broad discretion to determine whether to revoke an offender's probation and considers each violation on a case-by-case basis. The violation must be willful and substantial, and supported by the greater weight of the evidence.

One form of modification is the use of graduated sanctions; however, graduated sanctions may not apply in all circumstances. ***Graduated sanctions*** are measures that apply increasingly harsher punishments each time an offender violates a condition of supervision. Examples of common graduated sanctions include placing an offender on electronic monitoring, imposing community control, or drug offender probation.

☑ **CP642.12. Describe the possible actions the sentencing authority may take when responding to a technical or new law violation, applying the Florida Statutes**

LESSON VOCABULARY

graduated sanctions

new law violation (VIOA)

non-willful violation

technical violation (VIOT)

willful violation

LESSON 3 VIOLATION OF PROBATION PACKET

Lesson Goal

At the end of this lesson, you will know how to prepare and submit a violation of probation packet, including the violation report, affidavit, warrant, and amended violation of probation packet.

When you have reasonable grounds to believe that an offender has committed a willful violation of probation, you have a duty to report this information to the sentencing authority.

When investigating the circumstances surrounding the alleged violation, determine whether an offender has committed a violation using arrest reports, treatment facility feedback, information obtained from the offender, and criminal justice databases. Complete the VIOA and VIOT violation of probation packets in the same manner.

☑ **CP643.1. Determine the nature of an offender's violation to include in the violation of probation (VOP) report**

Violation of Probation Packet

The violation of probation packet consists of a violation report, affidavit, and warrant.

- Use a Violation Report form to notify the sentencing authority of an offender's violation. The report provides the court with the circumstances surrounding the alleged violation, a complete summary of the offender's supervision, and the officer's recommendation on sentencing.
- The affidavit, your factual and truthful sworn statement to the sentencing authority, is a charging document that provides a specific description of the alleged violation(s).
- The warrant is the official document signed by the sentencing authority ordering the arrest of the offender.

☑ **CP643.2. Identify the function of each component in a violation of probation (VOP) packet**

Consult the Judges' Preference List to determine how to submit a VOP packet. Some judges accept automated violation reports and notice to appear documents. ***Automated violation reports*** are computer generated using the information contained in OBIS.

☑ **CP643.3. Describe the methods of notifying a judge of an offender's non-compliance using the judges' preference list**

Violation of Probation Report

Once you have compiled all the necessary information, prepare an accurate and thorough violation report using the Department template. Depending on the circumstances of the violation, include the following information in one of the four sections of the template.

HOW THE VIOLATION OCCURRED

- describe circumstances of the violation
- the date and location of the violation
- circumstances or events surrounding the violation
- a description of an offender's conduct and attitude
- the names of any witnesses who have information concerning the violation
- the date the officer became aware of the violation
- any other pertinent facts and additional evidence

OFFENDER STATEMENT

- indicate an offender's version or explanation
- for technical violations, include an offender's reason or circumstances contributing to the non-compliance or behavior
- for a new arrest, an offender statement is not a mandatory requirement
- indicate, "statement not obtained" in this section, if necessary

HISTORY OF SUPERVISION

- adjudication status
- original sentence
- prior violation/dispositions
- criminal history
- residence
- employment
- restitution
- court costs/fines
- cost of supervision (COS)
- public service hours
- treatment status
- participation in vocational or educational program
- status of other special conditions

RECOMMENDATION

- Provide a fair assessment and recommendation.
- Identify the severity of the violation and the appropriate outcome or disposition.
- Develop an opening statement to indicate whether you are requesting a warrant, hearing without a warrant, no further action, and offender revocation, modification, or reinstatement.
- Include a summary of the violation(s) and analysis of possible solutions.

- Consider alternatives to revocation and incarceration to deter future non-compliance, if appropriate.
- Reflect a graduated response to address the non-compliance with conditions of supervision.
- If an offender meets Jessica Lunsford Act criteria, the recommendation must include adding electronic monitoring.

The VOP report should also include the following information:

- identify if the report contains confidential information
- provide details pertaining to an offender's case, such as case number, judge's name, DC identification number, and termination date
- a sworn witness or victim statement if a witness or victim has provided information on an alleged violation

☑ **CP643.4. Prepare a violation of probation (VOP) report using a Department template to provide a recommendation to the sentencing authority**

Your recommendation is a critical component in the VOP process. The judge relies on your familiarity with an offender and the case to assist in determining the sentence. Based on the VOP report, your recommendation should take into account the offender's risk to public safety, the sentencing scoresheet, and the use of graduated sanctions. State the factors that support your recommendations (e.g., an offender's attitude, positive urinalysis, an aggravating pattern of criminal behavior). The recommendations should also reflect a summary of the reason for the violation, as well as other required information.

☑ **CP643.5. Determine the appropriate recommendation based on an offender's history and nature of the non-compliance**

Affidavit

Prepare an affidavit if you have determined that an offender has violated the conditions of supervision. Gather supporting information to identify the alleged violation(s) or offense(s) committed by the offender, reviewing the offender case file and OBIS screens. Prepare an affidavit using the Violation of Probation affidavit form. You must sign the completed affidavit, as the affiant, in the presence of a notary and obtain approval from your supervisor. The ***affiant*** is the person attesting to the truthfulness of the affidavit. When describing the allegations, the affidavit must contain Department-approved wording and the following fields of information:

- offender's DC number
- docket (court case) number
- judge's name and designated division
- officer's name
- offender's name
- offender's date of sentence
- instant offense(s)
- county of sentence

- term (length) of supervision
- date of instruction on conditions of supervision
- name of instructing officer
- alleged violation(s)
- officer’s signature
- notary’s signature
- supervisor’s signature

☑ **CP643.6. Prepare an affidavit for a violation of probation (VOP), to include all required information, applying Department policy**

Warrant

A warrant is a two-page legal document authorizing the arrest of an offender who has violated conditions of supervision. The first page of the warrant contains information similar to the affidavit, with the addition of the judge’s signature block and custody preference. The warrant contains the following information:

- offender’s DC number
- docket (court) number
- judge’s name and designated division
- officer’s name
- offender’s name
- offender’s date of sentence
- instant offense(s)
- offender’s county of sentence
- offender’s term (length) of supervision
- alleged violation(s) (using Department-approved verbiage)
- judge’s signature block and judge’s custody preference
- photo of offender
- identifying offender data
- offender’s last known address (including contact numbers, and household members)
- offender’s last known employer
- offender’s place of birth
- vehicle information
- offender’s history of violence
- offender’s prior resisting arrest
- offender’s prior use or possession of a weapon
- interstate compact case (requires a waiver of extradition/requires court to issue a no bond warrant for nationwide pick up)

☑ **CP643.7. Prepare a warrant based on information from the violation of probation (VOP) report**

Submit the completed VOP packet to your supervisor within 5 days for review and approval before filing it with the sentencing authority. In the case of a warrantless arrest, the time frame requires submission of a VOP packet within 2 days. Monitor the submission of all VOP packets to ensure they are processed and filed timely. Document all VOP-related actions in OBIS case notes.

☑ **CP643.8. Produce all violation of probation (VOP) documentation needed for the sentencing authority and subsequent legal action**

Updating a VOP Packet

You may need to update a VOP packet to address additional violations, errors, or omissions. You must handle each component of the packet differently. While you may amend affidavits, violation reports require an addendum, and you must reissue warrants and obtain a judge's signature.

AMENDING AN AFFIDAVIT

Update the violation report and affidavit if you discover an additional violation, error, or omission after a VOP packet is processed. Additional violations or errors may come to your attention upon receipt of a FAM, a pre-termination review audit, a notice of a new arrest, a third party disclosure (citizen notification), or by a media report.

Using the original affidavit, add the word "amended" in the heading, and include the additional alleged violation(s). You must sign the amended affidavit in front of a witness.

PREPARING AN ADDENDUM TO A VOP REPORT

Using the original violation report, add the word "addendum" in the heading, and reference the original report date. Insert the new alleged violation(s) below the previous alleged violation(s). Include the circumstances and the offender's statement, if available. Review and revise your recommendation, if necessary. Addenda to the violation report require your signature. Your supervisor must approve and sign all addenda and amendments before submitting the updated VOP packet to the sentencing authority.

☑ **CP643.9. Amend an offender violation report and affidavit before submitting to a supervisor, within the Department-approved time frames**

LESSON VOCABULARY

affiant

automated violation reports

UNIT 5 SENTENCE MONITORING

LESSON 1 CONCURRENT, SPLIT, AND CONSECUTIVE SENTENCES

Lesson Goal

At the end of this lesson, you will be able to effectively monitor an offender serving concurrent, split, and consecutive sentences and provide the offender with reporting instructions.

Concurrent Sentences

The court can sentence offenders in multiple cases, counts, or counties to probationary periods that run concurrently or at the same time. Though these may be for different periods with different termination dates, each period of supervision is running simultaneously. You must supervise and address each case at the same time.

A ***concurrent sentence*** occurs when a judge sentences an offender for more than one crime to serve at the same time. For example, an offender is placed on probation for possession of cocaine (count one) and driving with a suspended license (count two). The offender receives two years' probation for count one and one year probation for count two, to run concurrently (at the same time). The offender will serve a total of two years.

☑ **CP651.1. Describe a concurrent sentence when monitoring an offender ordered to supervision**

When monitoring an offender with concurrent sentences, review the court documentation and the sentence structure screen in OBIS. OBIS calculates concurrent sentences automatically; however, you should always review the accuracy of the start and termination dates, as these can be complicated. For example, the court sentences an offender to one year of probation in Jones County to run from July 15, 2023 until July 14, 2024. Three months later, on October 15, 2023, the court sentences the same offender on another offense to one year of probation in Smith County to run concurrent with the first sentence. The second sentence will expire on October 14, 2024. The offender will therefore serve from July 15, 2023 (the start of the first sentence) to October 14, 2024 (the ending of the second sentence).

☑ **CP651.2. Review the accuracy of the release and termination dates of an offender with concurrent sentences**

Instruct an offender on the concurrent sentences and special conditions imposed by the sentencing authority. Monitor the beginning and end date of each sentence to ensure proper supervision, and keep the offender informed as each date approaches. Concurrent sentences do not necessarily begin or end at the same time.

☑ **CP651.3. Provide an offender with the termination date of the final sentence when monitoring concurrent probation sentences**

Split Sentences

A ***split sentence*** occurs when an offender who is serving a prison sentence has a subsequent probation sentence. The court order will specify that probation is to begin after the period of incarceration. For example, if the court sentences an offender to two years in prison followed by three years' probation, the sentence will be for a total of five years. Section 948.012, F.S., provides additional information.

☑ **CP651.4. Recognize when the sentencing authority sentences an offender under supervision to a split sentence**

Consecutive Sentences

Offenders may appear before a sentencing authority for multiple counts or cases. The sentencing authority has the option of running these sentences consecutively. This will result in an offender serving one sentence before starting the second one, therefore serving a longer period.

Consecutive sentences mean that an offender must serve multiple criminal sentences individually; when one sentence is over, the other sentence begins. The Department releases the offender from probation only after he or she serves each consecutive sentence. This applies to cases, but may also apply to each individual count to which the sentencing authority sentenced the offender. The court order will specify the amount of time for each count or case and the manner in which the offender will serve the time. For example, if the court sentences an offender on two cases or counts with consecutive sentences of ten years each, the sentence will be a total of twenty years. Section 921.16, F.S., provides additional information.

☑ **CP651.5. Recognize when the sentencing authority sentences an offender under supervision to consecutive sentences**

When supervising an offender serving consecutive or split sentences, review the court documentation and the sentence structure screen in OBIS for accuracy. Instruct the offender on the consecutive or split sentences and special conditions imposed by the sentencing authority. OBIS calculates termination dates automatically; however, you should monitor the beginning and end date of each consecutive sentence, and the tentative release date of a split sentence, to ensure proper supervision.

Consecutive Sentence Investigation

Consecutive sentence (CSEN) investigations are OBIS-assigned tasks that provide officers with the ability to monitor the termination date of each sentence for an offender serving consecutive or split sentences. CSEN investigations ensure officers maintain active supervision following each sentence. These investigations remind you that an offender, currently incarcerated but soon-to-be released, has supervision to follow. A CSEN investigation's due date is the scheduled release date of the offender. OBIS consistently assigns CSEN investigations to ensure you do not miss a release date, have a released offender fail to report, and are unaware of the failure.

☑ **CP651.6. Describe a consecutive sentence (CSEN) investigation when monitoring an offender under supervision**

Prison or jail correctional staff should contact the sentencing county's probation intake office before an offender's release. In the event correctional staff does not contact the intake office, there are a number of resources available to locate an incarcerated offender.

- OBIS institutional screens—contain information on an offender's prison incarceration location, release information, and release date.
- court disposition sheet—indicates whether an offender was sentenced to jail or prison.
- county jail records—provide release information and release date.
- VINELink database—compasses all state, county, and federal institution information to include the release date.
- Federal Bureau of Prisons website—provides information on offenders incarcerated in federal prisons.
- Immigration and Customs Enforcement records—provide information on offenders with an immigration hold or deportation.

☑ **CP651.7. Determine an offender's current location of incarceration and the release date when conducting a consecutive sentence (CSEN) investigation**

Contact the facility holding an offender to determine the Tentative Release Date (TRD). The offender's release date is tentative because their incarceration may be increased or decreased based on gain time or disciplinary action. Continue to monitor the release date as it approaches, using OBIS, VINELink, or by contacting the facility.

☑ **CP651.8. Monitor the release date of an offender with a consecutive or split sentence when supervising an offender**

Before release from incarceration, instruct an offender on the location, time, and date to report in person and on the conditions of supervision. Offenders must sign the orders of supervision and acknowledge the receipt of instruction. You may provide instructions on reporting requirements to the offender by the sentencing authority, prison or jail correctional staff, or another probation officer.

☑ **CP651.9. Notify an offender of reporting instructions before release from incarceration, ensuring offender acknowledgement**

Tolling

Tolling refers to the period of time in which community custody or confinement time is suspended and for which an offender does not receive credit towards the term ordered. This may affect the termination date of an offender's supervision. Incarceration is a common reason for tolling an offender's probation. Consult with the sentencing authority to determine if the judge will allow the offender to terminate supervision, if the probation should be tolled until disposition of any additional charges, or to identify the intent of the court regarding tolling.

When an offender on supervision is sentenced to incarceration for an unrelated offense, which occurred before their supervision, the Department will automatically toll the offender's probation for the entire period of incarceration on the prior crime. This will affect and extend the termination date of supervision. See State v. Savage, 589 So. 2d 1016 (1991).

If an offender commits a violation of probation and is taken into custody, the Department will not toll the offender's supervision for the period of time spent in custody. This will not affect the termination date of supervision. In the case of Gonzalez-Ramos v. State, 46 So.3d 67 (Fla. 5th DCA 2010), the Fifth District Court of Appeals ruled that tolling a period of probation is not valid unless the sentencing authority orders the offender's term of probation to be tolled for each violation.

☑ **CP651.10. Recognize when tolling applies to an offender's sentence, following court orders and applying case law**

LESSON VOCABULARY

concurrent sentence

consecutive sentences

split sentence

tolling

LESSON 2 IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINERS

Lesson Goal

At the end of this lesson, you will know what a detainer is and how a detainer issued by the U.S. Immigration and Customs Enforcement impacts an offender under supervision.

Under federal law, non-citizen offenders convicted of certain offenses can be deported. Immigration and Customs Enforcement (ICE) will place a detainer on an offender to remove them from the United States.

ICE Detainers

Immigration and Customs Enforcement (ICE) is the principal investigative branch of the U.S. Department of Homeland Security. It is responsible for the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. ICE relies on state and local law enforcement, including probation officers, to collaborate with them in the deportation of qualified offenders.

☑ **CP652.1. Describe the relationship between the Department of Corrections and Immigration and Customs Enforcement (ICE) when supervising an offender with a detainer**

A ***detainer***, or hold, is an official request from one criminal justice agency to another to take custody of an offender and hold the individual for transfer to the requesting agency. ICE issues detainers for potentially deportable offenders. If requested by ICE, arrange with the ICE agent a time and place to meet with the offender.

☑ **CP652.2. Describe the function of a detainer when managing an offender under supervision**

Even though an offender is in ICE custody, the offender remains under your supervision. If ICE detains the offender under your supervision, monitor the offender's custody and location by requesting monthly reports on the status of the offender's deportation from the ICE facility. There are specific locations in which ICE holds offenders who are awaiting a deportation hearing. These include Duval, Miami-Dade, Orange, and Wakulla Counties. You can also obtain the facility address and detained offender location by researching the ICE website. In OBIS, record the ICE facility street address on the Address screen and place the offender in non-reporting status.

You can obtain information regarding an offender's immigration status from various sources including jail or prison. Alternatively, you can verify custody status by performing a query on the ICE website or through FCIC/NCIC. This will confirm whether the offender remains in "pending deportation" status or has been deported. The listing will contain the offender's country of origin and date of removal. Another method to verify custody status is to contact an ICE agent and provide the offender's alien registration number. If the offender has a Florida driver's license or state identification card, the DAVID database may list the offender's alien registration number.

☑ **CP652.3. Review the custody status for release information when monitoring an offender under supervision with an Immigration and Customs Enforcement (ICE) detainer**

Monitoring a Deported Offender

ICE will hold an offender until they deport them to the offender’s country of origin, or decide that the offender will not be deported. At that time, ICE will notify the Department that ICE will return the offender to the Department of Corrections’ custody.

If you verify that an offender has been deported, update the offender in OBIS to a deported status. Conduct annual record checks during the term of supervision to ensure the offender has not reentered the United States or committed a new offense. Unless otherwise directed by the court, notify the sentencing authority of the deportation status before the offender’s scheduled termination date. Prepare a court order using a Court Order Terminating Probation form once the offender’s termination date has passed. Follow the appropriate steps for offender file closeout.

☑ **CP652.4. Review the status of a deported offender under supervision on an annual basis**

LESSON VOCABULARY

detainer

Immigration and Customs Enforcement (ICE)

LESSON 3 ADMINISTRATIVE PROBATION

Lesson Goal

At the end of this lesson, you will know how to monitor an offender sentenced to administrative probation.

You will recall that administrative probation is the least restrictive form of probation and refers to an offender placed in a non-reporting status by the sentencing authority. The primary condition for an offender under administrative probation is that they must remain arrest-free throughout the supervision period. The sentencing authority may order special conditions, such as payment of restitution or community service. Offenders convicted of certain offenses, such as kidnapping, false imprisonment, human trafficking, and elderly and child abuse, are ineligible for administrative probation.

When supervising an offender sentenced to administrative probation, review the court order to determine if the court imposed any special conditions. Unless the sentencing authority provides an exemption, the offender is required to pay a one-time administrative probation fee, determined by s. 948.013, F.S. Review the court order with the offender on the conditions of administrative probation. The offender should acknowledge and sign the Corrections Order Placing Defendant on Administrative Probation form.

☑ **CP653.1. Review the court order and conditions of administrative probation with an offender under supervision**

Monitor the offender by conducting FCIC/NCIC and local records checks at least once annually to determine if the offender has remained arrest-free. A local records check can include law enforcement calls for service to the offender's residence that did not result in an arrest, review of the circuit clerk of court records, and querying the CCIS database. Also, review any Florida Administrative Messages (FAMs) regarding the offender to determine if a violation of probation has occurred.

Report any violation(s) to the sentencing authority. Document all of your actions and any information in case notes.

☑ **CP653.2. Monitor an offender sentenced to administrative probation, applying the Florida Statutes and Department policy**

UNIT 6 SECURITY ISSUES

LESSON 1 MANIPULATION AND DECEPTION

Lesson Goal

At the end of this lesson, you will know how to respond to offender manipulation and deception.

Whether new or seasoned, you should be aware of the many tactics used by offenders to manipulate and deceive. Offenders are very observant and quick to notice details to use later for manipulation. Offender manipulation may start small and grow into something more serious that can end your career and even subject you to criminal prosecution.

Manipulation occurs when an offender attempts to get something they want by influencing the officer to do something the officer would not ordinarily do. Manipulation can be an isolated incident or an ongoing series of events. Manipulation may result in severe consequences for the officer or offender.

Deception is lying to, misleading, tricking, or fooling another person. Deception is usually immediate or may be a habitual behavior. Manipulation and deception are difficult to distinguish, but the ultimate goal is personal gain or to avoid disciplinary action.

Methods of Manipulation and Deception

Methods offenders use to manipulate and deceive officers can range from subtle to extreme, such as:

- attempting to create bonds with officers—an offender going above and beyond expectations in an attempt to get a favor or special consideration
- circumventing or disobeying rules—testing the boundaries of the supervising officer
- using special circumstances or situations—using a disability or illness to gain preferential or special treatment
- attempting to engage officers in casual non-supervisory-related conversation—requesting personal information regarding officers, asking where the officer is from, what school the officer attended, the officer's age or marital status, the number of children the officer has, or asking about the officer's favorite sports team
- spreading rumors about officers or attempting to turn one officer against another
- discussing information about one officer with another officer—"When Officer Doe was my officer he always allowed me to report when I wanted to."
- deflecting attention off themselves and on to another offender by talking about another offender with the officer to gain status
- over-familiarizing themselves with an officer—knowing enough about an officer to notice a change in the officer's routine
- attempting any illegal activity—for example, bribery, blackmail, or offering sex

Offenders of the opposite sex as well as young offenders may be more likely to try manipulation tactics. Offender family members or friends may also attempt manipulation.

☑ **CP661.1. Recognize the methods and signs of manipulation and deception when interacting with non-offenders and offenders under supervision**

Avoiding Manipulation and Deception

By staying alert and focused, you can protect yourself and other staff from being manipulated and deceived. When meeting with offenders, refrain from being overly friendly or giving out personal information. Do not engage in personal conversations with other staff members that offenders may overhear. Engaging in personal conversations and talking about other officers poses a serious safety and security risk. Avoid doing personal favors such as providing food and drink, or offering an offender a ride. Under no circumstances engage in sexual conversations or activities with offenders. This ethical violation could potentially result in dismissal or criminal charges.

☑ **CP661.2. Recognize common officer behaviors that may lead to manipulation and deception when interacting with an offender under supervision**

LESSON 2 GANGS AND SECURITY THREAT AND EXTREMIST GROUPS

Lesson Goal

At the end of this lesson, you will be able to recognize and gather detailed information about an offender's affiliation with security threat groups, gangs, or extremist groups. You will learn how to research in OBIS to determine if an offender has a classification as a security threat group member and how to document their findings in case notes.

During the initial interview with an offender, observations may lead you to suspect that the offender is a member of a gang or other extremist group. You may learn of an offender's gang association from other sources such as law enforcement, jails, prisons, arrest reports, court documents, and even other offenders. Familiarize yourself with gang culture, signs, symbols, and tattoos that may be indicative of affiliation with a particular group. It is imperative that officers identify this information in the interests of public and officer safety.

Criminal Gang

According to s. 874.03, F.S., a ***criminal gang*** is a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts. It consists of three or more persons who have a common name or common identifying signs, colors, or symbols, including, but not limited to, terrorist organizations and hate groups.

A criminal gang member is a person who meets two or more of the following criteria:

- admits to criminal gang membership
- identified as a criminal gang member by a parent or guardian
- identified as a criminal gang member by a documented reliable informant
- adopts the style of dress of a criminal gang
- adopts the use of a hand sign identified as used by a criminal gang
- has a tattoo identified as used by a criminal gang
- associates with one or more known criminal gang members
- identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information
- identified as a criminal gang member by physical evidence
- has been observed in the company of one or more known criminal gang members four or more times
- has authored any communication indicating responsibility for the commission of any crime by the criminal gang

Common activities performed by gangs include prostitution, selling drugs, drive by shootings, extortion, gun thefts, and carjacking.

