



Chapter 3: Legal Foundations for Law Enforcement

Essential legal knowledge for criminal justice professionals





Course Overview



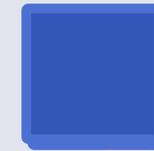
Unit 1: Introduction to Law

Law systems,
constitutional law,
offenses, statutes



Unit 2: Legal Concepts

Intent, justification,
search & seizure, arrest,
force



Unit 3: Liability

Types of liability, officer
protection



Unit 4: Court Basics

Court systems, proceedings, orders



Unit 1

Introduction to Law



Lesson 1: Law Systems

Your Role as a Law Enforcement Officer

Core Duties:

- Respond to calls
- Patrol communities
- Determine violations
- Make arrests
- Investigate crimes

Legal Foundation:

Understanding federal, state, and local laws to act properly without infringing on individual rights





Sources of Law

U.S. Constitution

Establishes government form, outlines three-branch structure

Constitutional Law

Defines powers, limitations, upholds standards

Florida Constitution

Parallels U.S. Constitution, affords equal or greater rights

Laws protect rights, maintain order, regulate business, raise revenue

Legislative

Makes laws

Executive

Carries out laws

Judicial

Interprets laws



Three Branches of Government

Legislative

Creates laws

Executive

Enforces laws (your role)

Judicial

Interprets laws



Types of Law

Statutory Law

Written law enacted by Congress, state legislatures, local authorities

Ordinances

Municipal/county laws: curfews, alcohol sales, parking

Criminal Law

Identifies unacceptable behaviors, sets punishments

Civil Law

Non-criminal disputes: custody, landlord-tenant, property



Administrative & Case Law

Administrative Law

Governs agency operations and procedures

Example: Chapter 11B, F.A.C. governs officer training and certification

Case Law

Court decisions interpreting constitutional provisions and statutes

Creates precedents you must follow





Staying Current in the Law

1

Reliable Sources

- Agency bulletins
- Legislative updates
- FDLE website
- Attorney General
- Florida Supreme Court

2

Avoid Unofficial Sources

- Newspapers
- Television/radio
- Unreliable websites
- Word of mouth

Failure to stay current risks evidence exclusion, case dismissal, discipline, liability, or prosecution



Agency Policies & Procedures

Agencies establish policies to guide daily activities and meet specific needs



Body Cameras



CEWs



Vehicle Pursuits



Uniform Standards



Arrest Procedures

Agency policies can be more restrictive than state and federal laws

Lesson 2: Constitutional Law

Your Main Objective

Protect the constitutional rights of everyone within the United States

The Constitution defines your authority to act and sets parameters for government operations





Constitutional Amendments for Law Enforcement

1

First Amendment

Freedom of speech, press, assembly, religion

2

Second Amendment

Right to bear arms

3

Fourth Amendment

Protection from unreasonable search and seizure

4

Fifth Amendment

Protection against self-incrimination, due process

Key Amendments (Continued)

Sixth Amendment

Right to speedy trial,
jury, attorney, confront
witnesses

Eighth Amendment

No excessive bail/fines,
no cruel and unusual
punishment

Fourteenth Amendment

Due process and equal protection under law





Due Process

Substantive Due Process

Fair and consistent enforcement of law

People are treated fairly

Procedural Due Process

Procedures that protect rights during criminal justice process

Everyone entitled to every step

 Government cannot deprive anyone of life, liberty, or property without cause

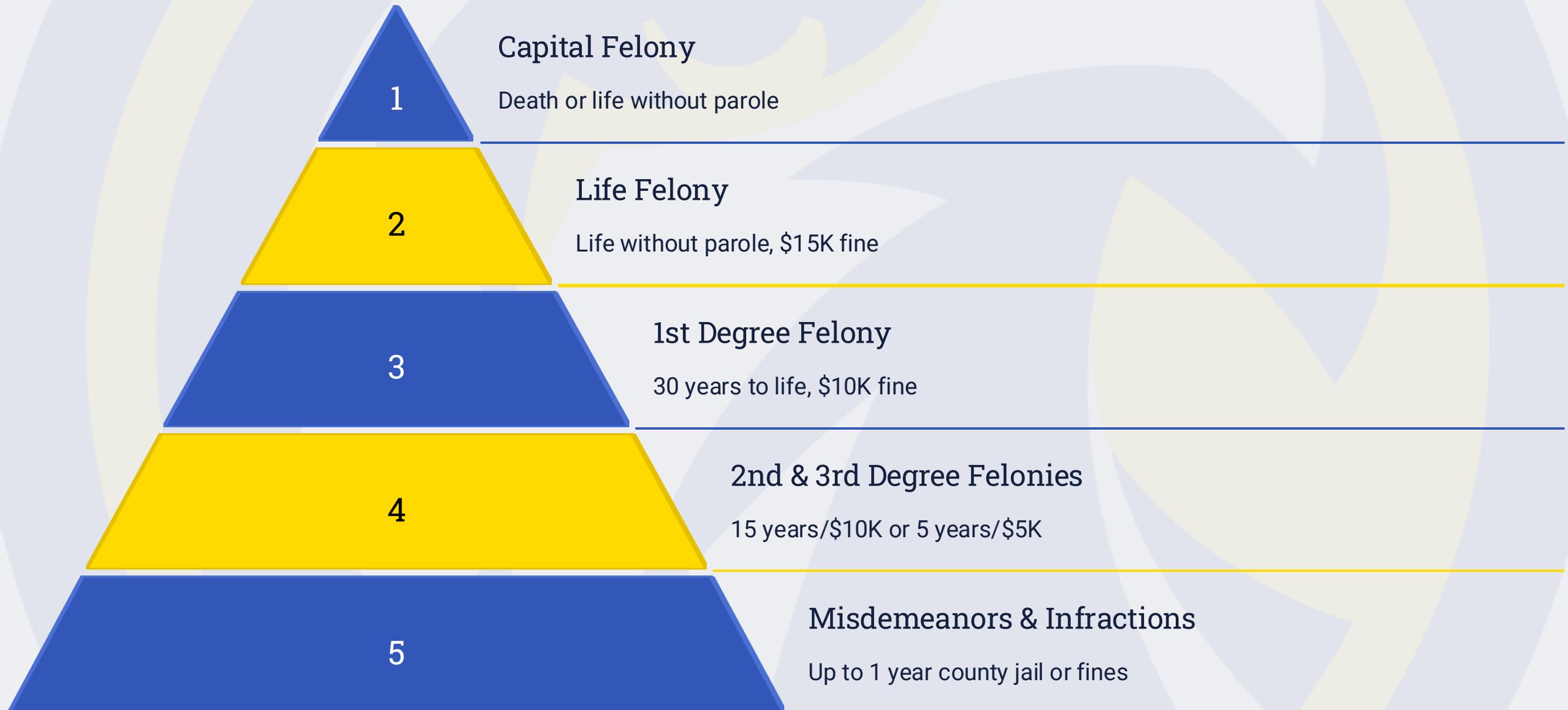


Get the Right Result The Right Way

Failure to abide by constitutional rules may result in suppression of evidence, civil/criminal liability



Lesson 3: Classification of Offenses



Criminal vs. Non-Criminal Offenses

Criminal Offenses

Punishable by incarceration

- Felonies
- Misdemeanors
- Criminal ordinances

Non-Criminal Violations

Civil infractions—fines only

- Traffic violations
- Code enforcement
- Civil ordinances





Misdemeanor Classifications

Second-Degree Misdemeanor

Maximum: 60 days county jail, \$500 fine, or both

Example: Criminal mischief under \$200 damage

First-Degree Misdemeanor

Maximum: 1 year county jail, \$1,000 fine, or both

Example: Criminal mischief \$200-\$1,000 damage



Felony Classifications



3rd Degree

5 years, \$5K

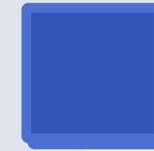
Aggravated assault



2nd Degree

15 years, \$10K

Aggravated battery



1st Degree

30 years-life, \$10K

Kidnapping



Life Felony

Life without parole, \$15K



Capital Felony

Death or life without parole

First-degree murder



Lesson 4: Reading & Understanding Statutes

Navigating the Florida Statutes

Chapters → Sections → Subsections → Paragraphs

Example: Chapter 812 (Theft), Section 812.014 (Theft), Subsection (1)



Understanding Statute Structure

Subsection (1)