Security Threat Group

A ***security threat group (STG)*** is a criminal enterprise, an organization of a continuing nature that engages repeatedly in acts of crime, and individually or collectively poses a safety or security threat within, as well as outside of, a correctional facility or probation office. Gang members do not recognize themselves as members of STGs. STG is a designation used by officers in correctional facilities to remove any glamour from being a member of these organizations and diffuse the power associated with being a "gang" member. Offenders idolize the lifestyle of a gang member and the term STG makes being a member less appealing.

☑ **CP662.1. Differentiate between a criminal gang and a security threat group (STG), applying the Florida Statutes**

Gang Types

Law enforcement identified hundreds of independent criminal street gangs from Pensacola to the Florida Keys. They operate in small rural towns, upper-middle class neighborhoods, schools, and other areas. Gangs vary by type and may fall into one or more of the following categories: traditional, non-traditional, hybrid, and transitional gangs.

Traditional gangs have a documented history, a written set of laws or codes, and can have an organizational structure. These gangs often have a leadership structure (implicit or explicit), codes of conduct, colors, special dress, signs, and symbols. A traditional gang may vary in characteristics of age, gender, community, ethnicity, or generation, as well as in the scope and nature of its criminal activities.

Non-traditional gangs can be without laws or codes but still have an organizational structure. Some examples include Haitian gangs, Jamaican Posse, and Asian Pride.

Hybrid gangs form within schools, neighborhoods, or regions, and in youthful offender, juvenile, and adult correctional facilities. These gangs can be composed of members from other gangs uniting to form a group. Hybrid gangs can also be composed of loosely organized individuals whose activities can be limited to specific geographic areas or neighborhoods. Examples include Cut Throat Committee (Jacksonville), Drak Boys (Tampa), MPR—Money, Power, Respect (Florida prison, Tampa area), 704 (or local area codes), Zoe Mafia, and Guatemalans Taking Over —GTO.

Transitional gang members are individuals or a group of gang members that come to prison and realign themselves with traditional and non-traditional gangs. For example, members of Sur-13 seek to become members of the Mexican Mafia once they enter the prison system. Larger, traditional gangs also recruit hybrid members.

☑ **CP662.2. Describe the four common types of gangs found in Florida**

Gang Identifiers

Gang members identify themselves and promote gang solidarity using the following identifiers: graffiti and tagging, tattoos, hand signs, clothing, and colors. These identifiers have special significance to each gang, and members go to great lengths to protect them from degradation by rival gangs. Officers should become familiar with gang identifiers and activities among offenders they supervise.

Tagging (graffiti) is defined as writing or drawings that have been scribbled, scratched, or sprayed illicitly on a wall or other surface in a public area. Gangs often use tagging to stake out or declare their presence in a given area, or state their opposition to another gang. Identifiers or icons often appear in combination. For example, you may see a star and a crown, which may reveal both the person's alliance and the specific gang to which the individual belongs.

Tattoos show commitment to a gang. They identify a member of a particular gang, symbolize that person's membership, record acts of violence, make a statement, or honor a fallen gang member.

Hand signs, made by forming letters or numbers with hands and fingers, communicate gang affiliation and a challenge to rival gangs. Hand signs, when used in a particular order, can be used as a form of communication, commonly referred to as throwing or stacking. Hand signals or graffiti put in a certain direction, such as upside down or sideways, denotes a sign of disrespect.

Clothing and jewelry is an additional outward display of gang affiliation. The manner in which members wear their clothes, as well as the colors and numbers represented on the clothing, are gang identifiers.

Colors have specific meanings to gang members and are part of a gang's ideology. Colors can represent the individual gang or the member's position within the gang. For instance, Skinheads may wear yellow shoelaces and identify themselves as "cop killers." Bloods identify with the color red. Latin Kings identify with the colors black and gold. Crips and Sur-13 identify with the color blue.

Music is also used as an expression of gang ideology and a form of communication.

☑ **CP662.3. Recognize when an offender under supervision may be associated with a gang or security threat group (STG)**

Extremists

Extremism is a term used to describe the actions or ideologies of individuals or groups outside the perceived political center of a society. In democratic societies, extremists are individuals or groups that advocate the replacement of the democracy with an authoritarian regime.

An extremist may be an individual working alone or an individual working within a group. There are many indicators that an individual may be an extremist. One sign may include withdrawal into a solitary lifestyle. These individuals may see outsiders as a threat to their lifestyle. They might also withdraw from family members and friends. In some cases, the individual may appear to fall off the radar for a length of time. These individuals may begin coveting and hoarding artifacts felt to be sacred or aligned with their cause. Examples of extremist groups may include Aryan Nation, Black Liberation Army, and the Ku Klux Klan.

Sovereign Citizens

The ***sovereign citizen*** movement consists of a subculture of society that holds antigovernment beliefs. Followers of the sovereign citizen movement participate either individually or in groups. Those who follow the sovereign ideology believe, as sovereign citizens, that they are subject only to "common law." They feel they are free from the taxes, regulations, and statutes established by what they believe to be an illegitimate government. Officers should be aware that offenders who are sovereign citizens might target officers by filing lawsuits and other legal documentation against them, sometimes referred to as ***paper terrorism***.

To protect government employees from paper terrorism, s. 817.535, F.S., prohibits sovereign citizens from filing false documents. Although sovereign citizens tend to fight the government through nuisance legal tactics, they may also become extremely violent. These individuals may ambush an officer in the office or the field after distracting them with confusing documents and animated arguments for sovereignty status.

☑ **CP662.4. Describe the characteristics of extremism, to include the sovereign citizen movement and its potential impact on officers**

Documenting Gang Association

If you suspect that an offender is a gang or STG member, search OBIS for a gang/STG flag. A known or previously observed gang or STG member is marked in OBIS as a "potential," "suspected," or "confirmed" gang member. OBIS records the name of the gang, the offender's rank, and any nickname or moniker, if known. Review the offender's supervision history screen in OBIS. Obtain information on the offender from local law enforcement, arrest reports, court documents, and Department gang/STG units. Contact the classification officer if the prison released an offender that is a known gang member. You may also find criminal justice databases helpful, such as FCIC and the criminal gang features of InSite, the intelligence-sharing database maintained by the Florida Department of Law Enforcement.

☑ **CP662.5 Identify an offender under supervision as affiliated with or a member of a gang or security threat group (STG)**

If OBIS has not already flagged an offender with a gang/STG designation and you suspect that they are associated with a gang, thoroughly document all suspected gang activity immediately after observation. Documenting this information provides useful intelligence to contribute to gang and STG databases. Your research and documentation helps to identify and label an offender as a gang member and allows the state attorney to prosecute the offender with enhanced penalties.

Apply the criteria identified in s. 874.04, F.S., and follow Department policy to denote an offender as a gang/STG member. Interview the member using the Security Threat Group Questionnaire. Complete a Security Threat Individual/Group Identification Worksheet.

Documentation or physical evidence is required for each criterion reported. You must digitally photograph tattoos. For male offenders, male officers should ask to see and photograph any tattoos; for female offenders, female officers should ask to see and photograph any tattoos. Even if an offender does not admit gang membership, any gang tattoos they possess qualify adding the offender to the gang database, ***Security Threat Operational Review Monitoring Systems (STORMS)***. STORMS is an internal intelligence-gathering tool designed to give the Department and others a blueprint of gang activities in Florida.

Photograph the offender's clothing, and any other observable identifiers. Gang members are often proud of their gang affiliation by posing for photographs while showing hand signs. Interview the offender to learn their nickname or moniker in the gang. Many gang members do not know the real name of an individual; however, members know other members by their monikers. You can search for added nicknames in STORMS.

☑ **CP662.6. Gather evidence that meets the criteria for documenting an offender's gang or security threat group (STG) affiliation, applying the Florida Statutes and Department policy**

Forward both forms and supporting documentation, through the chain of command, to the STG coordinator in your circuit for entry into STORMS. All gang/STG information and databases are exempt from public record. Consequently, be careful in documenting any gang-related information in OBIS case notes, as these are public record.

☑ **CP662.7. Describe the process for designating an offender under supervision as a gang or security threat group (STG) member, applying the Florida Statutes and Department policy**

Officer Safety Considerations

Use extreme caution when dealing with gang or STG members and extremists. Gangs, historically, have no respect for authority, and they typically do not honor the same rules and laws that govern society. Gang members use hand signs to silently communicate with other gang members to launch attacks against criminal justice officers. Some gang members may have military or law enforcement training. As a result, they may have advanced knowledge and training with combat and weapons tactics.

☑ **CP662.8. Recognize the importance of maintaining officer safety when dealing with an offender under supervision who is a member of a gang or security threat group (STG)**

LESSON VOCABULARY

criminal gang

extremism

hybrid gang

non-traditional gang

paper terrorism

security threat group (STG)

Security Threat Operational Review Monitoring Systems (STORMS)

sovereign citizen

tagging

traditional gang

transitional gang member

FIELD SUPERVISION

Course Number: CJK_0269

Course Hours: 80 hours

Course Structure: 6 units, 15 lessons

Course Outcomes

At the end of this course, you will be able to:

- ✓ apply officer safety and survival techniques
- ✓ practice teamwork
- ✓ participate in community-policing partnerships
- ✓ recognize illegal drugs and paraphernalia, including meth labs
- ✓ respond to a hazardous material encounter
- ✓ respond to a domestic violence situation
- ✓ report abuse, neglect, or abandonment of a child, elder, or vulnerable adult
- ✓ recognize a situation involving human trafficking
- ✓ verify an offender's residence
- ✓ conduct a routine walk-through
- ✓ prepare for and conduct a search of an offender's residence and vehicle
- ✓ collect evidence
- ✓ execute an arrest warrant

Course Requirements

Students are responsible for reading and reviewing all course-related material. You are required to attend classroom lectures that include the topics listed below and participate in practical exercises. Several role-play exercises will help you conduct fieldwork effectively and safely. There will also be a written exam covering all of the course content.

Required Text/Materials

Florida Basic Recruit Training Program: Correctional Probation Officer, Vol.1 (Chapter 7)
Florida Statutes
Computer with access to OBIS, the DC intranet, and criminal justice databases
OBIS Manual and Screen Directory
COPS Manual

Information Provided by Training Center

- course schedule
- attendance policy
- grading policy
- instructor’s office hours and contact information

Chapter Introduction

Portions of your duties as a probation officer extend beyond the office. Officers routinely conduct offender supervision in the community, known as field supervision. This entails visits to the offender’s residence, places of employment, and any other locations related to the offender’s life. Being keenly aware of safety concerns is paramount to successful field supervision. Your field presence is critical to building partnerships in the community and with other criminal justice agencies to maintain public safety and ensure the offender’s successful re-entry into society.

COURSE OUTLINE

UNIT 1 BASIC FIELD SUPERVISION SKILLS

LESSON 1 OFFICER SAFETY

Lesson Goal

At the end of this lesson, you will understand the importance of applying safety and survival techniques when performing the duties of a probation officer, including maintaining Department-assigned and optional safety equipment.

Officer safety is a concept that combines command presence, situational awareness, and a survival mindset. Thinking about officer safety can reduce the amount of stress you experience, maintain public safety, keep the offender alive, and keep you alive. Every situation presents a variety of safety concerns. Whether you are conducting a residence visit, search, or interacting with the public, officer safety needs to be your automatic response in any situation. Never assume that any residence or employment visit is routine. Conducting fieldwork without the appropriate mindset or attitude may encourage complacency during a potentially life-threatening situation. The ability to remain alert and observe your surroundings is crucial for any officer.

Officer safety is just as important during offender office visits, as the majority of use of force reports occur in this setting. Avoid becoming complacent when performing tasks in your office. While your role as an officer requires you to confront dangerous situations, your training and experience will help you remain aware throughout your daily routine. Losing focus or awareness of your situation can increase the danger to yourself, your coworkers, and offenders in the field office.

Command Presence

Command presence is projecting a positive self-image that earns the respect of offenders and the public you serve. This is your public image, and how you will be perceived as an officer. Your professional demeanor and confidence are exhibited through personal appearance, posture, alertness, and attention to your surroundings. Command presence is the most valuable non-verbal tool for officer safety.

Your appearance is the first non-verbal message you send in any meeting or interaction with another person. Dress professionally at all times; however, be prepared for any scenario. Officers should avoid wearing clothing that may limit their ability to perform such tasks as pursuing an offender. Consider wearing dress pants, a polo shirt, and comfortable shoes. What you wear, how you talk, and the way you behave should clearly say, “I am your probation officer.”

Situational Awareness

Command presence also includes situational awareness. ***Situational awareness*** is the understanding of the totality of your circumstances and surroundings. It contributes to officer safety and requires maintaining a high level of alertness at all times. When conducting fieldwork, mentally visualize anticipated officer safety concerns and formulate options for responding. Staying mentally alert and ahead of any officer safety issues should become automatic for you.

Positioning

Positioning is placing yourself in a tactically advantageous location where you can best use your senses to determine what is occurring in your vicinity, while remaining in a safe place. Distance yourself far enough away to maintain officer safety but close enough to observe the situation. A safe distance will vary, based on the size of the area and the demeanor and number of people involved. Place yourself in a position where you can hear what is going on around you. Proper positioning allows you to hear the conversation and demonstrates that you are paying attention. Always face offenders when speaking to them. This will permit you to use your peripheral vision to monitor nearby activities. Scan your environment constantly to maintain awareness of any activity in the vicinity. Pay attention to any non-verbal cues and body language of individuals or groups. Monitor any erratic mood changes, emotional outbursts, threatening behavior, or energy level changes in an offender or another person that may present officer safety concerns. Always be aware of your escape route.

☑ **CP711.1. Describe the roles of command presence, situational awareness, and positioning when applying officer safety in the field**

Using Your Senses

Sight is the predominant sense that you use. Be aware of various environmental and physical factors that can affect your vision, such as lighting, which can distort your perception or acuity. Dimly lit objects tend to blend into the background and are harder to distinguish. Ambient sounds, such as traffic and noise from residences or the environment, may impair your ability to recognize auditory cues that indicate a situational change. Odors in an outdoor environment can mask other hazardous vapors, which can temporarily diminish your sense of smell. Be keenly aware of dangerous or illegal substance odors. You may smell gasoline, petroleum products, natural gas, gunpowder, chlorine gas, or ammonia, which can impose an immediate threat. Using touch during a search or pat down always poses officer safety concerns that you can mitigate by applying personal protective equipment (PPE). Never use taste or smell as a way of identifying an unknown substance, such as drugs or chemicals found in the field.

Observation Versus Perception

Always be aware of your surroundings in the field and in the office. Your observations are what you see or what you know to be true based on what you see. Observation skills can improve through practice and allow you to focus on usual or unusual situations or behaviors. Use observation skills to note someone’s appearance, height, weight, hair, clothing, approximate age, and any other distinguishing traits. Ask yourself some of the following questions:

- What does the offender’s body stance, posture, or positioning indicate?
- What does the offender’s facial expression show?
- Is the offender physically reaching for something or someone?
- Is there a communication barrier?
- What do the tone, volume, and pitch of the offender’s voice suggest?
- Is the area defensible?

- Do I need assistance?
- Could other parties in the vicinity become involved?

Your perception, or your interpretation of a situation, can be biased, and not necessarily based on fact. Observe and analyze the entire situation before taking any action. Do not always believe what you observe to be true and factual; always verify information. An offender can sometimes appear to comply with their conditions of supervision, when in actuality they are not. For example, during a routine residence visit, you notice liquor bottles in the offender's home, and the offender has a condition not to be using any alcohol while on probation.

☑ **CP711.2. Describe the importance of using your senses to observe versus perceive a situation when applying officer safety in the field**

Preparedness

Being prepared is another valuable officer safety technique. Planning will develop a higher level of self-confidence, which will encourage respect in relationships with team members and offenders. Build relationships with local law enforcement, maintain contact information, and have a plan for backup or requesting assistance. Become familiar with the facts about your offender, such as their neighborhood or work environment, family members, and pets. Before conducting any field supervision, conduct research regarding the residence or place of employment. Is the residence or building clearly marked? Do you need an entrance code to a gated community or complex? Is there a separate exit to the apartment complex? Does the yard have a gate around it? Where are the septic tank and drain field located? (Your vehicle can collapse the system.) Who is currently living in or visiting within the residence, and do they understand the offender's conditions of supervision? Does the employer understand the offender's conditions of supervision? Asking all of these critical questions can help you avoid possible dangerous situations.

☑ **CP711.3. Describe the importance of being prepared before and while conducting fieldwork activities**

Avoid Emotional or Rash Actions

Rely on your training and experience, not emotional reactions, to perform officer duties safely. Avoid contributing to the escalation of a situation. Your behavior is your responsibility. Be aware of your own anger management issues, stress level, and potential emotional response in a given situation. Do not allow an offender to touch you, especially if they are yelling or otherwise disturbing the peace. You are in control of the situation, not the offender; make that conscious choice to be in control and leave the situation before it gets out of control.

Avoid Complacency

Complacency is an overly comfortable or relaxed state of mind, which may lull you into a false sense of safety and security. Complacency contributes to criminal justice officer deaths. When you are complacent, you are not fully aware of what is happening or what could be happening in a situation. Do not ever assume any situation will be the same as another.

Always be on guard and aware. Offenders build a rapport with you to build complacency. Offenders presume complacency; however, you are the probation officer, not a friend, or a parent.

☑ **CP711.4. Describe the behaviors to avoid when maintaining officer safety in the field**

Survival Mindset

Survival mindset is a mental attitude to manage stress during dangerous situations. It requires you to actively control yourself by being prepared to survive, being able to control your fears, managing your emotions, and putting your ego aside. Maintain a survival mindset under the stress of a dangerous situation; "Not today, I am going home today." Revert to your training, think about situational awareness, and be alert for additional dangers. Remain calm and avoid narrowing your field of awareness during a stressful event, also known as tunnel vision, as you could ignore other potential hazards. Calculate an escape plan for every situation you encounter and maintain easy access to an exit. Be prepared tactically and physically to meet the demands of confronting dangerous situations. Use mental and physical conditioning, and practice tactical preparedness to respond quickly, effectively, and safely to any situation, on or off duty.

☑ **CP711.5. Apply basic officer survival techniques throughout the performance of your job duties**

Offender Responses to a Threatening Situation

When an offender perceives a threat or experiences excessive stress, their body reacts automatically, triggering the "fight, flight, freeze" responses, such as:

- increase in respiratory rate
- pupils dilate
- intense awareness
- sharpened sight
- quicker impulses
- incoherent speech, altered voice inflection
- diminished perception of pain

In this type of situation, remember that an offender is not thinking rationally, is overreacting, and is responding to the situation based on fear. This human response to stress can include body language that indicates the offender is posturing, such as intruding into your personal space, or making a threatening gesture. You may encounter the opposite reaction as well, such as submission, immobility, or withdrawal. Regardless of the offender's response to a threatening situation, your immediate consideration should be officer safety and survival at all times.

☑ **CP711.6. Recognize the offender responses to a threatening situation that can prompt you to employ immediate safety and survival techniques**

Cover and Concealment

Before conducting field supervision, if you suspect or determine that a residence or employment visit may pose significant officer safety concerns, consider recruiting another officer to provide cover. As the contact officer, or officer responsible for the field visit, use a cover officer to provide officer safety. Working as a team, the cover officer is responsible for providing safety assistance to the contact officer, and has limited interaction with the offender.

Plan your route to the location to avoid driving past the residence, alerting the offender to your arrival. Determine the safest approach that will protect you, your cover officer, and the public. Once you arrive, determine the most appropriate place to park. Do not park over the septic tank or drain field. Consider factors such as access to the location by backup or first responders, the ability to evacuate quickly, and the availability of cover and concealment. Both you and the cover officer should get out of the car together after arriving at the field visit location. Lock your vehicle after parking, as well as when driving.

Cover, such as automobile engine blocks, brick walls, dirt embankments, concrete, steel, and thick wood, can protect you from incoming gunfire. ***Concealment*** can provide camouflage but will not stop incoming gunfire. Examples of concealment can include shrubs or fences that can keep you hidden and provide a position for observation. The best choice when officer safety is a concern upon arriving is to use cover rather than concealment.

At the conclusion of the field supervision visit, do not remain parked in the driveway or in front of the residence or place of employment. For officer safety, relocate your vehicle to a secure location to take field notes, talk on the phone, or conduct any additional field supervision duties.

☑ **CP711.7. Apply the cover and concealment technique when approaching any situation in the field**

Canines

Always ask if the offender has pets, such as dogs, before conducting any field supervision. Dogs pose a considerable threat to officer safety during residential visits. Do not allow the offender to persuade you that their dog is friendly and will not attack you. Provide the offender with instructions to kennel, tether, or isolate pets securely in a space you will not walk through. Be sure to ask the offender if they know about any stray dogs or any neighborhood dogs that may not be contained. You have the authority to insist that someone contain these dogs before your visit.

☑ **CP711.8. Recognize officer safety concerns related to offenders' pets, emphasizing unsecured canines**

Maintain Safety Equipment

Officer safety includes maintaining your vehicle and any assigned or optional safety equipment. Guidelines for inspecting your vehicle include checking the proper fluid and gas levels, electrical wiring, belts, hoses, and tires. Failing to conduct routine inspections of your vehicle could place you at risk for potential safety hazards, such as the inability to exit a situation.

Before going out into the field, determine if your safety equipment is faulty or broken and needs maintenance. It is your responsibility to follow Department policy or the maintenance requirements provided by the manufacturer of the equipment. Do not place yourself in a situation where your life or someone else's life depends on the functionality of your safety equipment and you have not conducted routine maintenance on the equipment.

ASSIGNED OR OPTIONAL EQUIPMENT

In addition to applying officer safety and survival techniques, your assigned or optional equipment can protect you during threatening situations. Assigned equipment can include a flashlight, cell phone, official identification badge, PPE, handcuffs and key, OC spray as an intermediate weapon, and body armor. Optional equipment can include a firearm, firearm card, and ammunition.

☑ **CP711.9. Distinguish between commonly assigned and optional equipment that a probation officer can use when performing their duties**

SAFETY EQUIPMENT FUNCTIONALITY

Routinely verify and document the functionality of all assigned and optional safety equipment. This may involve transporting specific equipment to a location that can provide maintenance as designated by the Department or the manufacturers' requirements.

- Test your flashlight batteries by turning on the flashlight to determine if the beam is bright enough for visibility in darkness. Open the battery casing to see if there is any battery leakage and to monitor the expiration date of the batteries.
- Keep your cell phone charged and ready by powering it overnight and carrying a charging mechanism in your vehicle for power in the field. Maintain an emergency phone list. While in the field, always have your cell phone on.
- Keep your identification, such as Department-issued staff identification, on your person when on duty.
- Carry your badge with you when on duty and keep it displayed if you are carrying a firearm.
- Keep PPE, such as gloves, in your vehicle or on your person. These will come in handy when conducting searches or pat downs of offenders.
- Keep your handcuffs clean and in working order and be sure you have the key. Never use handcuffs as a weapon.
- Inspect your OC spray canister and replace it if necessary. Follow the manufacturer's recommendations and expiration dates to maintain the canister in proper working order.
- Inspect your body armor for any required repair or replacement. Keep it clean and dry, store it properly (lay on flat surface), and replace every 5 years or as recommended by the manufacturer.
- Maintain your firearm routinely. Keep it clean and loaded, and check the functionality. Before cleaning or handling your firearm, make sure that it is unloaded and pointed in a safe direction. Never clean a loaded firearm. Store your firearm when off duty according to chapter 790, F.S.
- Rotate your ammunition as required by the Department.

☑ **CP711.10. Routinely verify the functionality of all assigned and optional safety equipment**

☑ **CP711.11. Transport the safety equipment to the appropriate personnel for regular maintenance, following manufacturer's recommendations and Department policy**

☑ **CP711.12. Practice a high level of responsibility when maintaining all safety equipment**

It is your responsibility to notify the appropriate personnel of damaged or lost assigned safety equipment. It is also your responsibility to maintain your safety equipment and document that maintenance on Department-approved forms or reports.

☑ **CP711.13. Document all safety equipment inspections and maintenance, applying Department policy**

Being prepared for field supervision can provide for officer safety and allow you to respond effectively and professionally to a threatening situation. Maintain awareness of your surroundings to include verbal and non-verbal cues from the offender, their family or friends, and any bystanders. Apply situational awareness, continually evaluate for any threat level by using information you have gathered, the location, personal knowledge of the parties involved, and your observations. Avoid complacency. You may have conducted 5,000 residence visits; however, it may be the 5,001st visit that is threatening.

LESSON VOCABULARY

complacency

concealment

cover

officer safety

positioning

situational awareness

survival mindset

LESSON 2 TEAMWORK

Lesson Goal

At the end of this lesson, you will understand the importance of practicing teamwork when performing the duties of a probation officer.

A team is a group of people working together towards a common goal. Team members must trust each other and have a clear understanding of each other's roles and responsibilities. Team members must communicate openly and effectively, appreciating each other's diverse perspectives and experiences. Maintaining focus on the team's group dynamics is just as important as concentrating on results and achievements. You will function as part of a team throughout your career, whether in the office or in the field.

Functioning as a Team

Working as a team can create a wider variety of ideas and innovation; it creates the ability to mitigate risky situations better than an individual officer could manage. Team members can motivate and exchange ideas with one another, as a group has a wider variety of skills and experiences to solve problems and meet challenges. Working in a team can provide mentoring and support for each other.

Why work as a team?

- reduced risk—you are building trust with coworkers who can later have your back
- contact and cover—you want someone you trust to accompany you during field supervision
- officer safety—you want someone you trust to look out for you in dangerous situations
- other officers rely on your job performance—they may inherit the quality, or lack of quality, of your work with an offender, and can benefit from timely, thorough case notes and case files
- to create an environment of support, enhances the confidence of other officers
- to balance the strengths and weakness of individuals.

☑ **CP712.1. Describe the benefits of functioning as a team when performing the duties of a probation officer**

Who is on your team?

- anyone in the criminal justice system locally, statewide, and nation wide
- coworkers in your office—other probation officers, supervisors, and administrative staff
- anyone in the Department of Corrections, including canine teams
- immediate team—people you work directly with every day, local law enforcement, members of the court, the sentencing authority, prosecutors, judges
- extended team—support in the community that can help the offender find employment, treatment providers, homeless shelters, assisted living facilities, and the offender's family and friends.

☑ **CP712.2. List possible members of your team when performing the duties of a probation officer**

What is your role on the team and how will you perform your role?

- provide quality work, honesty, integrity, respect, reliability, dependability, and competence
- work towards a common goal—keep the public safe, promote offender success during supervision, and assist offender to reintegrate into society successfully and productively
- respect innovation—all members should be adaptable and open to change for the benefit of the team
- trust information from other professionals—not family members or friends
- be a team player—if you want assistance you have to be willing to give it, willingly assist another officer as a cover officer during field visits
- take pride in your job performance and personal appearance
- take responsibility for your actions and decisions, do not sit around and wait for someone to tell you to do something
- be confident, comfortable, and knowledgeable to make independent decisions—other officers need to have confidence that you can think independently
- work toward building trust by being dependable, consistent, fair, and following the rules
- exercise good decision making
- trust in the competence of other officers and staff
- trust supervisor guidance

☑ **CP712.3. Describe your role as an effective team member, working towards a common goal**

Teamwork in High-Risk Situations

High-risk situations can pose significant officer safety concerns if you are not functioning as a team. Ineffective communication, not being accurate and thorough with documentation of offender information, can have life-threatening consequences for the officer in the field. An unwillingness to cooperate with the team goals can increase offender failure rates, damage cohesiveness of office staff, and lower overall morale.

Ineffective teamwork can reflect badly on the Department and law enforcement officers in general. Not presenting a unified front to the public can make your work in the field more challenging. Weak teamwork can affect the efficiency of the team, lower productivity, and make it difficult for everyone to meet deadlines. Not functioning as a team can damage work relationships, build resentment, and can promote a hostile work environment. You do not want to find yourself in a high-risk situation and be unable to count on the people you work with every day for support.

☑ **CP712.4. Identify the consequences of not functioning as a team during high-risk situations**

Communication

As a team member, be responsible and up-to-date with Department policy. Share your awareness of any changes or updates with fellow officers. They may not be aware of policy changes or unsure of how the policy changes affect their work. This input will go a long way towards building trust with fellow officers and staff.

Be willing to recognize that someone on your team may have an area of expertise that can benefit the team. Avoid allowing your ego to get in the way of progress and innovation in the workplace. Mentor new staff when you have the opportunity. Display empathy, not sympathy, when appropriate, and treat people courteously and with dignity.

Always display respect for your chain of command, even if you have a different opinion. It is important to foster mutual respect between you and your management team, as that can allow for communication of new ideas to flow up the chain of command.

☑ **CP712.5. Apply effective communication and Department policy when functioning as a team**

LESSON 3 COMMUNITY-POLICING PARTNERSHIPS

Lesson Goal

At the end of this lesson, you will understand the importance of participating in community-policing partnerships when representing the Department of Corrections in a professional manner.

The goal of ***community policing*** promotes organizational strategies that support the systemic use of partnerships and problem-solving techniques to proactively address public safety issues such as crime, social disorder, and fear of crime. Your role is to collaborate with the community and criminal justice agencies with the goal of improving efforts and strategies for providing supervision of offenders under community supervision. As you work in the field supervising offenders, community-oriented policing will assist in keeping you safe and enabling your offenders to be successful. Community-oriented policing has three core components: community partnerships, problem-solving, and organizational transformation

Community-Policing Organizational Transformation

Organizational transformation refers to the orientation of command staff at all levels to support community partnerships and proactive problem-solving. Key components of organizational transformation include:

- agency management—leadership, decision-making, planning and policies, organizational evaluations, agency accountability, transparency
- organizational structure—geographic assignment and de-specialization of officers, horizontal organizational structure, resources, and finances
- personnel—recruitment, hiring, and selection, personnel evaluation and supervision, training
- technology and information systems—communication, access to data, quality and accuracy of data

☑ **CP713.1. Describe the role of community-policing organizational transformation when performing your duties as a probation officer**

Community-Policing Problem-Solving

Problem-solving is the proactive examination of community problems to develop and evaluate effective criminal justice responses. Key components of problem-solving include:

- Scanning—identifying and prioritizing problems
- Analysis—investigating what is known about the problem
- Response—developing solutions to reduce the problems
- Assessment—evaluating the success of the solution
- Using the victim, offender, and location to focus on immediate conditions.

☑ **CP713.2. Describe the role of community-policing problem-solving when performing your duties as a probation officer**

Community-Policing Partnerships

Community-policing partnerships increase understanding and trust between you and community members. Possible community-policing partners can include law enforcement representatives (elected, sworn, or civilian), government representatives (such as public housing and mental health agencies), and community representatives (local businesses, professional groups, and neighborhood leaders and watch groups).

These community partnerships are essential in developing the second component of community-oriented-policing, problem-solving. Community-policing partnerships allow you to develop long-term, proactive programs and strategies to address local problems. These positive and professional relationships exist to inform you about specific crime-related issues in the community, while establishing a rapport and understanding with the public.

An ***interagency agreement*** is a formalized agreement template that contains the principles of the community-policing partnership. A circuit administrator and the appropriate agency head of the partnering organization or agency will review and sign any agreements.

☑ **CP713.3. Describe the role of community-policing partnerships when performing your duties as a probation officer**

Community-Policing Activities

Community-policing activities develop cooperative supervision and enforcement efforts to enhance public safety. These events can include attending chili cook-offs, festivals, and fairs; or attending speaking engagements, council or task force meetings, job fairs or other school or community events.

Community-policing activities require a limited amount of planning, following Department policy and standard guidelines. Before the event, meet with a circuit administrator or supervisor to review the objectives, procedures, and your role(s). This is also an opportunity to network with other criminal justice agencies, exchange information, and develop a tactical plan for the event.

Maintain a high level of professional behavior throughout the event. Work in teams with at least one law enforcement officer or supervisor during a community-policing operation. Take the necessary Department-issued equipment into the field and wear soft body armor to ensure your safety in accordance with the Field Safety Equipment procedure.

Some events may require that you contact the offender; other events may only require officer presence. For example, you are attending an Easter egg hunt in a community park. You identify an offender, who is on sex offender probation, walking their dog in the park. Should you need assistance, remember to participate only within the scope of your training, authority, and certification when assisting law enforcement in the performance of their duties. If confrontational situations with offenders occur, act in accordance with the Use of Force in Community Corrections Procedure.

☑ **CP713.4. Participate in planned community-policing activities, maintaining a professional demeanor and applying officer safety**

Criminal Justice Partnerships

You may be involved in intelligence or information sharing that can be helpful in identifying or locating suspects of crimes. Law enforcement intelligence information is confidential. You can share it only with appropriate staff involved in the supervision of offenders. You may not disclose an offender's confidential medical information, applying HIPAA, unless the sentencing authority directs you or if authorized by law. This includes the offender's HIV status, mental health conditions, or substance abuse treatment records. Do not distribute or share this information with individuals outside the Department.

Promoting an exchange of information between criminal justice agencies will strengthen the relationship between the Department of Corrections and other criminal justice agencies. Local partnerships can include:

- police departments
- sheriff's offices
- code enforcement
- animal control

Building relationships statewide can include the following departments:

- Florida Department of Law Enforcement (FDLE)
    - Child Abduction Response Team (CART)
- Florida Highway Patrol (FHP)
- Department of Children and Families (DCF)
- Fish and Wildlife Commission (FWC)

Partnerships on the federal level can include:

- Immigration and Customs Enforcement (ICE)
- Department of Treasury, Secret Service
- United States Marshals Service (USMS)
- Federal Bureau of Investigation (FBI).

☑ **CP713.5. List criminal justice agencies that may be involved in community-policing partnership events with probation officers**

Planned Compliance Initiatives (PCI)

A ***planned compliance initiative (PCI)*** is a planned community corrections initiative that often involves other criminal justice agencies. This scheduled event targets a specific group of offenders to determine if the offenders are complying with terms of supervision. This team effort goes beyond routine field supervision, where the team defines specific goals and executes an action plan to enhance public safety and community supervision of offenders. Team members can include your supervisor, circuit administrator, other probation officers, and any local, state, or federal criminal justice agency.

PCIs can include residence checks on community control, sex offender, or drug offender cases. They can also be as simple as coordinated efforts directed towards ensuring offenders comply with conditions of supervision.

Examples of PCIs include:

- community control planned compliance initiatives—teams conduct these initiatives at atypical hours to ensure offender compliance with house arrest and other community control conditions imposed by statute or supervision order.
- sex offender planned compliance initiatives—teams carry out these initiatives to provide residence verification. This includes walk-through visual inspections and searches of the sexual offender's living quarters to ensure compliance with conditions of supervision. Document if there are or are not signs of illicit computer use or pornography, children present, or items that would attract children in (or around) the residence.
- drug offender planned compliance initiatives—teams conduct these initiatives at odd hours to make sure offenders are complying with curfew and other conditions imposed by statute or supervision order (alcohol consumption or using drugs).

PCIs include a shared duties agreement that provides guidelines to ensure coordination and sharing of resources and equipment among the participating agencies. The participating officers will make efforts to engage the interest of law enforcement in becoming more familiar with offenders under the Department's supervision, including their residences and conditions of supervision (excluding confidential medical treatment information). Law enforcement can assist probation officers with monitoring compliance when they observe offenders in the community. This "second pair of eyes" in the community is a valuable resource for reducing the likelihood of an offender violating their conditions of supervision in law enforcement presence, and immediately addressing the offender's non-compliance with conditions of supervision. If law enforcement witnesses a possible violation, they have the authority to make a warrantless arrest of the offender.

☑ **CP713.6. Describe the role of Planned Compliance Initiatives (PCIs) in enforcing offender conditions of supervision through community-policing partnerships**

Ride-Alongs

A ***ride-along*** refers to a probation officer riding in a patrol car in the field with a law enforcement officer. A ride-along provides law enforcement an opportunity to obtain physical descriptions of and the known locations for offenders under community supervision. During a ride-along, exchange information about offenders with law enforcement, any current criminal activity within the geographic zone, and any other information that can improve each other's perspective on offender activity.

You must obtain prior approval before a ride-along by submitting an itinerary to your supervisor. When your supervisor approves the ride-along, they will brief you regarding your responsibilities in assisting law enforcement in the lawful performance of your duties. Act only within the scope of your authority. Do not take part in law enforcement activities where a "non-Department supervised" offender is involved and your life is not in immediate danger. All officers who volunteer for a ride-along must have current mandatory use of force training.

☑ CP713.7. Describe the role of ride-alongs in enforcing offender conditions of supervision through community-policing partnerships

LESSON VOCABULARY

community policing

interagency agreement

planned compliance initiative (PCI)

ride-along

UNIT 2 DRUGS IN THE FIELD

LESSON 1 ILLEGAL DRUGS, PARAPHERNALIA, AND SUBSTANCE ABUSE

Lesson Goal

At the end of this lesson, you will be able to recognize illegal drugs, paraphernalia, and signs of substance abuse commonly associated with offenders under supervision, applying the U.S. Drug Enforcement Administration's Drug Resource Guide and chapter 893, F.S.

Some offenders commit crimes to support their substance abuse addictions. The sentencing authority may not be aware of the extent of an offender's substance abuse problems when placing the offender under supervision.

Signs and Symptoms of Substance Use or Misuse

During routine office or residence visits, pay close attention to any signs and symptoms of drug use or abuse the offender may display. Develop and use your knowledge of illegal drug trends prevalent in the offender's community. Offender substance use or abuse can create officer safety concerns, as weapons and violence are associated with the illicit drug culture. Depending on the level of use, abuse, or withdrawal, offenders can also be a health and safety risk to themselves and a safety concern to the community.

Not all offenders who use substances are dependent on them; however, an offender may conceal their symptoms or downplay the abuse problem. When determining the presence of substance use, abuse, or dependence, observe the offender's behavior and environment.

Physical signs of substance abuse can include the following:

- bloodshot eyes, pupils larger or smaller than usual
- sudden weight loss or weight gain
- deterioration of physical appearance, personal grooming habits
- unusual smells on breath, body, or clothing
- tremors, slurred speech, or impaired coordination

Behavioral signs of substance abuse can include the following:

- drop in attendance and performance at work or school
- unexplained need for money or financial problems
- engaging in secretive or suspicious behaviors
- sudden change in friends, favorite hangouts, and hobbies
- frequently getting into fights, accidents, illegal activities

Psychological signs of substance abuse can include the following:

- unexplained change in personality or attitude
- sudden mood swings, irritability, or angry outbursts
- periods of unusual hyperactivity, agitation, or giddiness
- lack of motivation; appearing lethargic or “spaced out”
- appearing fearful, anxious, or paranoid, with no reason

Warning signs of commonly abused substances can include:

- marijuana—glassy and red eyes, talking loudly, laughing inappropriately, sleepy, no interest and motivation, weight gain or loss
- depressants (Xanax, Valium, GHB)—contracted pupils, appearing drunk, difficulty concentrating, clumsy, slurred speech, sleepy
- stimulants (amphetamines, cocaine, crystal meth)—dilated pupils, hyperactive, euphoric, irritable, anxious, talking excessively, appearing depressed, sleepy, going without eating or sleeping for long periods of time, weight loss, dry mouth, irritated nose
- inhalants (glues, aerosols, vapors)—watery eyes, impaired vision, memory, and thought processes, secretions from the nose or rashes around the nose and mouth, headaches and nausea, appearing drunk or drowsy, poor muscle control, weight gain or loss, anxious, irritable
- hallucinogens (LSD, PCP)—dilated pupils, bizarre and irrational behavior to include paranoia, aggression, hallucinations, mood swings, detachment from people, absorption with self or other objects, slurred speech, and confusion
- heroin—contracted pupils, pupils that do not respond to changes in lighting, needle marks (not just on arms) sleeping at unusual times, vomiting, excessive sweating, coughing, and sniffling, twitching, loss of appetite

☑ **CP721.1. Describe the signs and symptoms of an offender using or abusing drugs**

Substance Use Versus Substance Abuse

Substance use alters mental or physical functioning, whether use is legal or illegal, therapeutic or recreational. Substance abuse is the continued use of a substance despite the knowledge that the substance causes or worsens a recurring or persistent social, occupational, psychological, or physical problem, or repeated use of the substance in situations when its use is physically hazardous. Substance dependence is the associated cognitive, behavioral, and physiological symptoms indicating that a person has lost control of substance use and continues to use the substance regardless of adverse consequences.

Substance use can include having a casual drink with friends, taking a prescribed drug according to label directions, or taking aspirin daily to prevent heart disease. It can be legal or illegal, therapeutic or recreational; however, it can lead to substance abuse.

Substance abuse (also known as substance misuse) is the inappropriate use of a substance that negatively affects the mind and body, adversely impacting a person’s social or occupational life and psychological or physical health. Some examples of substance abuse include abusing prescribed medication, binge drinking, sniffing or inhaling glue, using cocaine, or smoking marijuana. For individuals with addictive personalities, substance abuse can quickly lead to dependence and addiction.

Substance dependence is the compulsive abuse of substances. The person has no choice but to continue to consume the substance because of uncontrollable physical or psychological addiction. The person's need to obtain and abuse the substance by any means necessary becomes the constant focus of their life. Use interferes with the individual's ability to function in social, occupational, or recreational activities. Factors that can contribute to substance dependency include problems with relationships, career, finances, health, safety, and a family history of substance abuse. The elderly may take many prescribed medicines throughout the day and may accidentally abuse medication, creating a dependency issue.

☑ **CP721.2. Differentiate between offender substance use, abuse, and dependence**

The Cycle of Substance Abuse

Substance abuse is one of America's leading social health challenges. Substance abuse can begin as prescription or non-prescription drug use for managing physical pain or mental health issues. A person that begins to take mind-altering substances for recreational or experimental use will often repeat the experience, especially if it was enjoyable.

The substance abuse cycle begins when the person repeats the pattern of use, turning to substance use more and more. Tolerance for the substance builds; the person needs more of the same substance to maintain a level of comfort, creating a dependency. A person who is fully engaged in the cycle of substance abuse may be neglecting one's personal and professional responsibilities, using drugs under dangerous conditions or taking risks while under the influence, taking drugs to relieve withdraw symptoms, and creating a life that revolves around drug use. An offender may fall into one or several of the stages in the cycle and may minimize the extent of their substance abuse issues.

Drug tolerance occurs when a person needs to increase the dosage of the drug to produce the same effect as the initial dosage. Drug tolerance often leads to substance dependence.

Psychological dependence occurs when a person feels that they need drugs to cope with problems, function better in life, or feel happier. Psychological dependence can lead to a physical addiction.

Physical dependence occurs when a person is chemically and physically dependent upon the substance to maintain normal functioning, not just of the central nervous system, but of all systems.

Addiction is a state of physical or psychological dependence on a substance. When a person discontinues using the substance, withdrawal occurs.

Withdrawal refers to the physical and mental symptoms that occur after a person stops or reduces the chronic use of a drug. Symptoms vary, depending on the drug, and can include agitation, confusion, cramps, sweating, and convulsions. In extreme cases, withdrawal symptoms, if not managed appropriately, can lead to death.

Detoxification is the process of allowing the body to rid itself of a drug while managing the symptoms of withdrawal. It is often the first step in a drug treatment program.

Overdose is the accidental or intentional use of a dangerously large amount of a substance that leads to death.

☑ **CP721.3. Recognize the stage of the substance abuse cycle an offender is exhibiting**

Illnesses That Mimic Substance Abuse

Some illnesses and medical conditions have symptoms that mimic characteristics of substance abuse. Be aware that all of these conditions can lead you to mistakenly conclude that an offender is under the influence of an illegal or non-prescribed substance. If you suspect one of these conditions, ask the offender to provide medical documentation from their health care provider.

- A person in diabetic shock may stagger and appear drunk.
- An individual experiencing an epileptic episode can appear as if in a drunken stupor or confused state. During a severe episode, the individual can become violent for brief periods of time.
- High blood pressure can sometimes cause people to become temporarily irrational.
- A head injury may cause confusion and belligerence.
- People suffering from a stroke may appear dizzy and confused and may vomit or lose consciousness.
- Parkinson's disease can cause shaking, slurred speech, and the appearance of intoxication.
- Cerebral palsy and Wernicke syndrome can cause sufferers to appear confused and have faulty muscular coordination or paralysis of the eye muscles.
- People with degenerative diseases such as Alzheimer's and dementia may stagger, act inappropriately, be forgetful, or wander aimlessly.
- Psychiatric disorders often cause people to behave unpredictably and experience sensory hallucinations such as sounds, physical sensations, or visions that can mimic the symptoms of substance abuse.

☑ **CP721.4. Recognize when an offender is displaying signs of an illness that commonly mimics substance abuse**

Responding to an Offender With Substance Abuse

You may encounter, or a family member may contact you, regarding an offender that is impaired significantly by drugs or alcohol to the extent that the offender may cause harm to themselves or others and refuse assistance. Under these circumstances, with law enforcement assistance, you may place this person into protective custody under the provisions of the Marchman Act. The Marchman Act, s. 397.675, F. S., provides for the involuntary or voluntary assessment and stabilization of a person allegedly abusing substances, such as drugs or alcohol, providing treatment for substance abuse.

Situations involving the Marchman Act have the potential for being unpredictable and backup is highly recommended. Approach the offender while maintaining officer safety and situational awareness as this could quickly become a volatile situation. Assess the offender's level of impairment and physical condition. Quickly ask yourself the following questions:

- Is the offender substance abuse impaired to the extent that they are mentally, emotionally, or physically dysfunctional?
- Has the offender lost self-control related to the substance abuse?

- Has the offender inflicted, threatened, or attempted to inflict physical harm to themselves or another?
- Is the offender incapable of making a rational decision regarding receiving services for treatment?

Should you determine the offender meets the criteria for protective custody under the provisions of the Marchman Act, assist the offender with or without their consent, and remove them from the immediate environment by having law enforcement transport them to an environment that is conducive to their protection and the protection of others. Some offenders may consent willingly; others may not, therefore presenting significant officer safety considerations. Should you anticipate non-consent, planning for backup and law enforcement presence can prevent this type of scenario from becoming a serious, life-threatening situation for both you and the offender. The offender is in violation of probation for excess use of drugs or alcohol, and it is your responsibility to take them into custody on a warrantless arrest for VOP.

☑ **CP721.5. Respond to an offender exhibiting signs of substance abuse that may cause harm to them or others, applying officer safety**

Drug Schedules

The Florida Comprehensive Drug Abuse Prevention and Control Act, chapter 893, F.S., places all substances regulated under existing federal law into one of five schedules. Medicinal value, harmfulness, and the potential for abuse and addiction determine a substance's schedule. The Florida Statutes outline penalties for possession of different amounts of controlled substances. Historically, controlled substances' names and formulas change intermittently.