Outlines the actual crime

Paragraphs (a), (b), (c)

Specify elements of the crime

Later Subsections

Outline penalties for offense

Definitions

Found at chapter or section beginning

 Always use reliable, current sources—agency materials or official websites



Enhanced Penalties

Sentence increased to more serious classification due to prior conviction or serious circumstances



Violence Against Officers

Law enforcement, correctional officers, attorneys, judges



Hate Crimes

Prejudice or discrimination while committing crime



Concealing Identity

Wearing mask/hood during felony or misdemeanor



Weapon Use

Using weapon during commission of crime

Enhanced Penalties (Continued)



Additional Enhancements:

- Unlawful taking of law enforcement officer's firearm
- Committing offense that facilitated terrorism

Enhanced penalties governed by federal and state laws



Parties to a Crime

Principal in the First Degree

Person who commits, aids, abets, counsels, hires, or persuades offense

May be charged whether present or not

Example: Babysitter provides security codes for burglary

Accessory After the Fact

Person who aids principal to avoid detention, arrest, trial, or punishment

Example: Sheltering robbery suspect to help avoid police



Unit 2

Legal Concepts

Intent • Justification • Search & Seizure • Weapons • Arrest •
Use of Force

Unit 2 Overview

Lesson 1: Categories
of Criminal Intent

Lesson 3: Search
and Seizure

Lesson 5: Laws of
Arrest

Lesson 2: Standards
of Legal
Justification

Lesson 4: Weapons
and Firearms
Possession

Lesson 6: Use of
Force

Unit 3

Liability

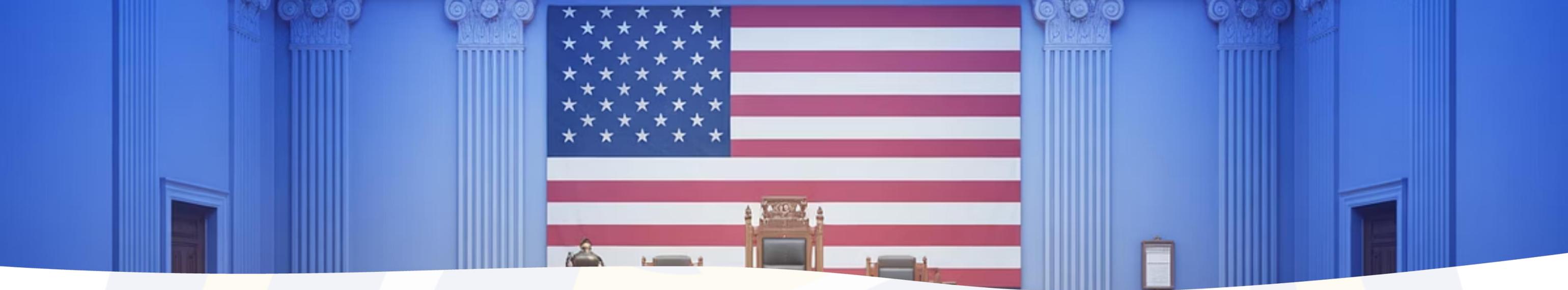
Lesson 1

Types of Liability

Lesson 2

Protecting Officers Against Liability





Unit 4

Court Basics

Lesson 1

U.S. and Florida Court Systems

Lesson 2

Court Proceedings

Lesson 3

Court Orders



Key Takeaways



Constitutional Foundation

Protect rights while enforcing law within constitutional parameters



Legal Knowledge

Understand statutes, case law, and agency policies



Classification Mastery

Recognize offense types and appropriate penalties



Professional Responsibility

Stay current, follow procedures, protect against liability

Your Legal Foundation

The Constitution requires you to get the right result the right way

Your community counts on you to uphold the Constitution and protect their rights

Master these legal foundations to serve with excellence





Unit 2: Legal Concepts for Law Enforcement

Criminal Intent, Legal Standards, Search & Seizure,
Weapons Laws





Unit 2 Overview

Lesson 1

Categories of Criminal Intent

Lesson 2

Standards of Legal Justification

Lesson 3

Search and Seizure

Lesson 4

Weapons and Firearms Possession

Lesson 1

Categories of Criminal Intent



Lesson 1 Goal

Understand the significance of intent and negligence when determining whether an act is criminal.





Think About This

During an altercation, Stephanie points a gun at her sister, Eliza, and shoots at her. Stephanie misses and accidentally shoots their nearby friend, Carol, instead.

What category of criminal intent does this crime fall under?

Determining a Criminal Offense

- 1** Was a criminal act committed?
- 2** Was there criminal intent?



Key Definitions

Criminal Intent

Conscious decision to deliberately engage in unlawful act or harm someone

Probable Cause

Fair probability or reasonable grounds to believe someone committed a crime



Criminal Act Requirements

Action Required

Criminal offense requires physical action toward committing the crime

Mere thoughts ≠ criminal liability

Omission to Act

Failure to act when legal duty exists

Must be *legal duty*, not just moral duty

Four Categories of Criminal Intent



General Intent



Specific Intent



Transferred Intent



Recklessness

General Intent

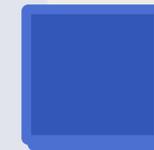
Suspect intentionally commits illegal act **without considering results**



Battery



Assault



Rape



Kidnapping



False imprisonment



Involuntary manslaughter



Specific Intent

Intent to commit crime **and** intent to permanently deprive owner

State of Mind

Done intentionally, knowingly, purposely, or willfully

Examples

- Burglary
- Embezzlement
- Forgery
- Murder
- Robbery
- Theft

Transferred Intent

1

Intended Target

Crime meant to harm one person

2

Actual Result

Inadvertently causes harm to another



Important: Crime charged must relate to defendant's actions. Seek legal or supervisory advice.



Transferred Intent Examples

Example 1

Suspect strikes bystander unintentionally while attempting battery

Example 2

Person intending to shoot one victim misses and strikes second victim

Recklessness

Definition

Criminal liability
when defendant
didn't intend
behavior to cause
resulting harm

Key Points

- May result in civil or criminal charges
- Example: vehicular homicide
- Behavior causes unintended harm





Negligence Defined

Failure to behave with level of care that reasonably prudent person would exercise under same circumstances

Not Deliberate

Careless actions, not intentional harm

Failure of Duty

Fails to provide duty owed to another

Negligence Examples



Distracted Driving

Looking at phone instead of road while driving,
causing accident



Unintentional Harm

John intentionally hits Bob during fight,
accidentally hits and injures Tom



Four Elements of Negligence

Duty to Act with Care

Breach of Duty to Act

Causation or Proximate Cause

Damages

 **All four elements must be proved** to recover damages in negligence action



Element 1: Duty to Act with Care

Created By

- Statute
- Contract

General Duty

Everyone driving in Florida has general duty to use reasonable care

Specific Duty

Officer directing traffic has specific duty to people relying on them



Element 2: Breach of Duty

1

Definition

Person unreasonably failed in duty they were obligated to perform

2

Proof

Evidence of law violation or accepted practices violation

3

Failure to Act

Not taking action when reasonable officer should have

Breach Example: CPR Scenario

Situation

Person not breathing, injured

1

Result

Person dies or suffers brain
damage

3

2

Officer Decision

Waits for EMS instead of
performing CPR

4

Liability

Officer breached duty of care



Element 3: Proximate Cause

Legal link between breach of duty and harm caused



Breach of Duty

Proximate Cause

Damages

Foreseeable outcome?



Element 4: Damages

Compensatory Damages

Compensate for actual harm or injury

Punitive Damages

Punish defendant and warn others



Types of Compensatory Damages

General Damages

- Pain and suffering
- Discomfort
- Humiliation
- Emotional distress

Special Damages

- Lost earnings
- Medical expenses
- Property destruction
- Attorney's fees

 **Nominal damages:** Awarded when rights violated but insufficient proof of financial harm



Punitive Damages

Purpose

Punish defendant for their act

Warning

Deter others from same act

When Awarded

Defendant acted with recklessness, malice, or deceit



Lesson 2

Standards of Legal Justification





Lesson 2 Goal

Understand three standards of legal justification, their evolving levels, and corresponding justifiable legal action.



Think About This

“ While on patrol at 2 a.m., you see someone sprinting across the street from an abandoned gas station.

Do you have legal justification to stop, frisk, or arrest this person? ”



Fourth Amendment Rights

U.S. Constitution guarantees right of privacy to all individuals

Freedom of Movement

People can move in public free from police interference when obeying law

Officer Authority

Can detain with reasonable suspicion or arrest with probable cause



Officer's Justification to Act



Explain Your Actions

Must articulate legal context for stopping someone



Give Opportunity

Allow person to ask questions when possible



Document Everything

Be prepared to testify in court



Three Types of Encounters



Consensual Encounters

Voluntary contact, free to leave



Investigative Stops

Temporary detention,
reasonable suspicion



Arrests

Custody, probable cause
required



Consensual Encounters

Characteristics

- Voluntary contact
- Person free to go anytime
- Can refuse to answer questions
- Can decline to identify themselves
- No coercion or detention
- Not a Fourth Amendment seizure

Examples

Asking baker about business

Polite conversation with community member



Maintaining Consensual Nature

Allow person to end conversation anytime

Allow person to leave anytime

Allow freedom of movement

Don't force identification

Don't physically stop or restrain

Don't frisk the person

Don't give orders or commands

Don't use sirens or emergency lights



Mere Suspicion

Definition

Hunch or gut feeling based on training and knowledge

What You Can Do

Ask if willing to answer questions, engage in conversation

What You Cannot Do

Detain person or conduct search



Community Policing Value

Use consensual encounters to strengthen bonds between law enforcement and public



Build Relationships

Get to know community members through conversation



Strengthen Trust

Create positive interactions beyond enforcement



Investigative Stop

Officer can make investigative stop **only** with reasonable suspicion



Reasonable Suspicion

Person was, is, or about to commit violation

Limited Purpose

Investigate that suspicion only

Conclusion

Ends when purpose complete or probable cause develops



Reasonable Suspicion Defined



Articulate Facts

Can put into words facts supporting suspicion



Crime Connection

Facts support person committed, is committing, or about to commit crime



Sources of Reasonable Suspicion

Personal Observation

What officer sees, hears, smells

Fellow Officers

Information from other law enforcement

Third Parties

Informants, witnesses

BOLOs

Be on lookout descriptions



Personal Observations

Behavioral Factors

- Running away
- Trying to evade
- Unusual dress or actions
- High crime area presence

Environmental Factors

- Time of day
- Location
- Perceived smells
- Sounds



Important: None of these alone justifies reasonable suspicion

Illinois v. Wardlow

"Individual's presence in high crime area, standing alone, is not enough to support reasonable suspicion."

"However, officers not required to ignore relevant characteristics of location when determining if circumstances sufficiently suspicious."





Terry Stop and Frisk

Terry v. Ohio (1968)

Officer observed men repeatedly examining store window

1

2

Officer Action

Confronted men, patted down outer clothing

3

Discovery

Found guns in jackets

4

Supreme Court Ruling

Frisk lawful with reasonable suspicion person armed



Two Elements for Lawful Pat Down

1. Lawful Detention

Person detained based on reasonable suspicion

2. Weapon Suspicion

Reasonable suspicion person possesses dangerous weapon

 Cannot automatically pat down every detained person



Frisk Scope and Limitations

Scope

- External pat down only
- Outer clothing
- Property being carried
- Vehicle passenger compartment if occupant armed and dangerous

Requirements

Must articulate reasons for believing person has weapon

Not automatic for every detention

Mackey v. State

Simply seeing partially concealed firearm does not, standing alone, constitute reasonable suspicion or justify frisk

Many people may lawfully possess concealed firearm





Plain Touch/Feel Doctrine

Valid Stop and Frisk

Feel Item During Pat Down

Immediately Recognize as
Contraband

Based on training and experience

May Seize Contraband

Even if not weapon

 **No manipulation or groping permitted** - Minnesota v. Dickerson



Terry Stop Duration and Force

Duration

Limited to time reasonably necessary to accomplish purpose

Location

Cannot require person to move from stop location

Force

May use if reasonably necessary for safety

Handcuffs

Permitted if reasonably necessary - must explain why



Florida Stop and Frisk Law

Incorporates *Terry* guidelines into Florida law

1

Statute Language

"Probable cause" required for weapons pat down

2

Case Law Interpretation

"Probable cause" means **reasonable suspicion** in this context

Pretext Stops

Definition

Stop vehicle for traffic/equipment violation to investigate other criminal activity

Legal Basis

Probable cause of traffic infraction or equipment violation





Whren v. United States

Facts

Vehicle sitting at stop sign unusually long,
sped off without signal

1

Discovery

Saw cocaine in vehicle

3

2

Stop

Officers pulled over for traffic violation

4

Ruling

Constitutional - probable cause for traffic
stop existed

Subjective reasoning irrelevant if objectively reasonable justification exists

Arrests

Most Serious Encounter

Lengthy searches or detentions

Physical Restraint

Or use of authority indicating not free to leave

Probable Cause Required

Person committed or is committing crime





Probable Cause Standard

"Fair probability or reasonable grounds to believe crime has been or is being committed"

- Based on totality of circumstances

Stricter Than

Reasonable suspicion

Justifies

Greater invasions into
privacy

Required For

Arrests and searches



Supreme Court on Probable Cause

"Facts and circumstances within arresting officer's knowledge...sufficient to warrant man of reasonable caution in belief that offense has been or is being committed"

- *Draper v. United States*

"Probable cause is fluid concept—based on assessment of probabilities in particular factual contexts"

- *Illinois v. Gates*

Totality of Circumstances

Officer Knowledge

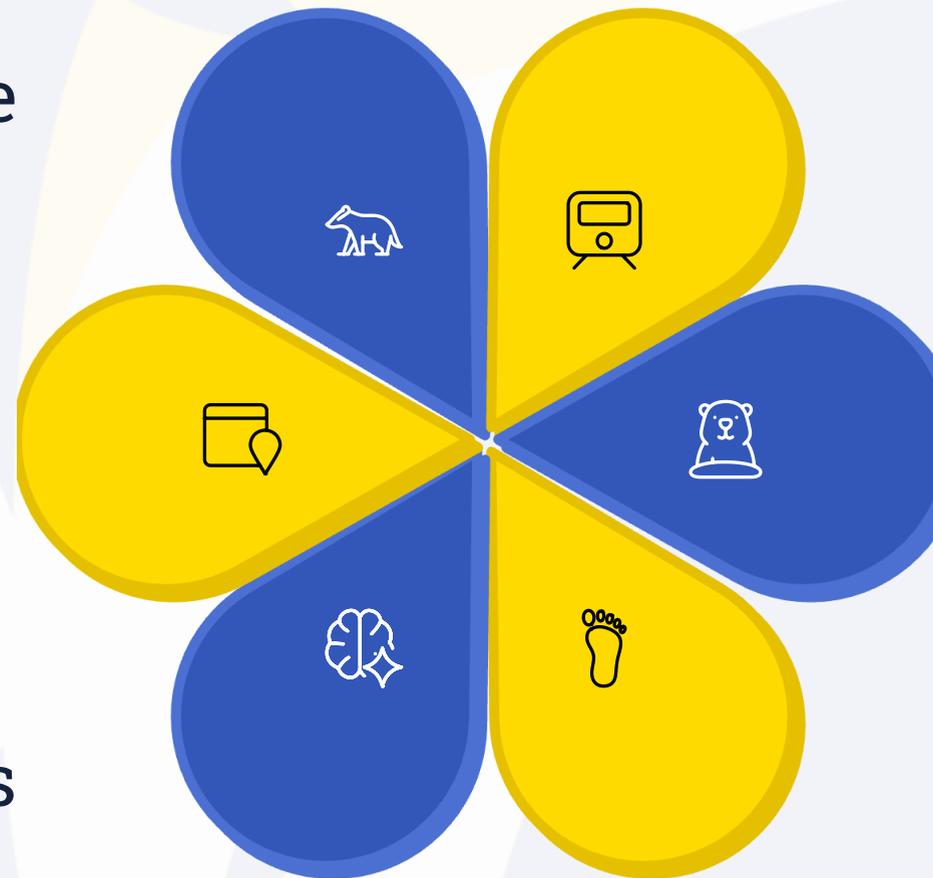
Training

Location/Time

Experience

Witness Statements

Evidence Present



Focus on **all circumstances** rather than one factor

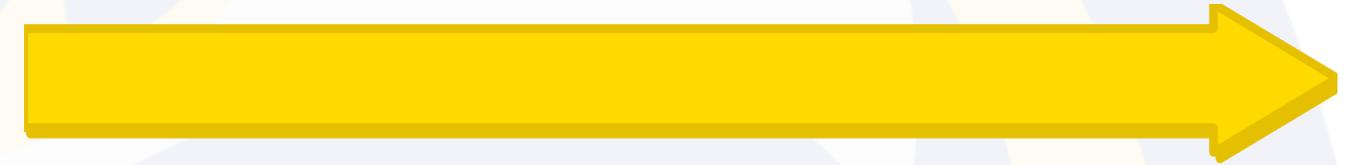


Probable Cause Example 1



Robbery Report

6'5" tall, over 300 lbs, small brown bag with jewelry



Traffic Stop

Less than mile away, minutes later



Observation

Driver matches description, brown bag and watches with tags visible



Result

Probable cause to arrest exists



Probable Cause Example 2

Scenario

Officer pulls over car with three occupants for speeding

Searches with consent

Finds cocaine baggies behind backseat armrest

All occupants deny knowledge

Result

Probable cause to arrest all three occupants

Without evidence showing specific ownership, reasonable to conclude all knew about and possessed cocaine