- Schedule I substances have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and in their use under medical supervision do not meet accepted safety standards.

  Examples of Schedule I substances include marijuana, LSD, GHB, heroin, and MDMA.

  Although the U.S. Drug Enforcement Agency does not acknowledge medical use of marijuana at this time, Florida law allows the medical use of marijuana authorized by a physician certification. Follow policies and procedures regarding an offender that is using medical marijuana.
- Schedule II substances have a high potential for abuse and have a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.

  Examples include meth, opium, and prescription drugs such as hydrocodone, morphine, fentanyl, and psychotropic medication.
- Schedule III substances have less potential for abuse than the substances contained in Schedules I and II, have a currently accepted medical use in treatment in the United States, and their abuse may lead to moderate or low physical dependence or high psychological dependence. Anabolic steroids also are Schedule III drugs and may lead to physical damage.

  Examples include barbiturates, ketamine, paregoric, Tylenol with codeine, and testosterone.
- Schedule IV substances have a low potential for abuse relative to the substances in Schedule III, have a currently accepted medical use in treatment in the United States, and their abuse may lead to limited physical or psychological dependence relative to the substances in Schedule III.

  Examples include Valium, Klonopin, Ambien, Xanax, and Tramadol.

- Schedule V is the classification for a substance, compound, or mixture that has a low potential for abuse and has a currently accepted medical use, though abuse may lead to physical or psychological dependence.

  Examples include cough suppressants containing codeine such as Robitussin AC, Lomotil, Motofen, Lyrica, Parepectolin, Atropine, and pseudoephedrine.

The mission of the Drug Enforcement Administration (DEA) in the U.S. Department of Justice is to enforce the controlled substances laws and regulations of the United States. The agency website contains relatable information about the schedules of controlled substances, facts about commonly abused substances, color photographs, methods of use, behavioral characteristics, and signs and symptoms of use, and duration of effects. For more information, visit the DEA website at http://www.justice.gov/dea/index.shtml.

☑ **CP721.6. Describe the role of the Florida Comprehensive Drug Abuse Prevention and Control Act and the Drug Enforcement Administration when monitoring offenders with substance abuse issues**

Paraphernalia and Indicators

Indicators of substance abuse you might observe in an offender's environment can include paraphernalia, suspicious odors, actual substances, and suspicious activity. Some of the most common drugs and associated paraphernalia seen in the field are provided in the chart below.

SUBSTANCE/PARAPHERNALIA/INDICATORS CHART

Substance	Paraphernalia	Indicators
MARIJUANA	• pipes, smokeless pipes • rolling/cigarette papers • roach clips • bongs/water pipes • baggies • blunts • stems • seeds	• odor of marijuana • odor of marijuana smoke • bloodshot eyes • intense appetite • glassy, red eyes • loud talking and laughter • sleepiness • loss of interest and motivation • panic attacks
METHAMPHETAMINE/METH	• Pseudoephedrine/Sudafed • household chemicals • steel wool pads • glass pipes • acetone • coffee filters • ether • phosphorous (excess of match strips)	• trash can containing chemicals • smell of cat urine, rotten egg sulfur stink • brown sores on body • rotten teeth • increased alertness • paranoia • hallucinations • aggressive behavior

Substance	Paraphernalia	Indicators
		• uncontrollable movements (twitching, jerking) • dry, itchy skin • rise in body temperature • false sense of confidence or power
COCAINE/CRACK	• mirrors • razor blades • pipes • dented or burnt soda cans with holes • plastic bags • scales • straws, rolled paper money • white rocks	• frequent sniffing or bloody nose • anxiety • panic attacks • increased energy • talking rapidly • paranoia • dilated pupils • confusion • hyperactivity • weight loss
MDMA/ECSTASY	• nasal inhalers • decongestant rubs • blow pops • baby pacifiers • plastic bags • aspirin-sized, various colored pills • small blue and white capsule/“smurf”	• teeth grinding • panic attacks • seizures • euphoria, abundant energy • aggressive sexual behavior • physical touching, body massaging to intensify the high • profuse perspiration • body overheating
SPICE, BATH SALTS, SYNTHETIC CANNABIS	• spice/synthetic cannabis: • pipes, smokeless pipes • rolling/cigarette papers • roach clips • bongs/water pipes • foil wrapped bags, brightly illustrated • bath salts: • foil wrapped bags, brightly illustrated, “not for human consumption,” jewelry cleaner, phone screen cleaner • orally, inhaled, injected	• increased heart rate and blood pressure • chest pain • extreme paranoia • hallucinations, delusions • violent behavior, which causes people to harm themselves or others • severe agitation and anxiety • nausea, vomiting • tremors and seizures • dilated pupils • suicidal and other harmful thoughts and/or actions
HEROIN	• hypodermic needles • bottle caps, tin foil	• track or needle marks on their body

Substance	Paraphernalia	Indicators
	• razor blades • pipes • tourniquets • white or brown crystalline powder or liquid	• sweating • vomiting • coughing and sniffing • twitching • loss of appetite • contracted pupils • no response of pupils to light
PRESCRIPTION DRUGS	• Methadone • OxyContin • Percocet • Valium • Vicodin • Xanax • prescription bottles • capsules/tablets/wafers • baggies	• appears drunk, as if from alcohol, but without the associated odor of alcohol • difficulty concentrating; clumsiness • poor judgment • slurred speech • sleepiness • contracted pupils
ALCOHOL	• empty bottles or containers • strong odor	• clumsiness • difficulty walking • slurred speech • sleepiness • poor judgment • dilated pupils • impairment of motor skills

☑ **CP721.7. Recognize illegal drugs, and paraphernalia commonly associated with offenders under supervision**

Prescription Drug Abuse

Offenders that are prescribed medication need screening for potential abuse. Look for elevated levels of the drug when conducting a urinalysis. Check the number of pills in the container, check the label for quantity, and ensure that the pills in the bottle are the actual medication that should be in the container. Look for evidence of "doctor shopping" or emergency room visits; confirm that the same doctor is prescribing the medication from one refill to the next.

☑ **CP721.8. Monitor an offender's prescribed prescription medication for potential abuse**

LESSON VOCABULARY

addiction

detoxification

drug tolerance

overdose
physical dependence
psychological dependence
substance abuse
substance dependence
substance use
withdrawal

Lesson 2 Meth Labs

Lesson Goal

At the end of this lesson, you will be able to describe the basic indicators and chemicals used to manufacture methamphetamine and the hazardous material protocol for responding to a meth lab.

There are millions of people who use meth in America. Once primarily associated with white, male, blue-collar workers in rural areas, meth use has spread among many people. The likelihood of one of your offenders using or manufacturing meth is high as it is one of the most abused hard drugs.

Meth Labs

Methamphetamine laboratories, or meth labs, are not scientific laboratories in the traditional sense. A meth lab can be as small as a soda bottle or as large as a warehouse. Offenders manufacture meth by converting pseudoephedrine or ephedrine through a simple chemical process. The observation of "pre-cursors," or materials used, may be an indicator that your offender is manufacturing meth. Dangerous chemicals used in the manufacturing process of meth can be found anywhere in a residence, vehicle, vessel, shed, motel, or other location. The materials are readily available items such as coffee filters, two-liter bottles, blenders, lithium batteries, red-tipped matches, cold tablets, camp stove fuels, drain cleaner, brake fluid, steel wool, and bleach.

Common methods offenders use to manufacture meth are the one pot "shake and bake," the red phosphorous method, and the "Nazi" (anhydrous ammonia) method. Meth labs produce strong chemical odors, likened to rotten eggs or cat urine. Often the vegetation surrounding a meth lab is dead or covered with white powder. Be aware of the toxic nature of discarded byproducts of the manufacturing process sometimes found in a burn pile on the property.

☑ **CP722.1. Recognize the indicators of a methamphetamine laboratory to avoid exposure to yourself and the public**

Safety Hazards

There are significant safety hazards associated with meth labs. Ingredients used to produce meth are typically flammable, volatile chemicals when under pressure or heated. Mixing these chemicals can produce violent explosions or toxic gases. If you encounter any indications that an offender is manufacturing meth during a residence verification, avoid inhaling fumes, making contact with the chemicals, or turning anything electronic on or off. Leave the premises immediately and contact law enforcement or the fire department. Based on situational circumstances, you may want to evacuate the premises. Meth labs can also be booby-trapped. Individuals involved in the manufacturing of meth may pose a threat to you and the community. Use caution when making contact with any person exposed to a meth lab.

☑ **CP722.2. Describe the precautions to take when encountering a methamphetamine laboratory**

Response

Decontamination protocol for a meth lab incident is the same as any hazardous materials exposure. Do not place anything in your vehicle or allow the removal of any items from the site due to possible contamination. Establish a perimeter and follow Department policy for meth lab exposure. If children are present, contact the Department of Children and Families; witnessing substance abuse is a form of child abuse.

☑ **CP722.3. Describe how to safely secure and isolate a methamphetamine laboratory when responding to a contaminated site**

Lesson 3 Hazardous Materials

Lesson Goal

At the end of this lesson, you will be able to respond to a hazardous material encounter, applying officer safety and Department policy.

As you work in the field, it is critical that you have an awareness of the presence of any hazardous material (hazmat) for your safety and the safety of others. A ***hazmat*** is any substance or material that when released may cause harm, serious injury, or death to humans or animals, or may harm the environment. A hazmat emergency occurs when a substance capable of causing harm to people, the environment, and property is released—or not properly controlled. A hazmat incident could also occur during a fire. Rely on Department policy to avoid safety risks, and never place yourself at risk in the process of identifying the presence of a hazmat.

In the office, offenders use containers to transport a hazmat or bio- hazmat, such as urine. Urine or other body fluids, including contaminated blood, are a hazmat.

A hazmat can be found anywhere and can include cleaning agents, such as floor wax, bleach, laundry detergent, fuels, pesticides, or fertilizer. Offenders or family members may use oxygen tanks, which are highly flammable. Being able to recognize key chemicals, such as those used in the production of methamphetamine, may save your life and provide for public safety.

Emergency Response Guidebook

During a hazmat incident, use the Department of Transportation (DOT) ***Emergency Response Guidebook (ERG)*** as a resource guide. The *ERG* will aid you in quickly identifying the specific or common hazards of the material(s) involved. It will provide information regarding how to protect yourself and the public during the initial response phase of the incident. Your initial actions should include the identification of a hazmat and areas of personal protection.

- Class 1 explosives: exposure to heat, shock or contamination could result in thermal and mechanical hazards
- Class 2 gases: container may rupture violently under pressure (or as a result of a fire); may become flammable, poisonous, a corrosive, an asphyxiate, and an oxidizer; may cause frostbite
- Class 3 flammable and combustible liquids: container may rupture violently from heat or fire; may be corrosive, toxic, and thermally unstable
- Class 4 flammable solids: some are spontaneously flammable; may be water reactive, toxic, and corrosive; may be extremely difficult to extinguish
- Class 5 oxidizing substances: support their own combustion through using oxygen; sensitive to heat, shock, friction, and contamination
- Class 6 poisons and infectious substances: toxic by inhalation, ingestion, and skin and eye absorption; may be flammable
- Class 7 radioactive substances: may cause burns and biologic effects; can cause contamination of surroundings

- Class 8 corrosives: cause disintegration of contacted tissues; may be fuming, water reactive, and destructive to metals
- Class 9 Other Regulated Materials (ORM): lithium batteries, dry ice, aerosol cans, asbestos, fish meal, cotton, engines containing fuel or batteries

Safety Data Sheet

If conducting an employment visit be aware of the potential for a hazmat. A ***Safety Data Sheet*** (***SDS***) is required for any hazardous substance shipped and must be located where a potential hazmat is stored or used. The SDS is essential for identifying and understanding information regarding a hazmat. The SDS aids in interpreting safety hazards and precautions, as well as health hazards, by including the following information:

- manufacturer's name
- product name (chemical or generic name)
- hazardous ingredients
- physical data
- toxicological information
- health hazard data
- reactivity data
- spill and leak procedures
- special protection information.

☑ **CP723.1. Describe the role of the Emergency Response Guidebook (ERG) and the Safety Data Sheet (SDS) when recognizing the presence of hazardous materials (hazmat) throughout the performance of your duties**

Exposure

A hazmat contaminates people through inhalation, ingestion, absorption, and injection. A hazmat can pose immediate and long-term health hazards, such as asphyxiation, chemical burns, tissue destruction, cancer, or death. Hazardous materials can also cause harm to the environment, such as water, air, and land pollution, as well as death or serious injury to wildlife and domestic animals.

Use extreme caution when using your senses at a hazmat incident. Use your vision to see indicators of the presence of a hazmat, such as smoke, fire, vapor or gas clouds. When light or visibility is poor, these signs are harder to see. Colored smoke is a particularly dangerous sign. Use your hearing, especially when interacting with an offender or identifying unusual sounds, such as hissing from a gas leak or a tanker spill, or a bubbling sound from mixing chemicals. Taste, touch, or smell risks exposure to the substance and should not be used intentionally in a hazmat incident. A hazmat may have certain smells, but not all hazardous materials have an odor. There may be no warning of a hazmat emergency.

☑ **CP723.2. Recognize the signs and symptoms of exposure to hazardous materials (hazmat) throughout the performance of your duties**

Response

Because of their nature, hazmat emergencies are more likely to need outside assistance, require multiple agency response, and may involve unseen hazards that can be long-lasting.

Each agency will determine the availability of equipment to use during a hazmat incident. A supervisor may manage equipment, informational guides, and hazmat references. Refer to the *ERG* for a detailed description of, and instructions for, appropriate use of equipment related to hazmat incidents or emergencies. Some of the PPE may include:

- facemask
- protective gloves
- masks and gowns
- hazmat suit
- self-contained breathing apparatus (SCBA)
- blood-borne pathogens cleanup kit
- barriers, anything placed between you and the possible exposure

Due to the inherent dangers associated with hazmat incidents, be aware of your surroundings and take note of activity, practice officer safety, and follow special precautions at all times. Each agency's policies, procedures, and emergency plan will dictate the roles and responsibilities of each staff member. You may be the first person on the scene, but the resolution of a hazmat incident is usually the responsibility of supervisory staff, law enforcement, and specialized response teams within the fire department.

Only respond within the scope and level of your training. The probation officer level of training is an awareness-level responder. Awareness-level responders do not usually receive training in spill or leak control. Awareness-level responders must not attempt to extinguish a fire that involves hazardous materials. Normal fire extinguisher training is not sufficient to fight a fire that directly involves a hazmat.

When identifying a hazmat situation, maintain constant awareness and be prepared to relay information. Avoid tunnel vision and be aware of the variety of complications that might arise, as hazmat situations can be dynamic and evolving. For example, do not immediately run over to assist if you suspect a hazmat incident. Consider all hazmat incidents life or death situations. Remain calm and focus on a resolution.

- Locate and verify the nature of the hazmat emergency by observing from a safe distance.
- Evacuate all people from areas affected by a hazmat as soon as it is safe to do so. Ideal evacuation routes will take people as far away from the incident as possible. Move people upwind and uphill from the threat. There may be instances in which evacuation may not be possible.
- Stay as far away as practical (a minimum of 500 feet if possible), and keep others away. Use binoculars or video surveillance if available. Do not take an ignition source into the affected area. (A vehicle can be an ignition source).
- Create a barrier or perimeter around, and restrict access to, the affected area. Restrict or control access to the affected area, until emergency personnel declare the area safe. Supervisors will issue a direct order for no one to enter the area, except for emergency personnel.

Obtain assistance during a hazmat spill by contacting the Chemical Transportation Emergency Center (CHEMTREC) at 1-800-424-9300. CHEMTREC has the capability to contact the shipper, manufacturer, or other sources for more detailed assistance and follow-up support. For example, if a spill occurs in the area where the SDS is located, and you are not able to access the information on or identify the substance, contact CHEMTREC for immediate help.

Decontamination

Follow Department policy regarding establishing a perimeter and decontamination procedures. Identify contaminated people who present a significant risk of secondary contamination, and avoid direct contact with these individuals to prevent exposure. Encourage contaminated, conscious victims to move to an isolated area and await medical assistance from properly trained and protected personnel. Observe special precautions when dealing with decontamination efforts. Make sure that contaminated victims and equipment are decontaminated before your contact with them. If you become contaminated, make sure that you and your clothing are fully decontaminated as soon as possible.

☑ **CP723.3. Identify how to respond to a hazardous materials (hazmat) incident, applying officer safety and Department policy**

Documentation

Keep a record of the events and complete follow-up documents as directed by the Department. Follow Department policy to terminate your involvement in a hazmat incident. The Occupational Safety and Health Administration (OSHA) regulations mandate a structured termination process. During the on-scene debriefing process, medical personnel will tell you the extent of your hazmat exposure. They will provide the signs and symptoms of overexposure and provide contact information if you notice signs or symptoms of exposure. If exposure exceeds the acceptable published limits, you should have a medical evaluation. During the critique phase, you should provide information on operational strengths and weaknesses. In the after-action analysis, the goal is to review any weaknesses and implement any additional or corrective training, as necessary.

☑ **CP723.4. Document a hazardous materials (hazmat) encounter in an incident report, applying Department policy**

VOCABULARY

Emergency Response Guidebook (ERG)

hazmat

Safety Data Sheet (SDS)

UNIT 3 CRIMES AGAINST PERSONS

LESSON 1 DOMESTIC VIOLENCE

Lesson Goal

At the end of this lesson, you will be able to respond safely to a domestic violence situation involving an offender under supervision.

When conducting a residence verification, you may observe injuries to a family or household member. They may be victims of domestic violence or other criminal offenses within the household. Look for signs of physical abuse such as suspicious bruises, welts, burns, fractures, lacerations, and abrasions. Typical defensive wounds include bruising or cuts on outer forearms, back, backs of legs, palms, or inside fingers or fingertips. Look for red flags of economic abuse or dependency, such as whether the abuser took the only set of keys or credit card. If there are pets or animals present, look for signs of animal abuse such as malnourishment, mange, or mistreatment. Often, if there is domestic violence in the home, animal abuse is also present.

Domestic Violence Defined

In Florida, domestic violence is not a criminal charge. Section 741.28, F.S., defines ***domestic violence*** as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. When a person is arrested for a domestic violence incident, the actual charge will be from a related statute. The relationship between the perpetrator and the victim classifies these charges as domestic violence.

The Florida Statutes define ***family or household member*** as spouses, former spouses, people related by blood or marriage, people who are presently residing together as a family or have resided together in the past as a family, and people who are parents of a child in common, regardless of whether they have been married. With the exception of people who have a child in common, the family or household members must be currently residing or in the past have resided together in the same single residence unit.

☑ **CP731.1. Recognize common indicators of a domestic violence situation when performing the duties of a probation officer**

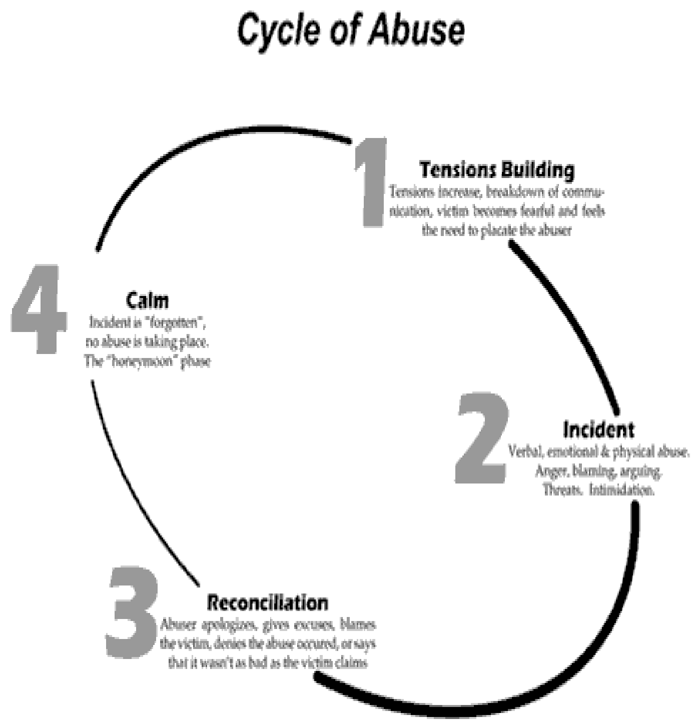
Why Victims Stay in Domestic Violence Situations

The question of why a victim stays in a domestic violence situation can be difficult to understand. The most common reasons why a victim stays include:

- fear of what the abuser may do if they leave
- abuser has total physical and/or emotional control of the victim, and of the violence and abuse

- financial insecurity or financial abuse limits the victim's ability to support themselves
- victim is afraid the abuser will hurt or take their children away
- victim has low self-esteem, believes the abuse is their fault
- victim hopes the abuser will change, or the abuser promises to change
- pressure from family or friends to stay in the relationship, or don't believe the abuse is really going on, or that the victim deserves it
- no knowledge of help available in their community
- leaving the abuse increases the risk of danger to the victim

☑ **CP731.2. List common reasons why a victim of domestic violence remains in an abusive situation**



Response to a Domestic Violence Situation

Encountering domestic violence in the field can be a volatile, dangerous situation. Always consider officer safety; you cannot protect others if you are hurt. Try to anticipate or recognize that something is likely to go wrong. Be attentive to, interpret, and respond to verbal and non-verbal communication from all involved parties. Should the domestic violence occur in your presence, call law enforcement, and immediately determine whether anyone needs medical treatment.

Section 741.29, F.S., requires you to document the domestic violence incident with a written report. If children are present, contact the Department of Children and Families, as witnessing domestic violence is a form of child abuse.

When an offender under supervision is involved in a domestic violence incident as the primary aggressor and the victim reports an incident to you, call law enforcement. Use the law enforcement report to document the violation of probation.

When the offender under supervision is a victim of domestic violence, call law enforcement, and document the incident in case notes. Refer the offender to obtain counseling or assistance from social service agencies. Assist in coordinating transportation to a safe haven. This is a situation where empathy can reassure the offender; however, do not become complacent.

A suspect arrested for an act of domestic violence must remain in custody until brought before the sentencing authority for a bail determination. This prevents the offender from immediately returning to the household or reinitiating contact with the victim. It also gives the victim time to obtain an injunction for protection without the suspect's interference and provides the victim time to seek help and possibly a safe place to stay.

When determining bail, the sentencing authority will consider the safety of the victim, children in the home, and any other person who may be in danger if the sentencing authority releases the defendant. Before the sentencing authority releases the offender, the correctional facility will notify the victim.

☑ **CP731.3. Respond to a domestic violence situation, taking appropriate action and applying officer safety**

Injunctions

Inform the victim of domestic violence that they can go to the courthouse and file for the appropriate injunction. Remember that an injunction is a court order requiring someone to stop doing specific acts. The victim must complete an affidavit, explaining why they need the injunction for protection. All forms are free of charge from the clerk of court. A judge reviews the affidavit and grants or denies the request. The victim is not assessed filing fees for an injunction. Although an injunction is a civil action, it has criminal implications that are enforceable by law. Law enforcement honors injunctions from another state or country and can advise a victim to notify the local clerk of court to re-issue the injunction in Florida if the victim is now residing in Florida. The following temporary injunctions can protect the victim from further abuse.