Recognized Reliable Sources



Informants



Corroborated Anonymous Tips



Reliable Confidential Information



Lineups and Show-ups

Any legally obtained information may establish probable cause

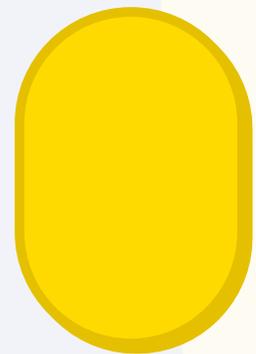


Matching Suspicion to Encounter



Consensual Encounters

No suspicion or mere suspicion



Investigative Stops

Reasonable suspicion



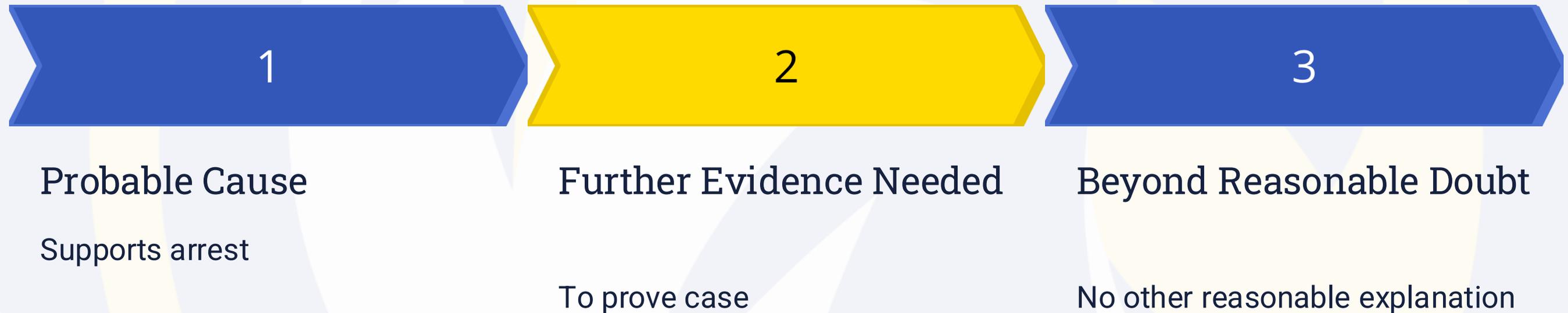
Arrests

Probable cause



Proof Beyond Reasonable Doubt

Standard used to determine if criminal defendant is guilty



☐ Prosecutor may not file case without sufficient evidence

Search and Seizure

Unit 2 Legal Concepts | Lesson 3



Lesson Goal

Understand legal requirements for valid search or seizure, role of probable cause, and contraband forfeiture.



Think About This

You pull over someone on a routine traffic stop and see a bag of pills on the seat next to them.

Do you have the right to seize the bag of pills?





Fourth Amendment Guarantees

Protection from governmental intrusion into areas with reasonable expectation of privacy.

Personal Residence

Vehicle

Public Restroom



Fourth Amendment Text

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...





Key Definitions

Search

Officer examines area, person, or property for evidence where reasonable expectation of privacy exists.

Seizure

Officer affects person's right to control property, usually by physically taking it. Also includes arrest or detention.



Search Warrants

Court order authorizing law enforcement to conduct search and seizure.

LE323.1 Describe protections of search and seizure in Fourth Amendment

LE323.2 Describe legal requirements to obtain search warrant



Search Warrant Requirements

Authorized by neutral magistrate or judge

Based on affidavit with probable cause

Information from reliable sources

Affiant may be anyone; server must have jurisdiction



Probable Cause Determination

Totality of Circumstances

Courts consider all facts and information available.

Recency of Information

How recent is the supporting information?

Likelihood Evidence Remains

Is evidence still at the location?



Detailed Description Required

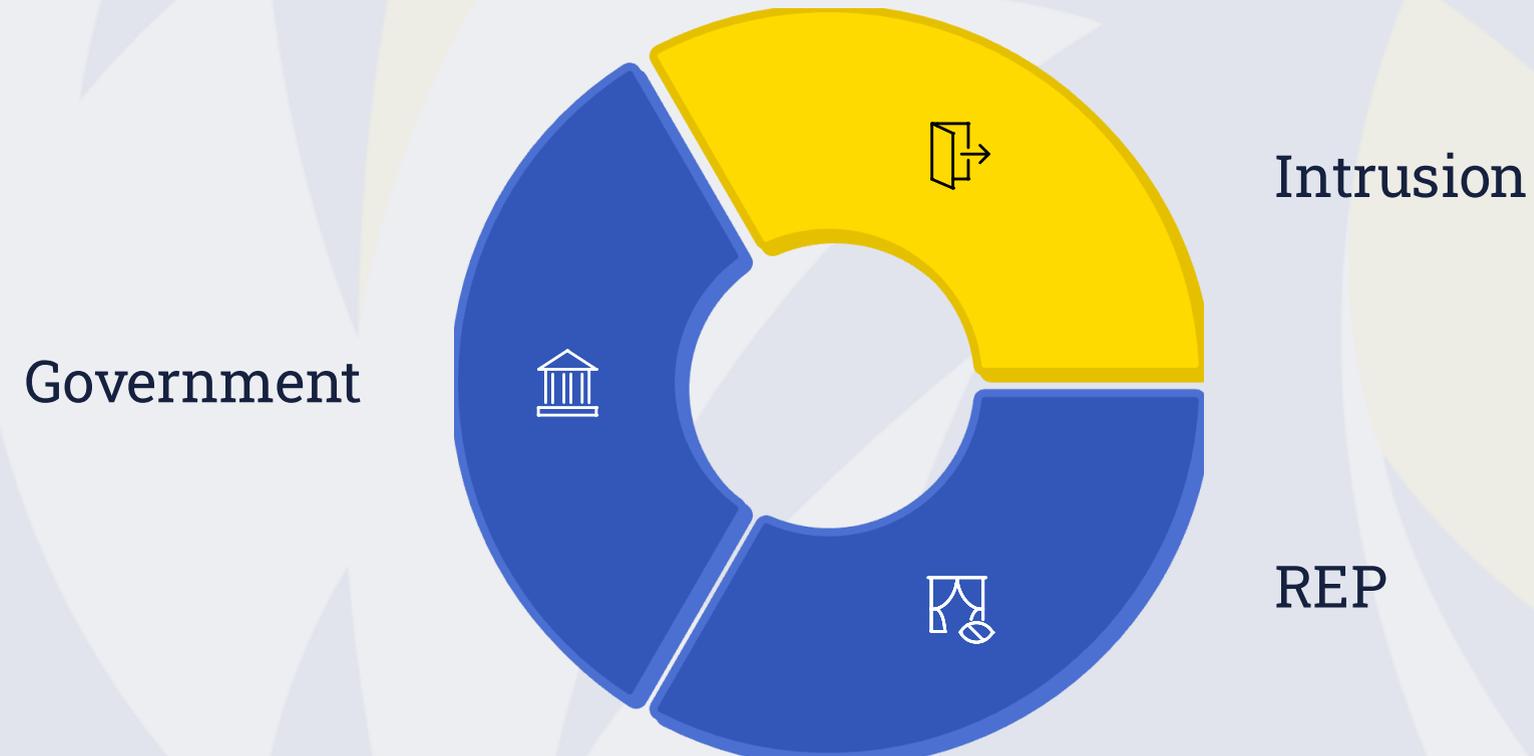
Search warrant must include:

- Directions from known landmark (e.g., intersection)
- Specific location to be searched
- Detailed description of items to be seized
- Connection to criminal activity

❏ General descriptions like "drugs" are not accepted. Must name specific substances.

Exceptions to Search Warrant Requirements

LE323.3 Explain exceptions to search warrant requirement



If any element missing, Fourth Amendment does not apply.



Exceptions Requiring Probable Cause



Plain View



Mobile Conveyance



Exigent Circumstances



Plain View Exception

LE323.4 Describe three conditions for plain view seizure

1

Officer lawfully present

Must be legally positioned where contraband is seen.

2

Item in plain sight

Cannot move objects to see contraband.

3

Criminal nature immediately apparent

Must instantly know item is contraband.



Plain View Case Example

Sawyer v. State: Officer saw white pill on console, thought it was ecstasy. Testing confirmed, but court ruled criminal nature not immediately apparent.

Evidence excluded.



Mobile Conveyance Exception

LE323.5 Explain when searching mobile conveyance is legal without warrant

Carroll Doctrine

Vehicles have reduced expectation of privacy. May be searched without warrant even if time to obtain one.

Probable Cause Required

Must have probable cause for search. Extends to entire vehicle and all containers.





United States v. Ross

Probable cause for lawfully stopped vehicle justifies search of:

- Every part of vehicle
- All contents and containers

📄 **Example:** Canine alert on exterior provides probable cause for complete interior search.



Canine Sniff Limitations

Using certified police canine to detect controlled substances:

✓ Permitted

Walking canine around exterior of car

✗ Not Permitted

Extending stop to wait for canine arrival or completion of sniff

Exigent Circumstances

Emergencies justifying warrantless entry:



Evidence Destruction



Emergency Scene



Fresh Pursuit



Destruction of Evidence

LE323.6 Explain when destruction of evidence permits search without warrant

Permitted

Probable cause that contraband in immediate danger of destruction.

Hornblower v. State: Noise of scurrying activity justifies entry.

Not Permitted

Officer cannot create exigent circumstance.
Cannot knock loudly based on hunch and claim destruction.



Fresh Pursuit

LE323.7 Explain fresh pursuit exception

Immediate and continuous pursuit of fleeing suspect.

Offense Occurs

Within officer's jurisdiction



Pursuit Begins

Continuous and uninterrupted

Crosses Boundary

Officer may follow



Arrest Made

Notify jurisdiction



Fresh Pursuit Requirements

Serious Crime

Probable cause suspect
committed serious crime

Immediate Pursuit

Continuous pursuit of
suspect

Probable Cause

Suspect is in premises
being entered

Any contraband in plain view during fresh pursuit not subject to suppression.

Emergency Scene Exception

LE323.8 Explain how emergency scene relates to warrantless entry

Warrantless entry permitted when objectively reasonable basis to believe someone in immediate danger.

Seibert v. State: Officers justified entering house with reasonable belief person about to commit suicide. Discovered murder victim while securing scene.





Crime Scene Limitation

 **Important:** No general crime scene or murder scene exception to Fourth Amendment.

Officers may conduct protective sweep to ensure:

- No more victims present
- Assailant has left

Further search requires warrant or valid exception.



Exceptions Not Requiring Probable Cause



Consent Searches



Inventory Searches



Administrative Searches



Search Incident to Arrest



Consent Searches

LE323.9 Explain importance of consent when conducting warrantless search

No probable cause, reasonable suspicion, or mere suspicion required.

1

Knowing and Voluntary

Person must feel free to refuse

2

Authority to Consent

Person must have authority over area

3

Document Consent

Verbal or written documentation required



Voluntary Consent

Valid Consent

Reasonable person would feel free to refuse request.

Invalid Consent

Officer possesses ID during traffic stop—person may not feel free to leave.

 Burden on prosecution to prove consent was valid.



Implied and Third-Party Consent

Implied Consent

Limited situations: airline passengers, sporting event patrons, courthouse visitors.

Third-Party Consent

Valid if third party has mutual access and control.
Georgia v. Randolph: Cannot search if co-tenant present and objects.

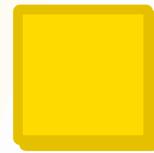


Consent Limitations



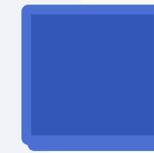
Juveniles

Parent/guardian consent overrules child objection. Child may consent if parent not present.



Withdrawal

Consent may be withdrawn anytime. Officers must stop immediately.



Scope

Consent can be limited (e.g., passenger compartment but not trunk).



Inventory Searches

LE323.10 Explain why vehicle inventory does not require search warrant

Purpose

- Document valuable property
- Protect arrested person's property
- Protect agency from theft accusations

Requirements

- Vehicle must be impounded
- Follow agency policy
- Not designed to search for evidence





Administrative Searches

LE323.11 Explain why administrative search does not require warrant

Generally do not require warrant due to setting or special conditions.

Students & Schools

Government Property

Regulated Industries

Probation/Parole

Reduced expectation of privacy for regulatory purposes.



Search Incident to Arrest

LE323.12 Explain why searching someone under arrest does not require warrant

United States v. Robinson rationales:



Disarm Suspect

Need to safely take into custody



Preserve Evidence

For later use at trial



Search Incident to Arrest Requirements

Lawful Custodial Arrest

Physical confinement required. Not valid for citations or notices to appear.

Substantially Contemporaneous

Search must occur at same time as arrest. 10 minutes generally valid; 1 hour likely invalid.



Scope of Search Incident to Arrest

Chimel v. California: Arrestee's person and areas "within reach"

New York v. Belton: Entire passenger compartment and all containers

- ☐ Trunk of sedan not included. Rear area of van/SUV is included.





Arizona v. Gant Refinement

Officers may search passenger compartment only when:

Unsecured Arrestee

Passenger compartment within reaching distance of arrestee

Reasonable Belief

Vehicle contains evidence of crime for which subject arrested

Document facts and circumstances. Be prepared to articulate reasons.



Abandoned Property and Open Fields

LE323.13 Explain how abandoned property and open fields relate to warrantless search

Abandoned Property

No reasonable expectation of privacy.

Example: trash at curb for pickup.

Open Fields

Areas visible to outside, no attempt at privacy. Distinct from curtilage.