- injunction for protection against domestic violence pursuant to s. 741.30, F.S., is for people who meet the statutory definition of a family or household member who is the victim of domestic violence.
- an injunction for protection against stalking pursuant to s. 784.0485, F.S., is for people who are the victim of stalking; the Florida Statutes also help the parent or legal guardian of a minor child who is living at home who is seeking an injunction for protection against stalking.
- an injunction for protection against dating violence pursuant to s. 784.046, F.S., is for the protection of a victim who has had a continuing and significant relationship of a romantic or intimate nature and the relationship has become violent.
- an injunction for protection against repeat violence pursuant to s. 784.046, F.S., is for people who do not meet the statutory definition of a family or household member, but who have been victims of at least two incidents of violence or stalking by the alleged abuser within the last six months.
- an injunction for protection against sexual violence pursuant to s. 784.046, F.S., is available for victims of sexual violence.

☑ **CP731.4. Direct the victim of domestic violence to legal and community resources that can provide protection against further violence**

VOCABULARY

domestic violence

family or household member

Lesson 2 Abuse, Neglect, and Abandonment of a Child, Elder, or Vulnerable Adult

Lesson Goal

At the end of this lesson, you will be able to report abuse, neglect, or abandonment of a child, elder, or vulnerable adult immediately, applying the Florida Statutes and Department policy.

While in the field, you may become aware of suspected child abuse, neglect, or abandonment or abuse, neglect and exploitation of an elderly or vulnerable adult. Your responsibility is to notify law enforcement should you suspect a crime has or is occurring based on evidence of abuse.

You may be able to identify evidence of physical abuse easily because of its obvious appearance. Although it is not as easy to see, neglect can be as harmful as abuse. Some examples of abuse or neglect can also be signs of an underlying medical condition unrelated to abuse or neglect. Signs of neglect in the home can be the absence of necessities such as food, water, and heat. Victims can have bedsores, skin disorders, rashes, untreated injuries, or medical problems. The victim may exhibit poor personal hygiene, including soiled clothing, odors, dirty nails or skin, and the presence of feces. If a child's size is inconsistent with their age, this may be a sign of malnutrition and hunger. Fragile skin, dry and sore mouth, pale complexion, sunken eyes or cheeks, apathy, lack of energy, and mental confusion can indicate dehydration and malnutrition. Hazards in the home can include exposed wires and roach infestation. There may be signs of mismanaging medication such as empty, unmarked, and outdated prescription bottles.

Elements of Child Abuse, Neglect, Abandonment

The Florida Statutes define the elements of child abuse, neglect, and abandonment in chapter 827, F.S. ***Abuse*** is any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. When it does not cause harm to the child, reasonable corporal discipline of a child by a parent or legal custodian for disciplinary purposes is not abuse. Certain parental behaviors can indicate an environment of abuse, such as a very tense atmosphere in the home, unreasonable discipline, unrealistic expectations, and impulsive and inconsistent behaviors.

Behaviors that may indicate abuse include if a child:

- fears remaining at home, or returning to the home
- wary of adult contact
- startles easily
- appears overly affectionate (inappropriate) or withdrawn
- acts violently or aggressively
- cries uncontrollably
- exhibits inappropriate sexual behavior.

Child neglect occurs when a caregiver deprives a child of, or allows the deprivation of, necessary food, clothing, shelter, or medical treatment, or allows the child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

Child abuse or neglect may include:

- inflicting or allowing physical, mental, or emotional injury
- committing or allowing sexual battery, or lewd or lascivious acts
- allowing, encouraging, or forcing the sexual exploitation of a child
- abandoning a child
- exposing a child to an illegal controlled substance
- using mechanical devices, unreasonable restraint, or extended periods of isolation to control a child
- engaging in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child
- negligently failing to protect a child from inflicted physical, mental, or sexual injury caused by acts of another
- allowing a child's sibling to die because of abuse or neglect

Harm can be any of the following deliberately inflicted physical injuries:

- sprain, dislocation, or cartilage damage, bone or skull fracture, brain or spinal cord damage, intracranial hemorrhage, or injury to another internal organ
- asphyxiation, suffocation, or drowning
- injury resulting from the use of a deadly weapon
- burns or scalding, cuts, lacerations, punctures, or bites
- permanent or temporary disfigurement, permanent or temporary loss or impairment of a body part or function

Physical injury is death, permanent or temporary disfigurement, or impairment of any body part.

Mental injury is an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

Culpable negligence is more than a failure to use ordinary care for others; it is gross and flagrant negligence, committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct the suspect must have known, or reasonably should have known, was likely to cause death or great bodily harm. Culpable negligence is recklessly acting without reasonable caution and putting another person at risk of injury or death or failing to do something with the same consequences.

Abandonment is a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.

☑ **CP732.1. Recognize the signs of child abuse, neglect, and abandonment during field supervision activities**

Elements of Elder Abuse and Neglect

Florida has a reputation as a retirement state with a large population of elderly people, which includes offenders under supervision. Though it is somewhat common for elderly people to have certain disabilities related to the aging process, people with disabilities could be any age. Given the limited mobility and assistance needed by people in these special populations, you may have contact that is more frequent with these people. In order to provide services to these groups effectively, become more aware of the special needs of this population to ensure our aging and disabled citizens have the full protection of the law. A basic understanding of the aging process and characteristics of the elderly population will help you relate to Florida's elderly offenders under supervision in a positive and compassionate manner. Appreciating the challenges disabled people face on a daily basis will help you realize their special needs.

Elderly and people with disabilities tend to be more dependent on others, due to their limitations and needs. This increases their vulnerability to neglect and certain types of crime, such as fraud or exploitation. Given the dependent relationship with their caregivers or others who may victimize them, people in these positions may be more reluctant to report crimes committed against them. Look beyond the surface of a situation to understand the dynamics that may be occurring. Many elderly individuals receive assistance through federal or state programs and live on a limited income, at or near the poverty level. The fear of losing the support or assistance of the people who may very well exploit, neglect, or abuse them may cause elderly people to hesitate reporting crimes committed against them. An elderly person can be embarrassed because of their lack of awareness or authority to be able to avoid these types of situations.

An ***elderly person*** is a person 60 years of age or older who is suffering from the infirmities of aging as showed by advanced age or organic brain damage, or other physical, mental, sensory, or emotional dysfunction, to the extent the ability of the person to provide adequately for the person's own care or protection is impaired.

Abuse of a disabled adult or elderly person is any willful or threatened act by a caregiver that significantly impairs or is likely to impair a vulnerable adult's physical, mental, or emotional health.

A ***disabled adult*** is a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living.

☑ **CP732.2. Recognize the signs of elder abuse and neglect during field supervision activities**

Vulnerable Adult Abuse

You may supervise an offender who is a vulnerable adult. A ***vulnerable adult*** is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for their own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, brain damage, or the infirmities of aging.

Lacks capacity to consent occurs when a vulnerable adult lacks sufficient understanding or capacity to make or communicate reasonable decisions concerning their person or property. This impairment may occur because of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other causes.

During a residence verification, take the time to view the living conditions of the vulnerable adult, observing the living area, bedroom or sleeping area, and the person's hygiene. Does it appear that someone is taking care of the individual? Is the smell of urine or feces on the person or in the room? Is there a smell of rotting food? Is there an appropriate amount of food in the kitchen and refrigerator? Does the vulnerable adult have special needs that are unmet?

Ask what prescriptions the individual takes or look around the house to find prescription bottles. The person may wear a medical alert bracelet or necklace or have a membership card for a support group, which are useful tools in determining a person's medical or mental state. If the individual takes medication, try to determine if that medicine affects comprehension through asking a series of questions and evaluating the answers to determine their level of awareness. A condition of supervision may require the offender to take daily medication. Be aware of offender behavior changes that may indicate the offender has discontinued taking their medication, as this may be a violation of their probation.

☑ **CP732.3. Recognize the signs of abuse and neglect of a vulnerable adult during field supervision activities**

Caregiver

A ***caregiver*** is a parent, adult household member, or other person responsible for a child's welfare. A caregiver is also a person entrusted with or who has assumed responsibility for the care or the property of a disabled adult or elderly person. This includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of facilities.

☑ **CP732.4. Identify the primary caregiver in an abuse, neglect, or abandonment situation**

Mandatory Reporting

When you determine the incident shows signs of the crime of abuse, neglect, or exploitation of a child, disabled adult, or elderly person, consider the criminal conduct a public concern, not merely a private family matter. The Florida Statutes require people to report any suspicion or knowledge of child, disabled adult, or elderly person abuse, neglect, or exploitation by a caregiver, legal custodian, or other person responsible for the person's welfare to the Department of Children and Families by calling the Abuse Hotline at 1-800-96-ABUSE or, for law enforcement use only, 1-866-LE-ABUSE. These reporters can remain anonymous.

Section 39.201, F.S., outlines that the following individuals are legally required to provide their names when reporting child abuse, abandonment, or neglect:

- physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment
- health or mental health professional
- practitioner who relies solely on spiritual means for healing
- school teacher or other school official or personnel

- social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker
- law enforcement
- judge

☑ **CP732.5. Describe the officer's responsibility for reporting an abuse, neglect, or abandonment situation, applying the Florida Statutes**

When you observe or suspect any kind of abuse, neglect, abandonment, or exploitation, be prepared to take action to protect the victim. If the individual has serious, life-threatening injuries, provide medical attention. Should the individual be in immediate danger, contact your supervisor and determine the best method for removing the victim. If the individual is not in immediate danger, protect the victim from further abuse by physically separating the victim and the suspect. When you suspect the offender or the caregiver committed a crime, contact local law enforcement immediately.

☑ **CP732.6. Determine if the abuse, neglect, or abandonment situation requires making an arrest, applying the Florida Statutes and Department policy**

A residence verification that involves suspected child abuse, neglect, or abandonment or abuse, neglect and exploitation of an elderly or vulnerable adult will require additional follow-up. Be aware of any injunctions or no contact orders that may now exist. Your offender may need to abide by a court order, opening up a new case. Your offender may be the victim. Often offenders under supervision will hesitate to contact law enforcement if someone violates an injunction or no contact order. Assure the offender that, for safety reasons, they should contact law enforcement; that there will be no negative consequences resulting from that contact.

☑ **CP732.7. Conduct a follow-up on an abuse, neglect, or abandonment situation, applying the Florida Statutes and Department policy**

LESSON VOCABULARY

abandonment

abuse

abuse of a disabled adult or elderly person

caregiver

child neglect

culpable negligence

disabled adult

elderly person

harm

lacks capacity to consent

mental injury

physical injury

vulnerable adult

Lesson 3 Human Trafficking Awareness

Lesson Goal

At the end of this lesson, you will be able to respond to an incident involving human trafficking by recognizing labor and sex trafficking, and child victims.

Scope of the Problem

The U.S. Department of State's Trafficking in Persons Report estimates that tens of millions of people are trafficked worldwide each year. More than half of these victims are women and young girls who are trafficked for commercial sexual servitude and forced labor. Florida is one of the top three human trafficking destinations in the United States. Human trafficking is a lucrative business, second to drug trafficking, and is estimated at a $32 billion industry in Florida alone. Unlike drugs and arms traffickers, human traffickers can continue to exploit their victims, repeatedly re-victimizing them.

☑ **CP733.1. Recognize the scope of the human trafficking problem within Florida and the U.S.**

Smuggling Versus Trafficking

It can be difficult to understand the difference between human trafficking and smuggling. Human trafficking is an offense against a person, while smuggling is an offense against the integrity of the borders of the United States.

Human smuggling is transporting into Florida an individual or group, that the smuggler knows, or should know, is illegally entering the United States. Smuggling is transportation-based and typically a short-term "business relationship" that may be part of a human trafficking scheme.

Trafficking, on the other hand, is a form of modern-day slavery that involves holding people, including minors, in forced service for commercial sex trade or otherwise legitimate labor. It involves long-term, ongoing captivity, exploitation, and control of victims.

☑ **CP733.2. Differentiate between human trafficking and smuggling**

Human Trafficking Laws

Chapter 787, F.S., defines ***human trafficking*** as soliciting, enticing, recruiting, transporting, harboring, maintaining, obtaining, or providing another person for the purpose of exploitation.

Two threshold questions will help determine if a person is a victim of human trafficking:

1. Did the suspect recruit, transport, or hold the victim in the service of another for labor or commercial sex acts?
2. Did the suspect obtain or maintain the victim's service through force, threats, psychological manipulation, or confiscation of legal documents?

Victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor. ***Force*** here means physical violence that may include beatings, sexual battery, shootings, or physical confinement. ***Fraud*** here includes false or deceptive offers of employment, marriage, or a better life. ***Coercion*** here involves:

- using or threatening to use physical force against any person (typically family members of the trafficking victim back in their home country)
- restraining, isolating, or confining
- using lending or other credit methods as debt bondage
- destroying, concealing, removing, confiscating, withholding, or possessing immigrant or identification documents
- causing financial harm, including extortionate extension of credit, loan sharking, or fraudulent employment contracts
- enticing or luring by fraud or deceit
- giving a person a controlled substance so they can be exploited
- using threats of deportation or other federal or state legal proceedings against the victim

☑ **CP733.3. Determine if an incident is human trafficking**

Trafficking Victims

There are two types of human trafficking:

- sex
- labor (domestic and agricultural)

Businesses, places, or activities where you might find sex trafficking include:

- massage parlors
- exotic dancing
- modeling
- social networking websites
- interstate rest areas and truck stops
- restaurants
- motels, hotels
- tourist destinations

Industries or places where you might find labor trafficking include:

- agriculture
- landscaping
- manufacturing
- begging/street peddling
- construction
- carnivals
- day labor

- nail salons
- hotels, motels
- restaurants
- door-to-door sales

Because victims are rarely in the public eye, domestic servitude is difficult to detect. Many victims are undocumented immigrants who do not speak English, may have no idea where they are, and often do not realize they are victims and have rights under U.S. law.

☑ **CP733.4. List the types of human trafficking and the industries where victims can be found**

Sex Trafficking of Children

Sex trafficking of minors, or commercial sexual exploitation of children, occurs when a trafficker exploits a child younger than 18 to perform commercial sexual acts in exchange for or with the promise of money, goods, or services. Children ages 12–17 are at highest risk for a trafficker to force them into the sex trade.

In Florida, sex trafficking of minors is the most underreported, under-identified, and severe form of trafficking. It can involve child pornography, prostitution, or working at strip clubs, massage parlors, or escort services. Sex trafficking of minors can occur at any of the businesses listed above or anywhere that will accommodate a child and an adult. Popular online classifieds and forums, and some social networking sites, advertise trafficked children for sex.

A common trend in domestic sex trafficking of minors is for the trafficker to transport a child far from home, both to avoid immediate detection and to decrease the chances of a child returning home. A child's exploiter may travel with the child to many cities depending on tourist traffic or special events, such as the Super Bowl.

Neither federal nor state human trafficking laws require an element of force, fraud, or coercion to determine sex trafficking of children younger than 18.

☑ **CP733.5. Recognize an incident of child sex trafficking**

Recognize Human Trafficking

As a patrol officer, you may encounter human trafficking masked as another crime or incident, such as drug possession, sexual assault, prostitution, or shoplifting. While any one factor alone is not enough to indicate a trafficking incident, it may be enough to suggest further investigation. You are in a key position to identify potential human trafficking victims on routine calls for service. These calls can involve domestic violence, a child abuse investigation, disputes and fights, concerned citizens, or anonymous hotline tips; in any of these incidents the suspect may be a victim of human trafficking. You may uncover human trafficking during a traffic stop, or incidents of a truant, runaway, or missing child. Look for unusual behavior that may indicate you have a human trafficking victim. They may:

- behave in an insecure or fearful manner, such as looking at the ground or avoiding eye contact
- show signs of physical abuse, such as bruising
- be unwilling to engage in conversation

- be reluctant to give you their name or the names of anyone present
- act nervous of another person's actions, flinching or cowering when that other person moves
- wait for a dominant person to answer the questions for them

Living and working conditions for human trafficking victims can be unusual. Victims live on or near work premises, reside in overcrowded living spaces, are restricted or have controlled communications, or are forced by traffickers to move frequently. Locks may be on the outside of windows and doors, instead of inside. Victims may lack personal items or possessions such as cell phones. In the sex trade, because victims need to stay in contact with their traffickers, the trafficker will provide a cell phone; however, the victim cannot make personal calls. Victims often lack individual transportation and knowledge of where they are. They do not have identification (a birth certificate, visa, or passport) because traffickers take them as a form of control.

Be aware of different types of evidence that may indicate human trafficking: the presence of money wire transfers, weapons, a victim's poor health, or fraudulent identification or immigration documents. Personal and physical indicators can be injuries from beatings or weapons, including old injuries, signs of torture (cigarette burns, for example), and signs of malnourishment or substance abuse. Victims may be afraid to discuss their living or working situations when you question them. Victims may say they "owe" someone money for getting them into the United States or have ongoing debt at a "company" store—the only store they are allowed to shop at. Often a third party, or one person, will insist on interpreting for an entire group or an individual.

Signs indicating human trafficking in labor camps or sweatshops may include security intended to keep victims confined. There could be the presence of self-contained camps with barbed wire angled in, bars on windows, bouncers, guards, guard dogs, and excessive amounts of garbage.

Signs indicating a brothel situation that might involve sex trafficking can include sparsely furnished rooms that may contain only luggage and travel photos. You may see condoms, alcohol, lubricant, paper towels, and tokens (cards, marbles, bobby pins, and condom wrappers) on the floor near several mattresses in multiple rooms. There may be a large quantity of condoms, a customer logbook, and a receipt book (trick book) by the door. Neighbors may report that men come and go frequently. There may be used twin mattresses stacked up outside the residence. You may encounter a runaway with hotel room keys or large amounts of cash. An exploiter (pimp) will often tattoo their victims, branding them with the exploiter's name or logo. Anyone who permanently brands a victim of human trafficking commits a second-degree felony.

☑ **CP733.6. Recognize the indicators of labor trafficking and sex trafficking**

Respond to a Human Trafficking Incident

Your initial conversation with everyone involved in the incident should be informal and relaxed. Ask the following questions using a conversational format:

- What is your name? How old are you?
- Do you have any identification and travel documents? Can you get them?
- Where do you live or what is your address? How long have you lived there?
- Does anyone else live with you? Are they home?

If the people involved in an incident are not willing to give basic identifying information, move to more involved questioning to determine relationships between the parties present. Use the following questions to establish the relationship between the parties present.

- Do you know the names of everyone here?
- How do you know them?
- How and where did you meet them?
- Are they family? Friends? Schoolmates?
- Do you work with or go to school with them?

Based on the answers to these questions, and you suspect that something seems wrong, encourage the potential victim to trust you enough to disclose information.

If you are unable to get enough information, refer the incident to a more experienced human trafficking investigator to follow up. If the incident involves a child, call the DCF human trafficking coordinator to follow up. This is why it is important to obtain the address of everyone on the scene, or obtain the name of the child's school.

The Florida Statutes require all individuals to report suspicion or knowledge that a child is a victim of human trafficking to DCF by calling the Abuse Hotline at 1-800-96-ABUSE or 1-800-962-2873, or online at https://reportabuse.dcf.state.fl.us/. Cases involving trafficked children are the only form of child abuse that DCF will retain jurisdiction over when the suspect is not in a caregiver role.

☑ **CP733.7. Describe how to respond to a human trafficking incident**

LESSON VOCABULARY

coercion

force

fraud

human smuggling

human trafficking

UNIT 4 ROUTINE FIELD WORK

LESSON 1 OFFENDER'S RESIDENCE

Lesson Goal

At the end of this lesson, you will be able to verify an offender's residence to include monitoring the community for indicators of gang- and crime-related activity for officer safety.

Field supervision consists of verifying an offender's residence upon initial receipt of the case and observing the community throughout the offender's supervision. Having a good understanding of your offender's neighborhood will go a long way to maintaining officer safety and having an understanding of some of the obstacles the offender may be experiencing when complying with the conditions of supervision.

Monitor Community Surrounding Offender's Residence

Before going out into the field, begin a field itinerary or itinerary/travel log and submit it to your supervisor for approval. Consider contacting offender family members, associates, and community organizations to obtain current information regarding the residential community. For officer safety, consider reviewing crime reports from local law enforcement for the offender's neighborhood. Review the court order, comparing the residence information to an online map of the neighborhood, noting entrances and exits. Speak to your fellow probation officers about the neighborhood, as they may have essential and up-to-date information.

☑ **CP741.1. Gather information related to the offender's community using available resources**

After obtaining the residential address of the offender, investigate the community surrounding the address for any indicators of gang- and crime-related activity. Drive around the vicinity of the offender's address and note any parks or public areas in the neighborhood. Speak with neighbors of the offender and contact community organizations or local law enforcement in the offender's residential area. This may provide information related to any gang or drug activity that may be occurring in the offender's neighborhood.

☑ **CP741.2. Survey the offender's community for gang or criminal activity when conducting a daytime drive by**

Verify Offender's Residence

Never provide the offender any information related to the number or amount of field visits you are required to make through the term of their supervision.

During the initial residential visit, verify that the address is valid. All initial residence verifications require a face-to-face contact at the offender's residence, conducted during daylight hours when possible. Request the offender to show identification in the form of a valid Florida driver's license or identification card. Observe indicators of personal belongings and indicators that establish the offender's residency, such as mail and clothing.

Every new address the offender moves to requires a face-to-face contact. Subsequent residential verification may require a face-to-face contact with the offender, based on the offender risk level. You can obtain verification from a family member, landlord or owner, or directly from the offender after the initial visit. Performing subsequent visits during the evening hours may provide greater opportunities to witness firsthand any possible violations of probation.

Only another probation officer or Department staff as approved by your chain of command may accompany you during any field activities. Spouses, family, friends, or other non-authorized people may not participate in any field activities.

☑ **CP741.3. Verify the residence of an offender under supervision during a residence visit**

Update the appropriate OBIS screens to include documentation of the residence verification. Include information regarding the residence, directions to the residence, who you spoke with, if there is a dog, who was at the residence, what the residence looked like, and any conversations you had. Complete the field itinerary or itinerary/travel log you initiated before going out into the field, with the new information. Sign and submit the completed itinerary/travel log within one working day of the completion of travel, or the next day you are in the office. Include the following information:

- contact codes and names of contacts for each field visit
- times of contacts
- beginning and ending odometer mileage
- actual departure and return time to the office or your residence
- vicinity traveled
- expenses

Complete a monthly voucher for reimbursement of travel expenses. The contact screens, itinerary/travel logs, and voucher for reimbursement of travel expenses must all document the same information related to the field activity.

☑ **CP741.4. Document the offender's residence verification in case notes and Department-approved logs and vouchers, ensuring all information corresponds**

Lesson 2 Walk-Through Visual Inspection

Lesson Goal

At the end of this lesson, you will be able to safely conduct a routine walk-through visual inspection of an offender's residence during field supervision.

Plain View Observation

When working in the field, always visually survey an offender's vehicle, looking inside as well as outside of the vehicle. When you conduct residence verifications, visually survey the area from the front door or from the entrance to the living quarters. You are looking for any item that may violate the offender's conditions of supervision. This is plain view observation and does not require that you move any objects or open closet doors or dresser drawers to inspect for illegal items. Should you observe illegal or inappropriate items, leave the premises, and immediately contact your supervisor for approval to conduct a warrantless planned search.

☑ **CP742.1. Survey an offender's common and private living space for signs of criminal activity or violation of probation that may initiate a search**

Walk-Through Visual Inspection

A walk-through provides the opportunity to obtain an awareness of the offender, identify common areas, and check their belongings. You are required to conduct a walk-through each time there is a change in residence, with the exception of sex offender cases, to look for anything that does not belong, stands out, or has the potential to be a violation of probation.

The frequency of walk-though visual inspections and warrantless planned searches is dependent upon the offender's supervision level, type, or status. Any changes to these contact standard requirements or the receipt of any information that indicates a violation, may initiate a change in the frequency of walk-through visual inspections or warrantless planned searches.

A walk-through visual inspection includes elements of plain view observation. However, you are physically walking through the offender's residence to conduct an inspection of the living conditions, the suitability of the residence, and who is living there. As you walk through, conduct a visual inspection of the common areas, living quarters, and areas occupied solely by the offender. Inspect the surrounding property or curtilage and exterior of any vehicle on the property, regardless of the location. A walk-through visual inspection requires you to move physically through the residence; however, it restricts you from moving any objects to inspect for violations of probation or illegal items. While conducting the inspection, you may see drugs, paraphernalia, or anything else that may signify a violation of probation. Leave the premises and immediately contact your supervision for approval to conduct a warrantless planned search or any additional instructions.

Update the appropriate OBIS screens after conducting a walk-through. Include information regarding:

- the residence
- who was present in the residence and their relationship to the offender

- who you spoke with and what the conversation(s) was about
- the layout of the residence
- if there was a pet safety issue

☑ **CP742.2. Conduct a walk-through visual inspection of the offender's common and private living space, applying officer safety**

UNIT 5 FIELD SEARCHES AND EVIDENCE

LESSON 1 PREPARE FOR A SEARCH

Lesson Goal

At the end of this lesson, you will be able to differentiate between planned and unplanned searches and prepare for a search, applying Department policy and officer safety.

A search is your examination of the offender's person, residence, curtilage, vehicle, and other approved areas. You are conducting a search for the same reasons you conduct a plain view observation and a walk-through visual inspection—you are looking for violations of probation.

Based on information found during the walk-through, or from an anonymous or law enforcement tip, you may determine that you need to conduct a search of the offender's person, residence, vehicle, or place of employment (with the employer's consent). Conducting a search involves significant preparation and organization to ensure officer safety. Using a systematic approach to planning your search will contribute significantly to the success of the search. Determine your team and provide assignments: one officer to guard the offender or anyone in the search area and two officers to conduct the search. Contact law enforcement to assist with a search or process evidence.

Types of Searches

If during a residence verification or routine field supervision, you become aware of a violation of probation through surveillance or observation, you may need to conduct an unplanned search. ***Unplanned searches*** often result from a walk-through visual inspection and do not require a warrant. Before conducting the unplanned search, obtain verbal permission from your supervisor, and request and wait for backup from law enforcement. Complete a post-search review to include providing information in the pre-search portion.

A ***warrantless planned search*** is an unannounced search used to ensure the offender's compliance with court orders. This type of search can occur with or without a "search" condition of supervision. Planned searches often occur after receiving an anonymous or law enforcement tip that provides information related to a violation of probation. You may also conduct a planned search when you suspect the offender is involved in illegal activity, in possession of prohibited items, or when assisting law enforcement efforts. Before conducting a planned search, complete the appropriate form or report, and obtain your supervisor's approval.

☑ **CP751.1. Differentiate between planned and unplanned searches, applying Department policy**

Preparing to Conduct a Search

Use the appropriate OBIS screens to obtain as much information as possible about your offender when planning a search. Always follow Department policy when preparing to conduct a search. Ensure that all officer safety equipment is fully operational before conducting the search. Equipment should include a camera, PPE, and any additional safety equipment, such as a flashlight, handcuffs, and cell phone. The Department may have search kits that already contain these items. Follow these simple guidelines when preparing for a search.

1. Here are some key questions that will help you assess the situation adequately. Depending on the situation, you may want to develop additional questions.
    - What is the location?
    - Are any weapons involved?
    - Has a complainant indicated the offender's location?
    - How many individuals are involved?
    - How many officers are necessary to safely contain or control the situation?
    - Do you need additional services?
    - Do you need special equipment?
    - Are any special concerns or dangers associated with the search?
2. Review Department search policy, if you are unfamiliar with it or if you need a refresher.
3. Identify any time constraints you might have related to conducting the search. If you become aware of a public safety concern, such as firearms in the residence, if someone has given you an anonymous tip, or if there is a possibility that evidence could disappear, conduct the search as soon as possible.
4. Conduct research of criminal justice databases to look for active warrants. This is especially important if you are not familiar with an offender, if conducting a search for another officer, or you just received the offender on your caseload.
5. Obtain a search form and complete the pre-search portion.
6. Plan the scope of your search to include items you are looking for and the areas you need to search. Identifying the area to search varies from situation to situation.
7. Determine if there is a need for law enforcement support, such as an offender with an outstanding warrant, a high-risk search, or if the tip suggests the offender committed a new crime.
8. Coordinate your search efforts with other officers by recruiting team members and assigning specific responsibilities.
9. Document the search in a Search Report form and submit to your supervisor.

☑ **CP751.2. Prepare to conduct a search, applying officer safety and Department policy**

VOCABULARY

unplanned search

warrantless planned search

Lesson 2 Residence and Vehicle Search

Lesson Goal

At the end of this lesson, you will be able to search the residence and vehicle of an offender under supervision, following legal guidelines and maintaining officer and public safety.

According to s. 948.30, F. S., an offender must submit to a warrantless search by the probation officer of the offender's person, residence, or vehicle. This does not require oral announcement and can be a standard condition of supervision.

Secure the Search Area

Upon arrival, announce your presence and instruct the offender to provide access to common and personal areas of the residence. Isolate the offender to a specific location away from the search area. Remove any third party or non-involved people from the search area. Should they refuse to cooperate, request a law enforcement officer to address this issue. Instruct another probation officer or law enforcement officer to maintain control of the offender during the search. You may need to handcuff the offender while performing the search. Look for prohibited items the offender may discard from their possession before the impending search. Consider searching the bathroom, not letting the offender use the bathroom, as offenders often flush drugs down the toilet before the impending search.

Secure the area you are going to search and look for sources of information about, and evidence of, a violation of probation. Use personal observations and statements from witnesses or victims to assist in determining the location and extent of the search. The size of your search depends on the reason for the search, and the location of the evidence of a violation. Search areas should be larger rather than smaller. It is easier to reduce the size of the search area than to enlarge it.

☑ **CP752.1. Secure the area to search after determining the size and scope of the search**

Establish a Perimeter

Once a survey of the search area is completed, the primary officer assigned to the case may decide to adjust the original boundaries or perimeter of the search, based on the size and the type of structure or property they are searching. Establish boundaries for the search area and guard against unnecessary entrance from other parties such as family members, friends, and spectators. Once the search area is established, do not allow any unauthorized removal or alteration of any evidence.

Curious, unauthorized people can damage, contaminate, or destroy evidence. Do not allow them to enter the secured area. Officer safety is at risk by the entry of unauthorized parties into the search area. Prevent intrusion by anyone who knowingly or unknowingly approaches the area perimeter by using verbal commands and directions to enforce the perimeter. Instruct people to stay out of the search area, advising that refusal may result in arrest.

Any law enforcement officer involved in the search has the authority to arrest any individual who, after receiving a warning, interferes in a secured search area. However, do not alienate family members during the search. Often family members can assist by directing you to evidence of violations of supervision.

☑ **CP752.2. Establish a perimeter before searching the residence of an offender under supervision**

Conducting the Search

Do not search an offender's residence alone. Another officer, supervisor, or law enforcement officer must be present during an offender's residence search. During the search, wear proper safety gear, such as gloves, firearm, handcuffs, OC spray, and body armor.

When searching an offender's residence for evidence of a violation, use a systematic approach or an established pattern. The type of search area will help dictate the type of search pattern.

- ***strip/line search pattern***: usually used outside by several people. Divide the search area into lanes. Have one or more people search each lane by moving in both directions, examining all areas.
- ***grid search pattern***: often used indoors; a variation of the strip/line search pattern. Searchers overlap a series of lanes in a cross pattern, making the search more methodical and thorough.
- ***pie/wheel search pattern***: entails dividing the area into a number of wedge-shaped sections, which are usually searched using the strip/line search pattern. Use this method for extremely large search areas.
- ***spiral search pattern***: usually used outside by one person. The searcher begins at a certain point and walks in increasingly larger circles to the outermost boundary of the search area.
- ***zone/quadrant search pattern***: used for vehicle searches, outdoors, or a large area. Divide the area into four different sections and search each using one of the patterns above.

When searching, avoid unnecessary damage to the residence. Do not conduct the search with tunnel vision. Look for anything that might be evidence of a violation of probation or an indication of criminal activity. If your offender is on probation for grand theft, you should still look for evidence of drug use or any other criminal activity. Conduct the search in a reasonable manner and with discretion. Conduct the search of appropriate areas, collect evidence if applicable, and maintain the chain of custody if evidence is collected.

☑ **CP752.3. Examine the offender's residence in a safe and systematic manner, applying officer safety and Department policy**

Conveyance Search

Your job duties include conducting searches of an offender's vehicle, boat, RV, or other type of conveyance. Positively identify the conveyance and secure it. Follow the same guidelines for a residence search related to securing the offender, any third party or non-involved people, and the area around the conveyance. Based on the type of conveyance, consider requesting additional assistance from law enforcement.

The scope of a vehicle search includes the entire passenger compartment and all containers located inside, locked or unlocked. The trunk of a sedan and the rear area of a van or SUV are included in the search area. Conduct the search when the offender is present to allow them to see that you are not damaging or taking anything from the property, or trying to place illegal items that weren't already there. Whatever the purpose of the search, the method changes only slightly depending on the scope and purpose of the search. When searching a vehicle, ensure all compartments are checked, and avoid unnecessary damage to the vehicle. Be cautious opening and closing compartments to avoid dispersing dust or any drug particles that may be present into the air.

Search the vehicle using a specific pattern, which will allow you to be consistent and thorough. Wear gloves to protect against discarded needles, weapons, or other hazards that could jeopardize officer safety. Be aware of hidden compartments the offender can use to conceal contraband or weapons. Suspicious buttons or switches may indicate hidden compartments. Department policy determines how you conduct an inventory of a locked vehicle.

☑ **CP752.4. Examine the offender's conveyance in a safe and systematic manner, applying officer safety and Department policy**

LESSON VOCABULARY

grid search pattern

pie/wheel search pattern

spiral search pattern

strip/line search pattern

zone/quadrant search pattern

Lesson 3 Collect Evidence

Lesson Goal

At the end of this lesson, you will be able to safely collect evidence to establish proper chain of custody, applying Department policy.

During the search of an offender's person, residence, vehicle, or place of employment (with the employer's consent), you may find evidence of a violation of probation or evidence of criminal activity. Evidence recovered during a search may be admissible in a violation proceeding.

You must properly collect, package, and process this evidence to ensure its integrity and admissibility in court. As most searches are a combined effort with law enforcement, you may not be the person actually processing the evidence. In most cases this is a joint effort, as law enforcement brings the packaging materials to the search. If the search produces evidence of a new law violation, such as possession of illegal drugs, law enforcement will take the lead on processing the evidence. If the search produces evidence of a violation of a condition of supervision (such as possession of alcohol), law enforcement will hold the evidence but will not process the evidence, as this is your search, and you are responsible for the evidence.

Common Categories of Evidence

Common categories of evidence include the following:

- testimonial evidence—verbal evidence solicited or volunteered from a witness, victim, or offender admission
- documentary evidence—written or printed evidence offered to prove or disprove a fact, such as an offender's written admission; witness and victim statement of a violation of probation, speeding ticket indicating a curfew violation, reports, pawn shop registries, falsifying a monthly written report, or a National Precursor Log Exchange (NPLEX) report. NPLEX is a real-time electronic logging system used by pharmacies and law enforcement to track sales of over-the-counter cold and allergy medications containing precursors to methamphetamine.
- physical evidence—weapons, electronics (evidence found on a phone, tablet, and computer), clothing (such as gang-related clothing), any physical item from which you can infer a violation of probation
    - biological evidence—urine for analysis, not taken in the field
    - toxicological evidence—lab results from urinalysis

☑ **CP753.1. Recognize the categories of evidence an officer may find during a search of an offender's residence, conveyance, or person**

Common Evidence Found

- drugs and drug paraphernalia
- weapons—guns, knives, ammunition

- child pornography—child pornography is illegal to produce, possess, or distribute.
- illegal content or evidence found on electronic devices—photographs, text messages, emails, tweets, Facebook posts
- STG paraphernalia—this documents participation in gang-related criminal activity
- personal identification information of others—fake identification, another's driver's license, passport, credit cards, ID cards, multiple hotel room cards, multiple blank checks, mail addressed to someone else

☑ **CP753.2. Recognize common evidence that may result in a violation of probation, when monitoring an offender under supervision**

If you encounter what appears to be child pornography on a computer, cell phone, thumb drive, CDs, or in "hard copy," follow Department policy for further investigation. You may find ***child erotica***, which is any material relating to children that, for an offender, serves a sexual purpose. Child erotica is different from child pornography. ***Child pornography*** is any picture, photograph, and videotape, published or unpublished, electronic or "hard copy," that depicts a child being sexually exploited or sexually abused on a captured image. Child pornography is a visual record of a crime being committed. Under no circumstance should you touch the computer or attempt to find additional images on it. Recovery of computer data involves complex and highly specialized expertise, and you may inadvertently eliminate or spoil evidence by trying to do it yourself.

Trace Evidence	hairs, fibers, clothing, paint chips, transfer evidence, glass, wood, soil, dirt
Biological and Touch DNA Evidence	blood, semen, saliva, bones, teeth, body issues, hair, DNA, touch DNA
Impression Evidence	fingerprints, tire tracks, footwear impressions, footprints, bite marks, tool marks
Firearms Evidence	weapons, projectiles, gunshot residue, cartridge cases, database information
Electronic Evidence	computers, cell phones, thumb drives, external hard drives, CDs, DVDs, VHS tapes, digital cameras, answering machines, digital recording devices, GPS devices
Chemistry or Toxicological Evidence	blood alcohol levels, drugs, poisons
Questioned Documents Evidence	checks, bank statements, address books, wire transfers, credit cards, phone bills, photographs or cameras, photo copies

Collecting Evidence

Never handle evidence with your bare hands. Use PPE whenever you handle or collect evidence or conduct a urinalysis. PPE will protect the evidence from contamination and you from exposure to dangerous substances. To avoid contamination, change gloves between collecting each piece of evidence and urine for analysis. Officer safety and evidence preservation require using universal precautions.

☑ **CP753.3. Apply personal protective equipment (PPE) before collecting offender evidence, avoiding contamination of evidence and maintaining officer safety**

Urine specimens are collected according to the Department's drug processing vendor.

You may already have a law enforcement presence at the search scene who can provide the required evidence collection materials. You or the law enforcement officer will place the evidence into the container and begin the chain of custody process.

There are special considerations for handling specific types of evidence. Proper tools, equipment, and appropriate containers and packaging help prevent contamination and degradation issues for each particular type of evidence. For example, wet evidence, such as items soaked with bodily fluids or living plant material, must either be air-dried, packaged in breathable containers such as paper bags, or both. If packaged improperly, wet items will deteriorate to a point where they have no evidentiary value. Pay particular attention to the proper collection of evidence. Place evidence collected for DNA analysis in its own, separate container. Department policy will dictate specific evidence-handling procedures.

ELECTRONIC EVIDENCE

Computers are commonly found during a residence verification and can often store vital evidence. Types of computer equipment and media may include multiple phones, tablets, laptops, desktops, thumb drives, external drives, network systems, removable disks, tapes, digital cameras, and other data storage equipment. DO NOT touch any part of the equipment to avoid possible damage to it. Computer evidence recovery is a complex task that requires highly specialized training. Follow Department policy for computer evidence recovery.

☑ **CP753.4. Describe the collection process and associated packaging materials for electronic evidence**

FIREARMS EVIDENCE

When recovering a firearm or ammunition, follow Department policy. Only handle a weapon if you have the knowledge to do so. If you do not, request another probation officer or law enforcement officer to assist. Always properly secure the weapon. Clear all bullets from the chamber or cylinder. Dislodge the magazine and any ammunition. Carefully examine the weapon to identify the manufacturer, country of origin, serial number, model number, and caliber. Document this information in your field notes, as you will need this information for your database check and final report. Place the weapon in a firearm or evidence box; put the magazine and the ammunition in a separate container, then place them both in the firearm or evidence box.

Avoid evidence contamination. If a wooden object or other material contains an embedded bullet, do not attempt to remove the bullet; contact law enforcement to process.

☑ **CP753.5. Describe the collection process and associated packaging materials for firearms evidence**

CHEMICAL OR TOXICOLOGICAL EVIDENCE

You should be able to identify a wide variety of controlled substances and drug paraphernalia by sight or odor. In some cases, you will want law enforcement to field test a substance before collecting and packaging it as evidence. When collecting drug paraphernalia, package sharp objects such as needles or syringes in puncture-proof packages clearly labeled with the words "WARNING: SHARPS." As instructed in First Aid, PPE is essential when encountering any chemical or biological substances.

A particularly hazardous substance you may encounter is fentanyl or carfentanil (a more potent version of fentanyl), which you can absorb through mucous membranes in the mouth, nose, or eyes. You may find these substances in powder form, mixed with heroin or cocaine, as pills, capsules, eye drops, or blotter paper, or disguised as other drugs such as hydrocodone or oxycodone. When you encounter any substance you suspect to be fentanyl or carfentanil, follow Department policy for field testing, collecting, packaging, and transporting the substance. Use PPE such as gloves, long sleeves, a surgical or dust mask, and eye protection. Conduct field testing in an open environment with no wind. You should have another officer nearby, preferably one with naloxone, to assist you if exposed to the substance. When packaging, mark the package as "SUSPECTED FENTANYL." Use caution when transporting the package; place it in the trunk of your vehicle. If you encounter large amounts of powder, evacuate the area immediately, and call a hazmat team. When exposed to even a small amount, follow your Department policy for decontamination. Signs of exposure include:

- disorientation
- difficulty speaking or walking
- slowed pulse
- nausea
- slow, shallow breathing
- respiratory arrest

You may notice signs of exposure within minutes, hours, or days. Immediately notify other officers on the scene, your supervisor, dispatch, or emergency medical assistance. Follow protocols learned in First Aid when responding to fentanyl exposure and Department policy for administering naloxone, the antidote for opioid overdose.

☑ **CP753.6. Describe the collection process and associated packaging materials for chemical or toxicological evidence**

QUESTIONED DOCUMENT EVIDENCE

A document is anything containing a mark to convey a message. Carefully handle all documents found to preserve their conditions. Analysts use a variety of scientific methods to examine documents for alterations, obliterations, handwriting analysis, indentations, ink comparisons, and machine impressions. Questioned documents may also contain latent fingerprints and DNA. Analysis may answer questions about the document's authorship and authenticity.

When you find an unusually large amount of money during an offender's residence verification or on their person, follow Department policy for handling it as evidence. Should you suspect that the money is counterfeit currency, document it as such and forward it to the United States Secret Service. The United States Secret Service maintains a database of counterfeit currency. The database contains information such as:

- any suspects that may have already been under investigation
- any information that may lead to the apprehension of the counterfeiters
- the denomination, serial number, and the location that the suspect passed or transacted the money

When handling money taken from offenders, always be very careful to avoid any appearance of impropriety. Follow Department policy for processing money as evidence.

☑ **CP753.7. Describe the collection process and associated packaging materials for questioned document evidence**

Chain of Custody

When you recover evidence of any kind, begin a chain of custody for individual pieces of evidence. A ***chain of custody*** is a documentation of everyone in continuous possession of the evidence as well as when, why, and what changes, if any, were made to it. A chain of custody documentation also proves the evidence submitted in court is the same evidence you collected. Follow Department policy regarding the documentation of the chain of custody to help eliminate ethical and legal concerns about the handling and preservation of evidence. Minimize handling of evidence and limit access to authorized personnel. A property receipt, written or electronic, typically records the chain of custody. Transfer evidence to an authorized evidence custodian, applying Department policy. Section 918.13, F.S., states that it is a felony to alter, destroy, conceal, or remove any record, document, or thing with the purpose to impair its truth or availability in a criminal trial or investigation.

☑ **CP753.8. Establish the chain of custody when processing offender evidence to include the transfer to an authorized evidence custodian, applying Department policy**

LESSON VOCABULARY

chain of custody

child erotica

child pornography

UNIT 6 ARRESTING OFFENDERS

LESSON 1 ARRESTING OFFENDERS

Lesson Goal

At the end of this lesson, you will be able to execute a warrant for an offender under supervision, applying the laws of arrest and officer safety, and in collaboration with law enforcement.

When you arrest an offender for violation of probation or criminal activity, you deprive that person of their liberty by legal authority. In some VOP situations, you may conduct a warrantless arrest. Different VOP situations would require an arrest warrant or a court order authorizing you to take the offender named on the warrant into custody to answer for charges specified in the warrant.

Pre-arrest Briefing

A pre-arrest briefing is a discussion between you and local law enforcement before conducting a planned arrest. Before conducting a pre-arrest briefing, consult with your supervisor to gain approval to coordinate with law enforcement to serve an arrest warrant. After gaining approval, recruit additional probation officers, obtain law enforcement participation, and schedule the briefing at a location separate from the location where the warrant is to be served or the offender is to be apprehended.

Print a “face sheet” from FCIC/NCIC to provide information to law enforcement regarding the offender, and any other relevant information you feel is necessary for identification or safety reasons. Bring this information to the pre-arrest briefing.

☑ **CP761.1. Develop an operational plan to assist law enforcement with serving a warrant on an offender under supervision**

During the briefing, provide an overview of the operational plan. Communicate assigned tasks to the arrest team and discuss any officer safety issues or concerns such as flight risk or violent felony offender status. Discuss the layout of the residence and determine who will cover the exits. Review the offender’s day-to-day activities and information regarding the whereabouts of the offender’s family and pets.

☑ **CP761.2. Provide operational information to assisting agency personnel before conducting an arrest of an offender under supervision**

After assigning roles and responsibilities, ask if there are any questions, and address any issues or concerns. Ensure you have the necessary supplies, such as paper, pen, map, arrest report, and any Department-approved equipment. Remind all of the officers to use PPE and take universal precautions.

☑ **CP761.3. Establish the roles and responsibilities of all officers involved when arresting an offender for violation of probation**

Warrantless Arrest

You have the authority to conduct a warrantless arrest of an offender, excluding PTI offenders, at any time based on a violation of probation and circumstances, such as the offender's criminal or violent history. Conduct a warrantless arrest when you determine that there are reasonable grounds to believe that an offender has committed a willful and substantial violation. This includes a situation where there is imminent danger to an individual, the offender, or the public if you do not take the offender into custody immediately.

☑ **CP761.4. Determine if an offender's conduct meets the requirements for a warrantless arrest, applying Department policy**

Section 948.06(1)(a), F.S., grants authority to a probation officer to conduct a warrantless arrest. Department policy provides guidelines when and how to conduct a warrantless arrest. You must gain your supervisor's approval before conducting a warrantless arrest. Complete a probable cause affidavit for a warrantless arrest. Often law enforcement can provide the affidavit; however, consider keeping some in your vehicle or return to the office, complete the affidavit, and return to the offender's location to serve the warrant. A full packet includes a violation report, affidavit, and an arrest warrant.

☑ **CP761.5. Describe a warrantless arrest of an offender under supervision, applying the Florida Statutes and Department policy**

Execute a Warrant

Coordinate with law enforcement to have the offender taken into custody, using all of your safety equipment and applying officer safety. Although you may take the offender into custody, law enforcement will transport the offender to jail, possibly using your handcuffs.