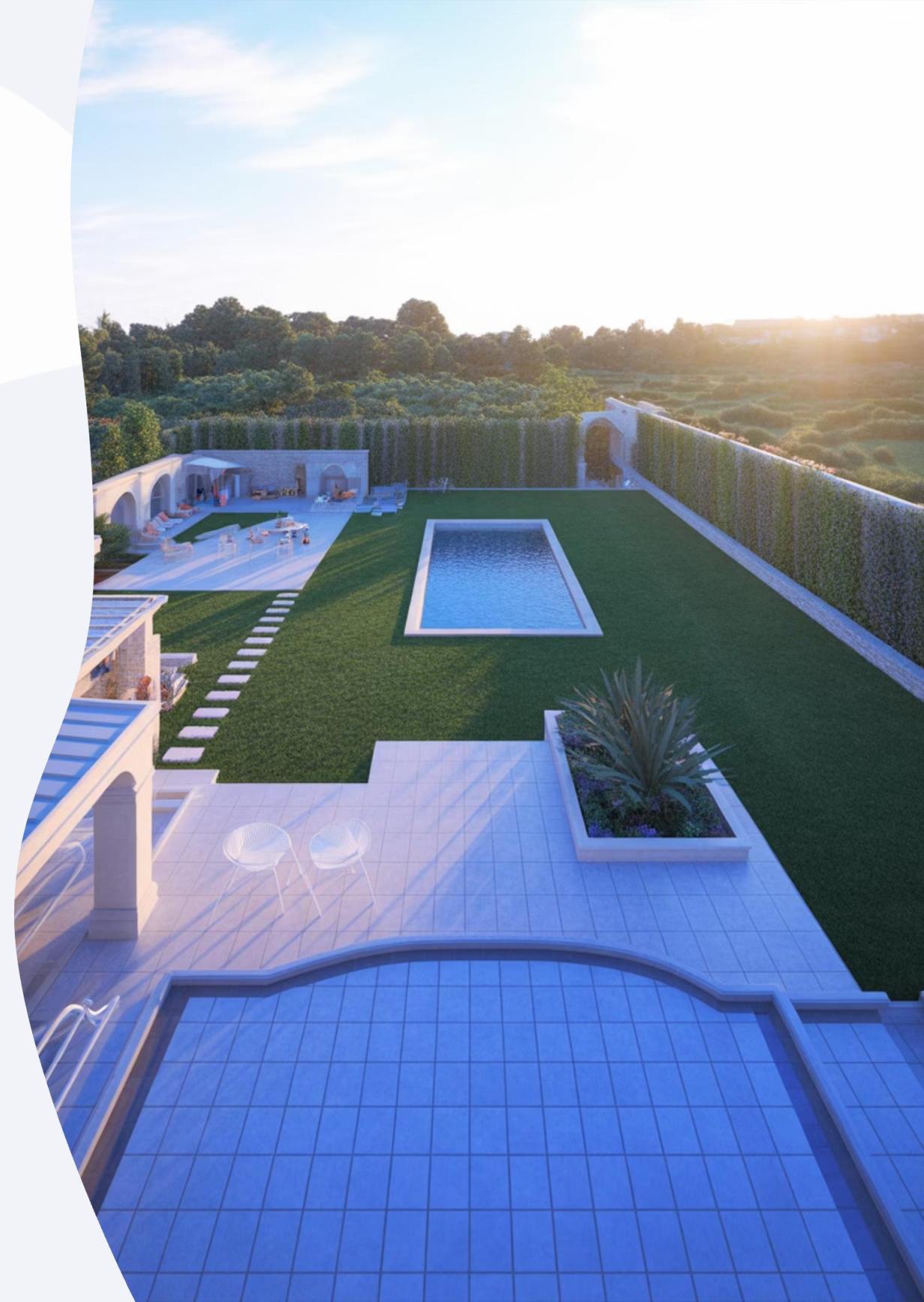
Curtilage vs. Open Fields

Curtilage

Enclosed space and outbuildings immediately surrounding structure. Higher constitutional protection.

Open Fields

Depends on steps taken to create privacy and common use. Fenced and posted fields have higher protection.





The Scope of Searches

LE323.14 Describe scope of searches legally permitted

Scope limited to items being searched. Nature of search based on item expected to find.

 **Example:** Searching for stolen refrigerators? Cannot search drawers, clothing, or under bed.



Items Officers May Search For



Contraband



Dangerous Weapons



Evidence



Suspects



Items Used in Crime



Objects Obtained from Crime

Defined by case law, statutes (chapter 933, F.S.)

Florida Contraband Forfeiture Act

LE323.15 Describe legal seizures under Florida Contraband Forfeiture Act

Authority to seize and forfeit contraband articles:

- Items illegal to possess
- Items used in commission of felony
- Items purchased with profits of felonious activity





Forfeiture Process



📄 Fourth Amendment guards against unreasonable seizures. Use great care.



Forfeiture Prohibitions Never Use

Illegal Pretext Stops

Drug-Courier
Profiles

Racial/Ethnic
Profiling

Purpose: public safety, officer safety, investigation and prosecution of criminal activity.

Weapons and Firearms Possession

Unit 2 Legal Concepts | Lesson 4



Lesson Goal

Understand the laws regarding ownership, possession, and use of weapons and firearms.





Lawful Ownership and Possession

LE324.1 Describe lawful ownership and use of weapon or firearm

Chapter 790, F.S. addresses lawful ownership, possession, and use.

21

Minimum Age

To purchase from licensed dealer

18

Minimum Age

To own or possess (with exceptions)



Age Restrictions

Under 21 Cannot

- Purchase from licensed dealer
- Transfer ownership from dealer

Under 21 Can

- Own firearm (gift, lawful means)
- Buy from private party

 Exceptions: law enforcement, correctional officers, military service members.

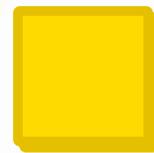


Baker Act Seizure Authority

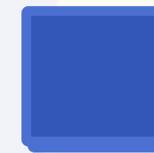
Section 394.463, F.S. authorizes officer to seize firearm/ammunition when:



Taking person into custody for involuntary examination



Person poses danger to self or others



Person made credible threat of violence



Lawful Uses of Weapons & Firearms

McDaniels v. State

An individual who is lawfully in possession of a firearm may openly carry that firearm in public unless another statute specifically prohibits it.

A person under 21 may not purchase or carry concealed firearms under sections 790.065(13) and 790.06(2), F.S.

Open carry by individuals between the ages of 18 and 20 is not prohibited and cannot be treated as unlawful solely based on age.



LE324.2. Identify the circumstances where carrying a weapon or firearm is prohibited in Florida.

- Schools (s. 790.1152 F.S.)
- County Detention Facilities (s. 951.22, F.S.)
- Statutes barring improper exhibition (s. 790.10, F.S.)
- Possession by Felons (s. 790.23, F.S.)
- Use of a Firearm under the influence (s. 790.151, F.S.)



***PRIVATE PROPERTY OWNERS HAVE THE
RIGHT TO PROHIBIT FIREARMS ON THEIR
PREMESIS UNDER FLORIDA'S TRESPASS LAWS***

***OFFICERS MUST REFER TO THEIR EMPLOYING
AGENCY FOR THE ENFORCEMENT OF
WEAPONS AND FIREARMS IN THEIR
JURISDICTION***



LAW ENFORCEMENT OFFICERS SAFETY ACT

A Federal Law that allows qualified and retired law enforcement officers to carry a concealed firearm in any jurisdiction in the United States, regardless of state or local laws.

To comply with the act, officers must carry two forms of documentation:

- ★ Photo identification issued by the agency for which they are currently employed or separated from
- ★ Documentation which certifies that the officer has met, within the past 12 months, the active duty law enforcement standards for qualification for a firearm of the same type as the one they are carrying



You may encounter situations that do not rise to the level of a criminal violation but have the potential for violence.

LE324.3 A *Risk Protection Order (RPO)* is a court order that temporarily restricts a person's access to firearms for up to one year, where they pose significant danger to themselves or others by having a firearm or ammunition in their custody or control, or by purchasing, possessing, or receiving a firearm or any ammunition.



Risk Protection Orders

The petition must have an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the person

The petition must identify the quantities, types, and locations of all firearms and ammunition that the person owns, possesses, and has in custody, or controls

The petition must identify whether there is a known existing RPO governing the person

Situational awareness and maintaining officer safety will be important when given the responsibility of serving an RPO.

When serving an RPO you will request the person to immediately surrender all firearms and ammunition they own and any license to carry a concealed weapon or firearm.

Follow agency policies and procedures when initiating the petition for an RPO AND when serving the order



Laws of Arrest

Unit 2 Legal Concepts Lesson

5



Authority to Arrest

Arrest Definition

Depriving person of liberty by legal authority

Two Types

With warrant and without warrant

Warrant Required

Court order with probable cause affidavit





Entering Residences

Wanted Person's Home

May enter with reasonable belief person is present

Third Party Home

Must obtain search warrant or articulate exception

Steagald v. United States



Warrantless Arrests

In Presence

Felony, misdemeanor, or ordinance violation witnessed by officer

Felony Outside Presence

Probable cause person committed felony

Warrant Held

By another law enforcement officer or agency



Misdemeanor Exceptions

Warrantless arrest allowed for these misdemeanors not in officer's presence:

- Battery
- Retail theft
- Unlawful carrying concealed weapon
- Stalking
- Criminal mischief
- Domestic violence acts
- Cannabis possession <20 grams
- Trespass on school grounds
- Violation of injunction
- Sexual cyberharassment
- Transit fare evasion



Notice to Appear

Definition

Written order in lieu of physical arrest requiring court appearance

Limited Use

Misdemeanors, ordinance violations, criminal traffic violations only

Release Requirement

Defendant signs and promises to appear





When NTA Cannot Be Issued

- Identity cannot be verified
- Accused refuses to sign
- Continued liberty poses unreasonable risk of bodily injury
- Domestic violence may be involved
- No ties to jurisdiction or substantial flight risk
- Suspicion accused is wanted in any jurisdiction
- Previous failure to respond or pretrial violation



Probable Cause Affidavit



Sworn Statement

Written by officer
establishing facts and
circumstances



Judge Review

Determines sufficient
probable cause for detention



Prosecution Review

State attorney decides
whether to file formal
charges



May be used by defense attorney in case preparation

Use of Force

Unit 2 Legal

Concepts Lesson

6





Objective Reasonableness



Basic Physical
Restraint

Less Lethal Force

Deadly Force

Use of force restricted by case law, statutes, and agency policy

Deadly force: any force likely to cause death or great bodily harm

Fourth Amendment Protection

Reasonableness Test

Would a reasonable officer have used force in similar circumstances?