☑ **CP761.6. Coordinate with law enforcement to execute a warrant on an offender under supervision, applying officer safety**

Officer ____________________________

Office Location ____________________________

Judge/Division _______/____________________

Parole Commission Case ☐

STATE OF FLORIDA

In the Circuit Court

VS

_____County, Florida

County Code: _____

DC No. _____

Docket/UC No. _____

____

Offender

PROBABLE CAUSE AFFIDAVIT

VIOLATION OF COMMUNITY SUPERVISION (s. 947.22 or s. 948.06, F.S)

Before me, the undersigned authority, this day appeared Name of Officer Signing Affidavit, who first being duly sworn, states:

The above offender was placed on probation for the offense of __________________________ in the Circuit Court of _____________________, _____ for a term of ________________.

OR

The above offender was released on conditional release supervision on ________________, for a term of ________________.

The above offender was instructed on the conditions of supervision on ________________ by Officer ________________________________.

Pursuant to s. 947.22 or s. 948.06, F.S., affiant further states that the above offender has not properly conducted him/herself, but has violated the conditions of supervision in a material respect by:

Information pertinent to offender is as follows:

Name	______________________	AKA	______________________
Race/Sex	______________________	Date of Birth/Age	______________________
Height	______________________	Weight	______________________
Eyes	______________________	Hair	______________________
Scars/Marks/Tattoos	______________________		
Address	______________________	Driver License #	______________________
Home Phone #	______________________	Vehicle Information	______________________
Employer's Address	______________________	Place of Birth	______________________
Employer's Phone #	______________________	Prior Weapon Offense	☐
History of Violence	☐	Prior Resisting Arrest	☐

____ ______________________

Name of Officer Signing Affidavit Date

Correctional Probation Officer

THIS AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO UNDER S. 117.10 OR 92.50, FLA.STAT.

Sworn to and subscribed before me this day (day) of month__ (month), A.D. year (year) by _____

___________, who is personally known to me or has produced identification ________________

_______________________________________.

Signature of Attesting

Officer Under s. 117.10, F.S. __________________________ Title: _____________________

____

____

OR

Notary Public ______________________________________

State of Florida at Large for _________________________County

___________________/__________________

Officer Telephone/E-Mail Address

ACRONYM GLOSSARY

ABT	Division of Alcoholic Beverages and Tobacco
ADA	Americans with Disabilities Act
AFDC	Aid to Families with Dependent Children
AgLaw	Office of Agricultural Law Enforcement
AP	Attempted Personal
APD	Agency for Persons with Disabilities
ARS	Addiction Recovery Supervision
ASD	autism spectrum disorder
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
BD	bipolar disorder
CARD	Center for Autism and Related Disorders
CART	Child Abduction Response Team
CBP	U.S. Customs and Border Protection
CC	Community Control
CCIS	Comprehensive Case Information System
CDC	Department of Corrections Data Center
CERT	Correction Emergency Response Teams
CHEMTREC	Chemical Transportation Emergency Center
CI	confidential informant
CIW	Coalition of Immokalee Workers
CJIS	Criminal Justice Information Services
CJIT	Criminal Justice Information Technicians
CJNET	Criminal Justice Network

CJPD	Criminal Justice Professionalism Division
CJSTC	Criminal Justice Standards and Training Commission
CMR	Conditional Medical Release
COPS	Court Ordered Payment System
COS	Cost of Supervision
CRS	Conditional Release
CSEN	Consecutive sentence
DAVID	Driver and Vehicle Information Database
DCA	Florida District Courts of Appeal
DCF	Department of Children and Families
DEA	Drug Enforcement Administration
DEP	Florida Department of Environmental Protection
DFS	Florida Department of Financial Services
DHSMV	Department of Highway Safety and Motor Vehicles
DJJ	Department of Juvenile Justice
DMST	domestic minor sex trafficking
DNA	deoxyribonucleic acid
DOJ	Department of Justice
DOP	Drug Offender Probation
DOT	Department of Transportation
EAP	Employee Assistance Program
EBP	Evidence-Based Practice
EEOC	Equal Employment Opportunity Commission
ERG	*Emergency Response Guidebook*
ET	Early Termination of Supervision

ETR	Early Termination Review
F.A.C.	Florida Administrative Code
FAM	Florida Administrative Message
FBI	Federal Bureau of Investigation
FCIC/NCIC	Florida Crime Information Center/National Crime Information Center
FCOR	Florida Commission on Offender Review
FDLE	Florida Department of Law Enforcement
FHP	Florida Highway Patrol
FinCEN	Financial Crimes Enforcement Network
FTA	Fast Technology for Analysis
FWC	Florida Fish and Wildlife Conservation Commission
GPS	Community Control II
hazmat	hazardous materials
HIPAA	Health Insurance Portability and Accountability Act
ICAOS	Interstate Commission for Adult Offender Supervision
ICE	Immigration and Customs Enforcement
ICOTS	Interstate Compact Offender Tracking System
IRS	Internal Revenue Service
IRS	Independent Reporting Status
ISP	Individualized Supervision Plan
IT60	Initial 60-day Review
ITS	Investigative Tracking Statistics System
JLA	Jessica Lunsford Act
LSD	lysergic acid diethylamide
MDD	major depressive disorder

MI	Motivational Interviewing
MICs	Mail-in Cases
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEAR	Neutralize, Emphasize, Actively listen, Resolve the situation
NPLEX	National Precursor Log Exchange
NTA	Notice to Appear
OAG	Florida Office of the Attorney General
OBIS	Offender-Based Information System
OCD	Obsessive-Compulsive Disorder
OFOA	Offender Financial Obligation Agreement
OMG	outlaw motorcycle gang
OP	Other Personal
ORM	Other Regulated Materials
OSHA	Occupational Safety and Health Administration
OTH	Other Investigation
PAR	Parole
PCI	Planned Compliance Initiative
PCP	phencyclidine
PHI	Protected Health Information
PIO	Public Information Officer
PPE	personal protective equipment
PPS	Probation and Parole Specialist
PREA	Prison Rape Elimination Act
PSI	Presentence Investigation

PTI	Pretrial Intervention
PTSD	post-traumatic stress disorder
QSA	Quarterly, Semiannual, Annual
REVW	Re-review Investigation
RISC	Repository for Individuals of Special Concern
ROR	release on own recognizance
SARA	Scanning, Analysis, Response, Assessment
SCBA	Self-Contained Breathing Apparatus
SDS	Safety Data Sheet
SID	Florida's State Identification number or FDLE number
SOCE	State Officer Certification Examination
SOP	Sex Offender Community Control or Sex Offender Probation
SSD	Social Security Disability
STG	Security Threat Group
STORMS	Security Threat Operational Review Monitoring Systems
T4C	Thinking for a Change
TBI	traumatic brain injury
TRD	Tentative Release Date
TRM3	30-day Pre-Termination Review
TRM9	90-day Pre-Termination Review
TRNR	Transfer Receive
TRNS	Transfer Send
TVN	Technical Violation Notification letter
U.S.C.	United States Code
USMS	United States Marshals Service

VDP	Veterans Disability Pension
VFO	Violent Felony Offender
VINE	Victim Information and Notification Everyday
VIOA	new law violation (arrest violation)
VIOT	technical violation
VOP	violation of probation
WPSO	Word Processing System Operators

Terminology Glossary

A

abandonment	a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both
absconder	an offender whose whereabouts are unknown even after all possible attempts to locate the offender have been exhausted
abuse	any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause a child's physical, mental, or emotional health to be significantly impaired
abuse of a disabled adult or elderly person	any willful or threatened act by a caregiver that significantly impairs or is likely to impair a vulnerable adult's physical, mental, or emotional health
accessory	a person who aids or contributes in the commission or concealment of a crime
accessory after the fact	a person who maintains or assists an offender after the offender has committed a felony; while giving assistance, the person knows that the offender has committed the felony, and the person's intent is to help the offender avoid or escape detection, arrest, trial, or punishment
acting within the scope of employment	the range of reasonable and foreseeable activities that an employee does while carrying out the employer's business
active listening	listening with all your senses to determine the context, threat, and relevance of events unfolding around you
acute stress	immediate, short-lived stress that is similar to what people experience before taking a test or testifying in court
addiction	a state of physical and/or psychological dependence on a substance
addiction recovery supervision (ARS)	as defined in s. 944.4731, F.S., a mandatory release program for a non-violent offender whose crime was committed on or after July 1, 2001, has a history of substance abuse, and has participated in treatment

adjudication withheld	when a defendant has pled *nolo contendere* or no contest to a charge, and consents to the payment of fines and a term of probation, in exchange for the state's agreement to withhold judgment
administrative law	the body of law that allows for the creation of public regulatory agencies; it contains all the statutes, judicial decisions, and regulations that govern them
administrative probation	as defined in s. 948.013, F.S., a form of non-contact supervision when an offender represents a low risk of harm to the community and is placed on non-reporting status until termination; during this period, the officer will monitor for new arrests by conducting annual FCIC/NCIC records checks
affiant	the person attesting to the truthfulness of the affidavit
affidavit	a written, sworn statement used as evidence in court
ambiguous response	when fingerprints were able to locate multiple potential matches
ambivalence	the dilemma of change, uncertainty, or indecisiveness as to which course to follow; "I want to, but I don't want to"
anxiety disorder	a condition that includes excessive nervousness, tension, apprehension, "fight or flight" behavior, excessive fear, or anticipation of imminent danger, flashbacks, or ritualistic behavior such as excessive hand washing; and can range in intensity from mild to debilitating. Some persons with anxiety disorders can have panic attacks that are so severe that they mimic a heart attack. During a panic attack, the person will likely experience rapid heartbeat, chest discomfort, sweating, tension, trembling, choking, and a feeling that something terrible is about to happen
arraignment	the court formally advises the arrested individual of the charges contained in an indictment and asks him or her to enter a plea–guilty or not guilty
arrest	depriving a person of their liberty by legal authority
arrest warrant	as it applies to a probation officer, a court order authorizing an officer to take the individual named on a violation of probation warrant into custody to answer for charges specified in the warrant
attempt	an offense when the person did some act toward committing the crime that went beyond just thinking or talking about it
Authorization and Release of Information	a form that authorizes the release of any records pertaining to the offender

autism spectrum disorders (ASD)	a group of conditions diagnosed in early childhood that continue throughout adulthood and are more prevalent among males than females; persons with ASD often have communication and social skills deficits
automated violation report	computer generated report using the information contained in OBIS that is reported to a judge

B

biometrics	the measurement and analysis of fingerprints, palm prints, facial features, retinal scans, DNA, and other physical attributes
bipolar disorder (BD)	a common mood disorder, formerly known as manic-depressive illness, clinically diagnosed as a mental illness with alternating episodes of depression and mania
bond	collateral, such as cash or property, to make sure the defendant returns to court for future hearings and is released from custody
bond hearing	a hearing where the defense attorney might call the defendant's family members to provide testimony regarding the defendant, such as the stability of the defendant's residential environment
breach of duty	when the defendant unreasonably failed in the duty they were obligated to perform
bribery	to knowingly and intentionally give, offer, or promise to any public servant, or, if a public servant, to knowingly and intentionally request, solicit, accept, or agree to accept for himself or herself or another, a benefit or gift not authorized by law in order to influence the performance of any act or omission within the official discretion of that public servant, in violation of a public duty, or in performance of a public duty; Section 838.015, F.S.
Bureau of Classification	a section within the Department, which is responsible for the management of inmates while incarcerated and assists them with successful re-entry into the community upon release

C

caregiver	a parent, adult household member, or other person responsible for a child's welfare; a person entrusted with or who has assumed responsibility for the care or the property of a disabled adult or elderly person

case file	the physical file that contains original copies, signed copies, and any “hard” copies of offender information
case law	decisions of the court system (the judicial branch)
case notes	permanent electronic entries that record factual and relative information related to an offender
caseload	all cases of offenders under supervision assigned to a probation officer as determined by Department policy
caseload management report	an OBIS-generated summary of active offender’s status with conditions of supervision and tasks to be performed by an officer
chain of command	the order of authority within an organization; provides the links of authority and responsibility that join one level of an organization to another
chain of custody	documentation of everyone in continuous possession of the evidence as well as when, why, and what changes, if any, were made to it; documentation that also proves the evidence submitted in court is the same evidence you collected
change talk	indications or statements made by the offender expressing the desire to change, and may include non-verbal cues
child erotica	any material relating to children that, for an offender, serves a sexual purpose
child neglect	when a caregiver deprives a child of, or allows the deprivation of, necessary food, clothing, shelter, or medical treatment, or allows the child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired
child pornography	any picture, photograph, and videotape, published or unpublished, electronic or “hard copy,” that depicts a child being sexually exploited or sexually abused on a captured image
chronic stress	stress that continues over an extended period, such as the stress of a field training program or working with a difficult co-worker or supervisor
circumstantial/indirect evidence	evidence that requires an inference or presumption to establish a fact
civil law	legal action a person takes to resolve a private dispute with another person

civil liability	responsibility for a wrongful act or an omission that injures a person or property and most often involves negligence
civil rights violation	an unlawful interference with the fundamental rights of another person, such as the rights to due process and equal protection under the law
coercion	forcing another person to act by using intimidation or threats, violating the person's freedom for purposes of labor, services, or commercial sexual activity
cognitive dissonance	the idea that it is impossible for a person to hold on to two opposing principles at the same time; one must give way to the other
color of authority	acting or purporting to act in the performance of official duties under any law, ordinance, or regulation
command presence	projecting a positive self-image that earns the respect of offenders and the public. This includes your demeanor and confidence exhibited through personal appearance, posture, alertness, and attention to your surroundings; your most valuable non-verbal tool for officer safety.
communication	the exchange of messages, verbally and non-verbally, through speech, gestures, or writing, when interacting with others
community control	a closely monitored form of house arrest that is more restrictive than probation or parole and includes surveillance on weekends and holidays
Community Control I (CC) or Community Control II (GPS)	as defined in s. 948.01, F.S., an intense form of supervised custody in the community, which restricts the freedom of the offender in the community, home or non-institutional residential placement. Community Control II includes electronic monitoring.
community partnerships	local resources that work with the Department on a voluntary basis to provide support services to offenders under supervision
community policing	a practice that promotes organizational strategies that support the systemic use of partnerships and problem-solving techniques to proactively address public safety issues such as crime, social disorder, and fear of crime
community resources	various public and private organizations, places, services, businesses, and individuals within the community that can help or provide support, aid, or assistance to offenders
community service	work an offender must perform, without pay, and for the benefit of the community

community supervision offender	a person placed on supervision by the Court or the Florida Commission on Offender Review. The offender can transfer from another state or supervised based on a pretrial agreement
compensatory damages	reimbursement for the actual property damage, harm, or injury that the plaintiff suffers
complacency	an overly comfortable or relaxed state of mind, which may lull you into a false sense of safety and security
Comprehensive Case Information System (CCIS)	a website that links to each county clerk of court within the state of Florida, enabling officers to access arrest reports, charging documents, victim information, or court orders
concealment	anything that can keep you hidden and provide a position for observation such as shrubs or fences
concurrent sentence	when a judge sentences an offender for more than one crime to serve at the same time
conditional medical release (CMR)	as defined in s. 947.149, F.S., a post-prison supervision for inmates with an existing medical or physical condition and determined to be permanently incapacitated or terminally ill. The offender is released for the remainder of their sentence with periodic medical evaluations
conditional release (CRS)	as defined in s. 947.1405, F.S., a prison post-release supervision granted to serious offenders to serve the remainder of their sentence in the community for accrued gain time
confidential informant (CI)	a person who works undercover with law enforcement to obtain information relating to criminal activity
confidential information	non-public information that is exempt from the provision of s. 119.071, F.S., and protected from public disclosure
confidential records	materials not subject to inspection or copying by the public and only released to persons or entities that statute, a court order, or in some cases, written authorization specifically designates
conflict of interest	situations or actions that could conflict with your official responsibilities, or that could cause a clash of professional obligations and personal interest
consecutive sentences	when an offender must serve multiple criminal sentences individually; when one sentence is over, the other sentence begins. The offender will be released from probation only after each consecutive sentence is served

Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information	authorizes you to acquire medical information regarding an offender that will assist in determining their compliance with conditions of supervision
conspiracy	the intent of the offender was that the offense (object of conspiracy) would be committed. In order to carry out the intent, the offender agreed, conspired, combined, or confederated with the person(s) alleged to cause (object of conspiracy) to be committed either by them, or one of them, or by some other person
constitutional law	law that defines the U.S. form of representative government, and identifies the powers and limitations of its three branches (executive, legislative, and judicial). It consists of standards set forth in the Constitution, and in court decisions, interpreting the Constitution handed down by U.S. District and Supreme Courts
contact standard	the minimum number of contacts an officer makes to supervise an offender in the community during a specified supervision period
contraband	anything that is illegal for an offender to possess, such as illegal drugs, or a firearm
contracted vendors	organizations, places, businesses and individuals who provide paid commodities or services to improve the quality of life of members of a community
control release	as defined in s. 947.146, F.S., an administrative function solely used to manage the state prison population within total capacity
correctional probation officer	a person responsible for the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within the Department of Corrections' institutions or within the community
cost of supervision	the monthly fee charged to an offender to offset costs of supervision
cost of supervision (COS)	financial obligations ordered by the court or sentencing authority for offenders under supervision. These obligations may include court or sentencing authority costs, fines, restitution, and other supervision related fees
cost of supervision (COS) waiver	statutory relief of an offender from a sentencing authority-ordered financial obligation during a specified period

cost of supervision (COS) pre-payment discount	a 25% reduction on the statutory financial obligation of an eligible offender under supervision by a sentencing authority
court costs	statutory fees imposed by the court or sentencing authority
court order	defines a legal relationship between persons in a court proceeding that requires someone to do or refrain from doing something. Examples include, but are not limited to, restraining order, warrant, summons, and divorce decree, and summons
Court Ordered Payment System (COPS)	a screen within OBIS that keeps a record of an offender's financial obligations and is administered by the Florida Department of Corrections
cover	protection from incoming gunfire such as, automobile engine blocks, brick walls, dirt embankments, concrete, steel, and thick wood
criminal gang	a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts
criminal justice	the structure, functions, and decision-making processes of the agencies that deal with the management and control of crime and criminal offenders
Criminal Justice Network (CJNet)	a secure Internet site used by the Florida criminal justice community as a portal to many beneficial electronic criminal justice databases
criminal law	the body of law that defines unacceptable behaviors and government prosecution of those who commit them, clearly describes the unacceptable behaviors, and sets a punishment for them
criminal liability	when the court finds a person guilty of committing a crime, sentencing him or her to incarceration or other penalties
criminogenic needs	risk factors or behaviors correlated with failure of traditional forms of rehabilitation, leading to recidivism
cross-examination	when you are finished with your direct testimony by the attorney who called you, the other attorney is then entitled to ask you questions
culpable negligence	more than a failure to use ordinary care for others, it is gross and flagrant negligence, committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct the suspect must have known, or reasonably should have known, was likely to cause death or great bodily harm
cumulative or routine stress	stress that builds from common behaviors or responses and results from a variety of sources over time

D

delayed stress	a type of stress that lies dormant for a period of time and then resurfaces
delegation of authority	granting of power by the person with authority to another person
dementia	a progressive mental disorder characterized by a loss of memory, an impairment of judgment and abstract thinking, decline in mental function, and changes in personality
Department of Corrections Training Trust Fund	a statutory fee used to offset Department training costs, including victim awareness
deposition	an official court proceeding in which all parties, except the defendant, provide sworn testimonies regarding the facts of the case prior to trial
detainer	(also known as a hold) an official request from one criminal justice agency to another to take custody of an offender and hold the individual for transfer to the requesting agency
detoxification	the process of allowing the body to rid itself of a drug while managing the symptoms of withdrawal
developmental disability	a group of conditions that cause impairment in physical, learning, language, or behavior beginning in early childhood and usually last throughout a person's lifetime. A developmental disability is an incurable intellectual or behavioral impairment that shows itself by early adulthood
direct evidence	evidence that proves a fact without an inference or presumption and which, if true in itself, conclusively establishes that fact
direct examination	testifying at a trial or hearing
direct liability	cases in which the officer committed an intentional or a negligent tort in violation of the Department's orders or policies.
disabled adult	a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living
disabled person	a person who has a physical or mental impairment that substantially limits a major life activity

discrepancy	a lack of agreement or balance, when there is a difference between two things that should be alike
discrimination	the negative treatment toward a person or group that is based on color, race, sex, age, religion, ethnic and national origin, disabled, and/or marital status
distress	a form of stress causing anxiety, strain, or suffering that affects the mind or body
documentary evidence	anything written or printed which is offered to prove or disprove facts pertaining to the case
domestic violence	not a criminal charge; when a person is arrested for a domestic violence incident, the actual charge will be from a related statute. In domestic violence cases, the charge can be battery, aggravated battery, or sexual battery, destruction of property, forgery or fraud, theft or identity theft, witness intimidation, etc. The relationship between the perpetrator and the victim classifies these charges as domestic violence
domestic violence shelters	housing that helps survivors of domestic abuse by providing safety needs for abuse victims and their children
drug offender probation (DOP)	as defined in s. 948.01, F.S., a form of intense supervision that emphasizes individualized substance treatment
drug testing fee	a fee charged for offenders receiving drug tests by the Department
drug tolerance	occurs when a person needs to increase the dosage of the drug to produce the same effect as the initial dosage
due process	requires states to provide equal treatment and protection of the laws
due process clause	expands the application of the Bill of Rights to state and local governments as well
duty to act	as defined in *Black's Law Dictionary*, a duty to take some action to prevent harm to another, and for the failure of which one may be liable depending on the relationship of the parties and the circumstances

E

early termination of supervision (ET)	ending an offender's supervision prior to the scheduled completion date

elderly person	a person 60 years of age or older who is suffering from the infirmities of aging as showed by advanced age or organic brain damage, or other physical, mental, sensory, or emotional dysfunction, to the extent the ability of the person to provide adequately for the person's own care or protection is impaired
emergency doctrine	when sudden peril requires instinctive action, you are not required to use the same degree of care as when there is time to reflect
Emergency Response Guidebook (ERG)	a resource guide that aids in quickly identifying the specific or common hazards of the material(s) involved. It provides information regarding how to protect yourself and the public during the initial response phase of the incident
emergency travel	travel due to an illness or injury to the offender, spouse, parent, sibling, or a dependent that requires urgent medical care; or the death of the offender's spouse, parent, sibling, or dependent
ethical behavior	principled, value-based decision-making, that is practiced daily for personal or professional reasons
ethical principles	rules of conduct derived from ethical values
ethics	the standards of conduct based on the principles of right and wrong
eustress	a form of stress that is helpful or gives an individual a feeling of fulfillment. It is normally short term, and can challenge and improve performance by motivating and focusing energy
evidence	information allowed in court
evidence-based practice (EBP)	an approach to community corrections that focuses on using proven risk reduction strategies for offenders
exempt records	records that are not subject to inspection by the public; however, the Florida Department of Corrections may disclose
extremism	the actions or ideologies of individuals or groups outside the perceived political center of a society. In democratic societies, individuals or groups that advocate the replacement of the democracy with an authoritarian regime

F

family or household member	spouses, former spouses, people related by blood or marriage, people who are presently residing together as a family or have resided together in the

	past as a family, and people who are parents of a child in common, regardless of whether they have been married. With the exception of people who have a child in common, the family or household members must be currently residing or in the past have resided together in the same single residence unit
family shelters	facilities that provide secure, temporary refuge and a supportive environment to homeless families
felony	any crime committed which is punishable by incarceration in a state correctional facility for more than one year
field work	job duties that take place outside of the probation office
fight-or-flight response	the body's response to either fight a threat or flee the situation
first appearance hearing	a court proceeding where a judge determines if there is sufficient probable cause to hold the defendant to answer to the crime for which they were arrested. If so, a reasonable bond will be determined
Florida Administrative Message (FAM)	a messaging system alerting the probation officer of offender contact with law enforcement in FCIC. FAM will also notify you of an offender pending release from supervision. It is an exchange of criminal justice information transmitted through the FCIC network
Florida Commission on Offender Review	a quasi-judicial body independent from the Florida Department of Corrections that determines conditions of supervision for specific offenders, including those on parole and conditional release
force	physical violence that may include beatings, sexual battery, shootings, or physical confinement
fraud	false or deceptive offers of employment, marriage, or a better life