Were actions reasonable under given circumstances?

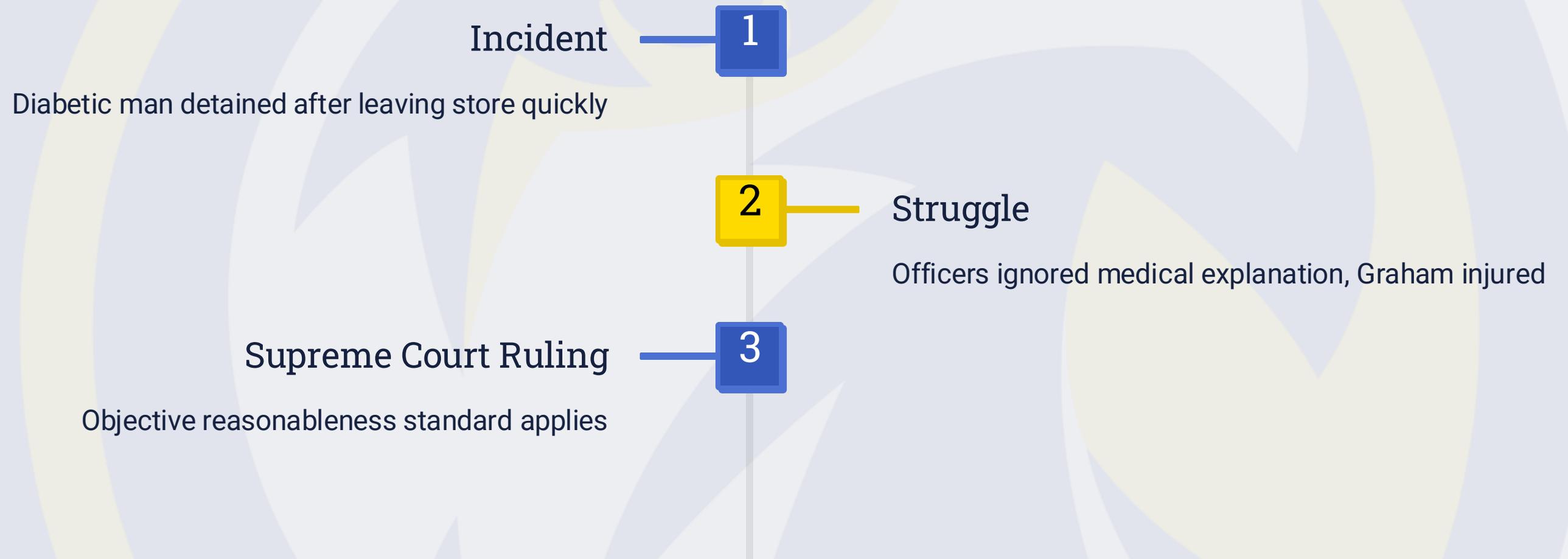
Key Principle

Use only force reasonably necessary to accomplish lawful objectives





Graham v. Connor



📄 Officers make split-second decisions in tense, uncertain, rapidly evolving circumstances

Graham Factors

Crime Severity

Nature and
seriousness of offense

Immediate Threat

Does person pose
danger to officers or
others?

Active Resistance

Is person resisting arrest or attempting to flee?





Tennessee v. Garner

Case Facts

15-year-old shot while fleeing burglary

Unarmed, no immediate threat

Supreme Court Ruling

Deadly force to prevent escape of all felony suspects is unconstitutional





Garner Test for Deadly Force



Probable Cause

Felony involving infliction or threat of serious bodily harm



Necessary to Prevent Escape

Deadly force required to stop flight



Warning Given

If feasible, opportunity to surrender



Threat Assessment

Suspect poses threat of death or serious harm



Florida Statute 776.05

Officer justified in use of force when:

Self-Defense

Reasonably believes
necessary to defend self
or another from bodily
harm

Retaking Felons

When necessarily
committed in retaking
escaped felons

Arresting Fleeing Felons

When necessarily
committed in arresting
felons fleeing from
justice



Deadly Force Requirements

Necessary to Prevent Escape

Warning given when feasible

AND

Officer Reasonably Believes:

- Fleeing felon poses threat of death or serious harm, **OR**
- Felon committed crime involving infliction or threatened infliction of serious harm



Florida Statute 776.051

Resisting Arrest

Person not justified using force to resist lawful arrest by officer acting in good faith

Unlawful Arrest

Officer not justified using force if arrest or duty execution is unlawful and known to be unlawful



Florida Statute 776.06

Deadly Force Definition

Force likely to cause death or great bodily harm, including:

- Firing firearm in direction of person to be arrested
- Firing firearm at vehicle person is riding in

Not Deadly Force

Discharge of firearm loaded with less-lethal munition

Officer not liable for good faith use within official duties



Florida Statute 776.07

Preventing Escape from Custody

Officer justified using force reasonably believed necessary to prevent escape of arrested person

Preventing Escape from Penal Institution

Officer justified using deadly force reasonably believed necessary to prevent escape from penal institution

Types of Liability

Unit 3

Liability Lesson

1



Criminal vs. Civil Liability



Criminal Liability

Found guilty of crime

Sentenced to incarceration or penalties



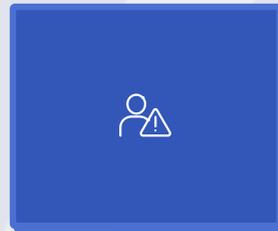
Civil Liability

Wrongful act or omission injuring person or property

Payment of money damages

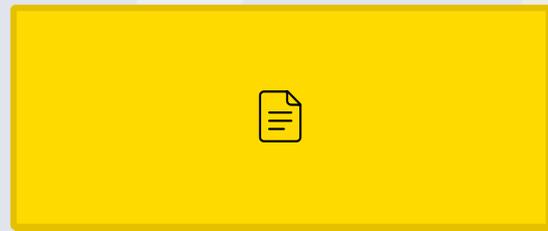
❏ Not mutually exclusive—can be prosecuted criminally and civilly for same act