G

gain the case	receiving an incoming transferred offender, upon the initial in-person contact with the offender and completing the Transaction Register form
gain time	time awarded to an inmate for good behavior, reducing the length of incarceration
General Revenue Fund	an account maintained by the State of Florida, which consists of all monies, received from every source except for trust fund monies and budget stabilization funds. After due diligence, if you cannot locate the victim while

	an offender is still under active supervision, request the sentencing authority to shift restitution to the General Revenue Fund
graduated sanctions	measures that apply increasingly harsher punishments each time an offender violates a condition of supervision
gratuity	anything of value intended to benefit the giver more than the receiver; something given to a person because of that person's position or authority
grid search pattern	often used indoors, a variation of the strip/line search pattern. Searchers overlap a series of lanes in a cross pattern, making the search more methodical and thorough

H

harm	deliberately inflicted physical injury
hate crimes	reclassified penalties for felonies and misdemeanors if the commission of the offense evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age of the victim of the offense
hazmat (hazardous materials)	any substance or material that when released may cause harm, serious injury, or death to humans or animals, or may harm the environment
Health Insurance Portability and Accountability Act (HIPAA)	a federal act that provides national standards to protect the privacy of personal health information
hearsay evidence	any statement made out of court, by someone other than the person now testifying, and offered to prove the truth of the matter asserted
hit response	a computer response that indicates that there is one exact match that validates the identity of an offender
homeless coalitions	organizations represented in most Florida counties that coordinate shelter, food, and other basic social needs within a local area
homeless shelters	often associated with churches or government, short-term stabilizing housing solutions that provide services to assist the residents
human smuggling	when the person transported into the state is an individual who the smuggler knows, or should know, is illegally entering the United States from another country

human trafficking	when the trafficker knowingly, or in reckless disregard of the facts, engages in, or attempts to engage in, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking
hybrid gang	a type of gang that forms within schools, neighborhoods, or regions, and in youthful offender, juvenile, and adult correctional facilities. These gangs can be composed of members from other gangs uniting to form a group
hypervigilance	one of the symptoms of post-traumatic stress disorder, hypervigilance is an enhanced state of awareness or "being on guard" that impedes one's ability to relax and disengage from a stressful situation

I

Immigration and Customs Enforcement (ICE)	the principal investigative branch of the U.S. Department of Homeland Security. It is responsible for the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration
impairment	a mental, physiological, or physical disorder that makes the completion of major life activities using traditional methods difficult
independent reporting status (IRS)	one of the least restrictive classes of offender supervision where the level of supervision is reduced for low risk/needs offenders
individualized supervision plan (ISP)	a plan that identifies specific needs, goals, and timeframes to help the offender complete the conditions of supervision, and provides strategies for self-improvement
injunction	a court order that requires someone to do or refrain from doing something. Examples include, but are not limited to, restraining order, warrant, divorce decree, and summons
instant offense	the offense for which the court orders a PSI
insubordination	the failure to follow orders from superiors in the chain of command and is a very serious offense
intellectual disability	a developmental disability caused by childhood illnesses and injuries causing permanent and irreversible brain damage, mental retardation, characterized by slow intellectual development
interagency agreement	a formalized agreement template that contains the principles of the community-policing partnership

interstate compact	an agreement between the Florida Department of Corrections and any corrections department outside of Florida, to supervise offenders on probation or parole in accordance with Florida's policy and procedures for community corrections
intrastate transfer	when an offender's supervision transfers from one office, county, or circuit to another office, county, or circuit in Florida
invoking the rule	when a judge generally orders that the witnesses not discuss any aspect of the case with anyone except the attorneys involved

J

Jessica Lunsford Act (JLA)	a Florida law designed to protect victims of sexual battery and reduce a sexual offender's ability to reoffend
judgment	a formal decision made by the court; an obligation made by the ruling of a court
jurisdiction	the types of cases in which the court can make decisions. Federal courts only hear cases that are violations of federal laws, including constitutional violations. State courts hear cases involving violations of state law. Courts of limited jurisdiction only decide a limited set of case types

L

lacks capacity to consent	when a vulnerable adult lacks sufficient understanding or capacity to make or communicate reasonable decisions concerning his or her person or property
lateral communication	information that flows across the same level of employees or officers within the chain of command
law	a form of social control and a method of encouraging people to behave in a certain way

M

major depressive disorder (MDD)	one of the most common mood disorders that you may encounter. MDD is different from the brief, situational depressive episodes that most people commonly experience with the loss of a loved one, the loss of a job, or financial loss. MDD is a clinically diagnosed mental illness for a person having multiple, major depressive episodes

memorandum of agreement (MOA) or a memorandum of understanding (MOU)	agreements between the Department and other agencies or community-service providers that offer a variety of resources and mutually beneficial services
mental illness	an impairment of the mental or emotional processes that exercise the conscious control of one's actions. Mental illness impairs one's ability to perceive or understand reality
mental injury	an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior
miscommunication	when barriers interfere with the message between the sender and receiver
misdemeanor	any criminal offense with a maximum incarceration penalty in a county jail of up to one year
motivational interviewing (MI)	an EBP for motivating offenders and fostering positive behavioral changes
municipal ordinance violation	a criminal or non-criminal law violation that is restricted to the jurisdiction of the local area that enacted the law or statute

N

NEAR model	a technique to evaluate and respond to an offender's verbal and non-verbal communication
negligence	failure to use due or reasonable care in a situation that results in harm to another
new law violation (VIOA)	when an offender is arrested or charged with a new criminal offense, including criminal traffic, misdemeanor, or felony offenses; also called arrest violation
no hit response	a response when a computer system was unable to find a match to the two-fingerprint image
non-criminal offense	also known as a civil infraction or violation, an offense for which the only penalty may be a fine, forfeiture, or other civil penalty
non-traditional gang	a type of gang that can be without laws or codes but still have an organizational structure

non-verbal communication	a form of communication identified by a person's spoken words or body language
non-willful violation	a violation of probation that occurs beyond the offender’s control, such as an offender who becomes seriously ill and is unable to complete community service hours within his or her period of supervision
not-for-profit organization	tax supported or exempted organizations as certified by the Internal Revenue Service
notice to appear (NTA)	a request for a court date given to the offender in lieu of a warrant

O

obsessive-compulsive disorder	a psychological disorder in which intrusive thoughts and impulses result in ritualistic behavior, such as an excessive need to count, wash one’s hands, or avoid dirt
Offender Based Information System (OBIS)	the Department of Corrections’ computer database which is used to input and track information pertinent to an offender’s supervision
offender financial obligations agreement (OFOA)	a computer generated financial obligation and payment schedule that incorporates all monetary obligations owed by an offender
offender grievance procedure	an official, Department protocol for managing an offender’s grievances, as established in the F.A.C.
offense	broadly, criminal or non-criminal acts that are punishable under Florida law
officer safety	a concept that combines command presence, situational awareness, and a survival mindset. Officer safety can reduce the amount of stress you experience, keeping the public safe, keeping the offender alive, and keeping you alive
omission	neglecting to perform what the law or duty requires
oral pronouncement	when the sentencing authority reads the conditions aloud in open court
ordinances	statutes enacted by a municipal (city) or county government
Overdose	the accidental or intentional use of a dangerously large amount of a substance that leads to death

P

panic disorder	an extreme panic attack with a racing heartbeat, sweating, tension, and a feeling that something terrible is about to happen. Chest pain or discomfort, sweating, trembling, dizziness, faintness, choking, or a feeling that one is going to die could accompany a panic attack
paper terrorism	when offenders who are sovereign citizens target officers by filing lawsuits and other legal documentation against them
parole	the release of an inmate from a correctional institution before the conclusion of inmate's court-imposed sentence, terms and conditions of parole are set by the Florida Commission on Offender Review
parole (PAR)	as defined in s. 947.18, F.S., a post-prison supervision where eligible inmates, with offenses committed prior to Oct 1, 1983, abide by terms and conditions set by the Florida Commission on Offender Review, for a time period not to exceed the balance of the sentence
payee ID	a ten-character ID number generated by OBIS, which is unique to each payee
perjury	the offense of lying in court after taking an oath. Criminal violations differ depending on the situation in which a person commits perjury. Perjury is a felony in official proceedings, for example, testifying in court or giving a deposition
personal values	personal convictions about what is right and wrong based on religious beliefs, cultural roots, family background, personal experiences, laws, organizational values, professional norms, and political habits
personality disorder	a deeply ingrained, non-psychotic, inflexible pattern of relating, perceiving, and behaving. It is serious enough to cause distress to the people around the individual with a personality disorder
phobia	an intense fear of a specific object or situation, such as a fear of heights, spiders, or leaving home
physical dependence	when a person is chemically and physically dependent upon a substance to maintain normal functioning, not just of the central nervous system, but also of all systems
physical injury	death, permanent or temporary disfigurement, or impairment of any body part
physical/real evidenced	actual objects offered to prove facts about a case

pie/wheel search pattern	a search method that divides the area into a number of wedge-shaped sections, which are usually searched using the strip/line search pattern. Use this method for extremely large search areas
plain view observation	the most common type of search and limited to what an officer can plainly see in an unobstructed fashion
planned compliance initiative (PCI)	a planned community corrections initiative that often involves other criminal justice agencies. This scheduled event targets a specific group of offenders to determine if the offenders are complying with terms of supervision
positioning	placing yourself in a tactically advantageous location where you can best use your senses to determine what is occurring in your vicinity, while remaining in a safe place
post-traumatic stress disorder (PTSD)	a psychological disorder that occurs after a person experiences a highly stressful event such as war, physical violence, or a natural disaster
presentence investigation report (PSI)	a report that provides the sentencing authority with the offender's background information and the officer sentencing recommendation
pre-termination review	a review of an offender's case conducted ninety and/or thirty days prior to the scheduled termination date to determine compliance with conditions of supervision
pretrial intervention	when a person has not yet been convicted or has had adjudication withheld for a crime. Instead of a conviction, the court may provide him or her opportunity to perform community service, or meet other supervisory conditions
pretrial intervention program (PTI)	as defined in s. 948.08, F.S., a diversion program for persons charged with a crime before or after any information has been filed or an indictment has been returned in circuit court. If the offender completes the conditions of the program, the case is dismissed
pretrial release	a legal determination that allows defendants to be released on reasonable conditions that secure the defendant for trial and protect victims, witnesses, and the community
principal in the first degree	as defined in s. 777.011, F.S., an offender who may have helped another person commit or attempt to commit a crime; may have intended that the criminal act be done, did or said something to incite, cause, encourage, assist, or advise another person to actually commit the crime. The offender does not have to be present when the crime or incident is actually committed or attempted.

Prison Rape Elimination Act (PREA)	a federal act that establishes a zero tolerance standard for sexual abuse in correctional facilities. PREA requires an investigation of the incident to include gathering information, resources, recommendations, and funding to protect individuals from prison rape.
prison releasee reoffender	a defendant who commits or attempts to commit certain crimes within three years of release from a correctional facility for an offense punishable by a sentence of more than one year under Florida law
probable cause	as it relates to a probation officer, a fair probability or reasonable grounds to believe that an offender violated probation, based on the totality of circumstances
probation	a sentence placing a person under the supervision of a probation officer for a specified length of time instead of in confinement
probation commitment to probation restitution center	a community-based facility that offers residential and non-residential services to offenders. It provides a structured environment to assist offenders with development of skills needed to comply with conditions of supervision, and to achieve successful transition and re-entry into the community
probation felony probation	as defined in s. 948.03, F.S., a court ordered term of supervision under specific conditions for a specific period of time that cannot exceed the maximum sentence for the offense
probation misdemeanor	as defined in s. 948.15., F.S., an offense that places an offender found guilty of a misdemeanor on probation not to exceed six months
procedural due process	steps that protect an individual's rights during a criminal justice process
professionalism	behavior that demonstrates good character, marked by pride in self and career
protected health information (PHI)	offender information that the Department of Corrections creates or receives, in any form, that relates to the past, present, or future physical or mental health condition of an offender
proximate cause	a legal phrase for the link between the breach of duty and the harm caused (damages). In deciding proximate cause, the judge and jury will have to determine if the harmful event was a foreseeable outcome of the defendant's act or failure to act
psychological dependence	when a person feels that they need drugs to cope with problems, function better in life, or feel happier

psychotic disorder	a psychological disorder in which a person's thoughts seem disorganized and not logically connected. The person may hallucinate, a sensory experience in which they can see, hear, smell, taste, or feel something that is not there. They may have delusions, a false belief firmly held in spite of obvious proof or evidence to the contrary; the delusion is this person's reality. A common psychotic or thought disorder is schizophrenia, a brain disorder caused by a chemical imbalance that distorts the way a person thinks, acts, expresses emotion, and perceives reality
public information officer (PIO)	a designated Department spokesperson, located in the Office of Communications (located in Central Office) who is responsible for releasing information to the media on behalf of the Department
public records	all documents, photographs, data processing software, or other materials, regardless of physical form or means of transmission, made or received in connection with the transaction of official business by any agency
public records request	requests for any public records in the custody of the Department of Corrections
punitive damages	damages awarded in addition to actual damages when the defendant acted with recklessness, malice, or deceit

Q

qualified immunity	a legal doctrine that protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known

R

Rapid ID	a computer-based system used to validate or identify an offender reporting to a probation officer
reasonable accommodation	any change made from the usual way that a person does something in the public environment that enables a person with a disability to enjoy equal opportunity
reasonable person legal standard	the standard to which most people would find such behavior offensive, or would substantially affect his or her work environment, if they themselves were subject to the sexual harassment

recidivism	the tendency of an offender to reoffend within three years of release from incarceration
redact	to conceal or obliterate from a copy of an original public record, or to conceal an electronic image that is available to public viewing, that portion of the record containing exempt or confidential information
re-entry	the process of an offender transitioning from incarceration in a facility to supervision within the community, while enhancing public safety and reducing recidivism
release on own recognizance (ROR)	releasing an offender without bail immediately following booking for a minor violation
responsivity	a communication practice that suggests that you are aware of individual characteristics and needs to individual characteristics when assigning offenders to programs
restitution	the amount of monetary damages paid by the offender and awarded to the victim
ride-along	a probation officer riding in a patrol car in the field with a law enforcement officer
routine travel	when an offender must travel across a county line to get to his or her employment, school, treatment program, doctor, or shop
rule of sequestration	a legal rule that allows either the prosecutor or defense attorney to make a motion to order the witnesses in a case excluded from the courtroom unless testifying, with a few exceptions
rules of evidence	the rules that determine guilt or innocence; in a first appearance hearing these rules are more relaxed, as opposed to those of a trial

S

safety data sheet (SDS)	an information sheet posted where a potential hazmat is stored or used; essential for identifying and understanding information regarding a hazmat; aids in interpreting safety hazards and precautions, as well as health hazards
search	any government intrusion into a place in which a person has a reasonable expectation of privacy
security threat group (STG)	a criminal enterprise, an organization of a continuing nature that engages repeatedly in acts of crime, and individually or collectively poses a safety or

	security threat within, as well as outside of, a correctional facility or probation office
Security Threat Operational Review Monitoring Systems (STORMS)	an internal intelligence-gathering tool designed to give the Department and others a blueprint of gang activities in Florida
seizure	when the government affects a person's right to have or control his or her property, usually by physically taking that property
self-efficacy	the belief in one's ability or capacity to change a behavior required to attain a specific goal, the confidence to be able to control one’s motivation and behavior
self-talk	an internal monologue that occurs as you interpret and evaluate situations and the events taking place around you. Positive self-talk strategies include using recall of information, training, and prior encounters. Self-talk enables you to keep your thoughts, verbal and non-verbal communications, and emotional responses in check and on track (Neutralize, Empathize, Actively Listen, Resolve the situation)
sentence structure	determined by the sentencing authority to include the county of sentence, type of supervision, length of sentence, termination dates, offense class, adjudication status, and court case number
sentence vacated	when the sentencing authority determines supervision is invalid
sentencing authority	the legal body that orders offenders sentenced to community corrections where they must complete specific conditions during the period of supervision. The two sentencing authorities in Florida are the county or state courts and the Florida Commission on Offender Review (FCOR)
sentencing hearing	a legal proceeding in which both the defense and the prosecution have an opportunity to present evidence and testimony to recommend an appropriate sentence to the judge
sentencing scoresheets	worksheets prepared for each offender after the disposition of his or her case(s)
sex offender community control or sex offender probation (SOP)	as defined in s. 948.01, F.S., a form of intense supervision with or without electronic monitoring that emphasizes sex offender treatment
sexual harassment	unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

situational awareness	a condition of maintaining a high level of alertness at all times; mentally visualizing anticipated officer safety concerns and formulating options for responding
solicitation	when the offender requests a person to commit a certain offense. During the request, the offender commanded, encouraged, hired, or requested the other person to engage in specific conduct that would constitute the commission of the offense or attempt to commit the offense
sovereign citizen	a movement that consists of a subculture of society that holds antigovernment beliefs. Followers of the sovereign citizen movement participate either individually or in groups. Those who follow the sovereign ideology believe, as sovereign citizens, that they are subject only to common law
sovereign immunity	a legal doctrine that protects state and local government agencies and officials, including criminal justice, against civil suit or criminal prosecution
special conditions of supervision	additional conditions of supervision ordered by the sentencing or releasing authority that is outside of the standard conditions
spiral search pattern	a search method usually used outside by one person. The searcher begins at a certain point and walks in increasingly larger circles to the outermost boundary of the search area
split sentence	when an offender who is serving a prison sentence has a subsequent probation sentence
statutory law	written by Congress, state legislatures, or local governing authorities; includes civil, criminal, administrative, and regulatory laws
STORMS (Security Threat Operational Review Monitoring Systems)	an internal intelligence-gathering tool designed to give the Department of Corrections and others a blueprint of gang activities in Florida
stress	a physical or emotional reaction to an event or situation
strip/line search pattern	a search method usually used outside by several people where the search area is divided into lanes. One or more people search each lane by moving in both directions, examining all areas
subpoena	a document commanding a person to appear at a certain time and place to give testimony and/or to produce records. Issued by an attorney or a clerk of the court, it may relate to a criminal or civil case or a state agency investigation

subpoena duces tecum	a subpoena requesting that a person appear at a particular place and time to testify and to have certain requested records with them
subpoena duces tecum for records in lieu of appearance	a subpoena that allows the person subpoenaed to provide the requested records in lieu of personal appearance
subpoena for trial, hearing, or deposition	a subpoena requesting that the person subpoenaed appear at the specified place and time to give testimony
substance abuse	the inappropriate use of a substance that negatively affects the mind and body, adversely impacting a person’s social or occupational life and psychological or physical health
substance dependence	the compulsive misuse of substances. The person has no choice but to continue to consume the substance because of uncontrollable physical or psychological addiction
substance use	can include having a casual drink with friends, taking a prescribed drug according to label directions, or taking aspirin daily to prevent heart disease. It can be legal or illegal, therapeutic or recreational; however, it can lead to substance misuse
substantive due process	the fair and consistent enforcement of the law
supervision	identifies any special conditions, which can include restitution, treatment, and curfew
suppression hearing	a hearing that occurs after the defense files a motion to suppress or to exclude certain testimony or evidence from the trial, alleging that improper actions violated the defendant’s rights. For example, the court may call you to testify during a suppression hearing when there is evidence of a new crime found during a site visit to an offender’s residence
supremacy clause	part of the U.S. Constitution that states that when laws conflict, federal law generally overrules state and local law. State law can be more restrictive than federal law, but it cannot undermine the federal stand
survival mindset	a mental attitude, being prepared to survive, able to control your fears, manage your emotions, and put your ego aside
suspect	the person believed to have committed a crime

T

tagging	writing or drawings that have been scribbled, scratched, or sprayed illicitly on a wall or other surface in a public area
technical violation (VIOT)	when an offender fails to comply with any other condition of supervision (other than violating the law)
testimonial evidence	witness statements tending to prove or disprove facts about the case
Thinking for a Change (T4C)	a program designed by the National Institute of Corrections, to help an offender learn and practice healthy behavior, social skills, and problem solving
tolling	the period of time in which community custody or confinement time is suspended and for which the offender does not receive credit toward the term ordered
tort	a civil wrong in which the action or inaction of a person or entity violates the rights of another person or entity
totality of circumstances	all factors known to an officer at the time of the incident
traditional gang	a type of gang that has a documented history, a written set of laws or codes, and can have an organizational structure
transitional gang members	individuals or a group of gang members that come to prison and realign themselves with traditional and non-traditional gangs
traumatic brain injury (TBI)	structural damage sustained by the brain resulting in temporarily or permanently impaired brain function
trial	the examination of facts and related law, presided over by a judge or other magistrate who has the authority or jurisdiction to hear the matter

U

unplanned searches	searches that often result from a walk-through visual inspection and do not require a warrant. If during a residence verification or routine field supervision, you become aware of a violation of supervision through surveillance or observation, you may need to conduct an unplanned search

V

values	the principles, standards, or qualities considered worthwhile or desirable; the core beliefs or desires that guide or motivate a person’s attitudes and actions

vertical communication	information that flows from the chief executive officer through the supervision levels to the lowest levels of the organization
vicarious liability	when the court holds one person or entity liable for the negligent actions of another person even though the first person or entity was not directly responsible for the injury
victim	a person or entity that suffers an injury because of a crime
victim restitution	money owed to a victim because of the crime committed
VINELink (VINE)	a database used to notify both the officer and the victim of an offender's location and status. VINE is an automated system, which notifies registrants of changes in the offender's status
violation of probation (VOP)	when an offender does not abide by all conditions ordered by the court
violation of probation (VOP) hearing	when a probation officer accuses an offender of violating his or her probation or community control and an offender contests the violation
violent felony offender (VFO) of special concern	an offender sentenced under certain serious offenses, including kidnapping, false imprisonment, aggravated battery, robbery, burglary, certain sex offenses, or other violent crimes
vulnerable adult	a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, brain damage, or the infirmities of aging

W

walk-through visual inspection	an officer's visual inspection of the offender's living quarters, areas occupied only by the offender, any surrounding property, and the exterior of the offender's vehicle
warrant	a court order that authorizes an officer to conduct a search or seizure, or make an arrest
warrantless arrest	a seizure, forcible restraint, or taking of a person into custody by legal authority, without the use of a warrant
warrantless planned search	a search without a warrant

warrantless planned search	an unannounced search used to ensure the offender's compliance with court orders. This type of search can occur with or without a "search" condition of supervision. Planned searches often occur after receiving an anonymous or law enforcement tip that provides information related to a violation of supervision
willful violation	a violation of probation where the offender intentionally fails to make reasonable efforts to comply with the conditions of supervision
withdrawal	the physical and mental symptoms that occur after a person stops or reduces the chronic use of a drug
witness	any person who has information about some element of the crime or about evidence or documents related to the crime

Y

youthful offender	an offender who is at least 18 years old or transferred from the juvenile justice system for prosecution as an adult

Z

zone/quadrant search pattern	a search method used for vehicle searches, outdoors, or a large area. The area is divided into four different sections and each area searched using the strip/line search, grid search, pie/wheel search or spiral search pattern

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