Consequences of Liability



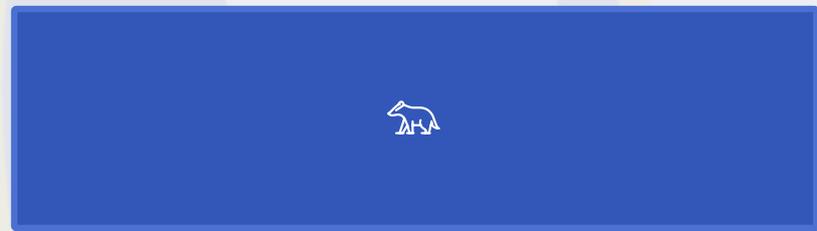
Minor

Reprimand or brief suspension



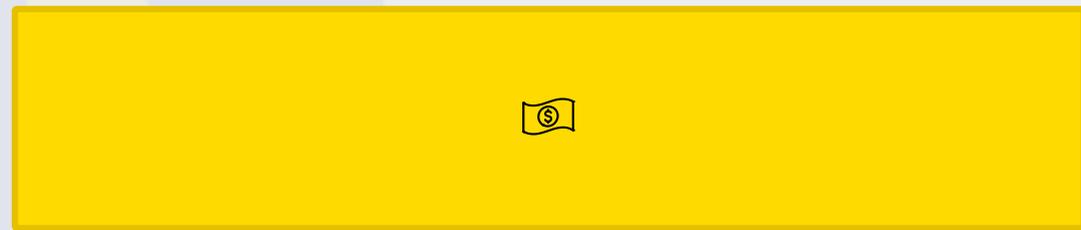
Moderate

Financial penalties



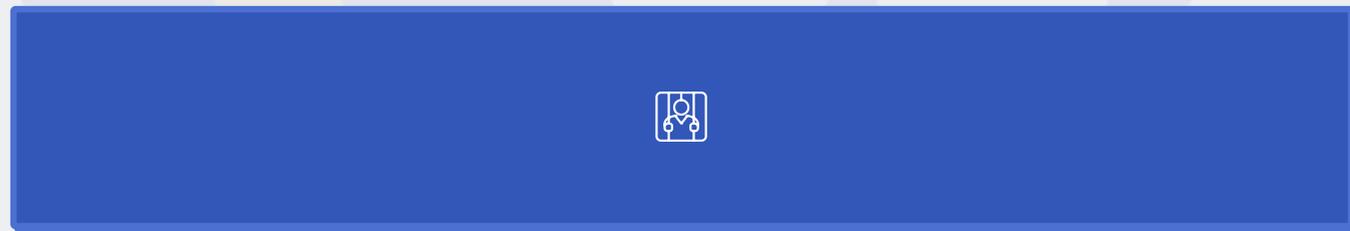
Serious

Loss of employment



Severe

Financial ruin



Catastrophic

Loss of freedom, decertification



Torts

Definition

Civil wrong violating rights of another person or entity

Two Types

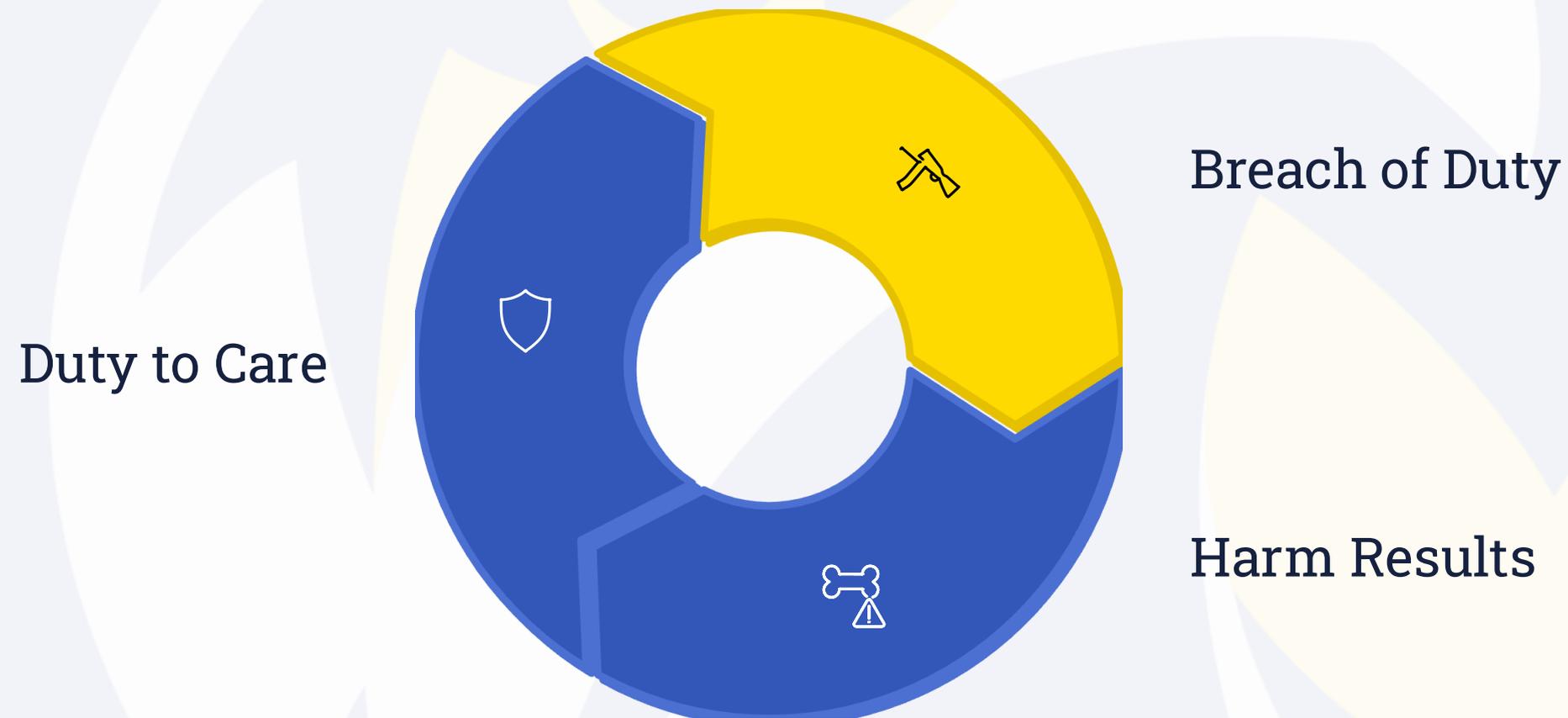
- **Intentional:** Battery, false incarceration
- **Unintentional:** Negligence

Key Difference: Intent

Intentional torts involve deliberate acts

Unintentional torts are accidents

Negligence



Example: Officer rear-ends car while looking at in-car computer screen

Example: Off-duty officer leaves loaded weapon accessible to 10-year-old child



Acts Leading to Civil Liability



Unlawful Arrest

Taking someone into custody without probable cause



Unlawful Search

Search without probable cause or reasonable suspicion



Excessive Force

Using more force than reasonable and necessary



Failure to Provide First Aid

Omitting required medical assistance



Negligent Vehicle Operation

Causing damage through reckless driving



Color of Law

Acting or purporting to act in performance of official duties under any law, ordinance, or regulation

18 U.S.C. § 242

Prohibits anyone acting under color of law from intentionally depriving another of constitutional or civil rights

Penalties

Fine and/or imprisonment up to 1 year

Up to 10 years if bodily injury or dangerous weapon involved

Life or death penalty if death results



Civil Rights Violations

Definition

Unlawfully interfering with fundamental rights:

- Due process
- Equal protection under law

42 U.S.C. § 1983

Federal civil liability for officers violating civil rights

Similar to criminal provisions in 18 U.S.C. § 242

 Officers may face criminal prosecution, civil liability, and agency discipline



Double Jeopardy Exception

1

State Prosecution

Officer tried for state crime
(e.g., aggravated battery)

2

Acquittal

Found not guilty of state
charges

3

Federal Prosecution

Can still be indicted for
federal civil rights violations

State and federal governments are separate sovereigns with different offenses



Agency Liability



Named Defendants

Employing agency,
chief/sheriff, officials often
sued alongside officer



Financial Means

Plaintiffs sue agency
because it has more
resources than individual
officer



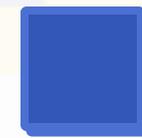
Scope of Authority

Officer acted within course
and scope of duties

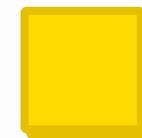


Direct Liability

Agency liable when officer violates agency orders or policies



Negligent hiring of problem employee



Negligent assignment of duties to unqualified person



Negligent retention of problem employee



Negligent failure to adequately train employee





Vicarious Liability

Person or entity held responsible for negligent actions of another, even without direct responsibility

Agency indirectly responsible for officer's actions due to negligence in:

- Training
- Hiring
- Assignment
- Supervision
- Direction
- Retention



Protecting Officers Against Liability

Unit 3

Liability Lesson 2



Limiting Liability

Follow Agency Policies

Comply with legal and ethical guidelines

Attend Training

Stay informed of current law and practices

Know Legal Protections

Understand available defenses



Sovereign Immunity

Florida Statute 768.28

Limited waiver of immunity

Protects government employees and agencies

Protection Includes

- Individual officers from personal liability
- Officers dismissed from state civil lawsuits
- Unless willful or wanton disregard of rights

❏ Does NOT protect officers in federal civil rights actions



Scope of Employment

Chapter 111, F.S.

Protects employees for actions within scope and course of employment

Agency May Provide

- Legal counsel
- Reimbursement of legal costs
- Payment of final judgment

Key Requirement

Avoid willfully or wantonly infringing on others' rights



Qualified Immunity

Protects government officials from liability unless they violated clearly established law reasonable person would have known

Harlow v. Fitzgerald

Example: Officer issues notice to appear instead of physical arrest for battery. Defendant returns and attacks victim. Officer not liable because issuing NTA is discretionary.





Additional Protections



Good Faith

Acting without malice, ill will, or intent to harm



Reasonable Manner

Acting professionally within law and policy



Justified Under Law

Case law or statute provides defense



Emergency Doctrine

Instinctive action in unforeseen emergency



Acts Justified Under Law

Florida Statutes permit officers to commit otherwise illegal acts:

Chapter 776, F.S.

Use of deadly force in self-defense or defense of another

Other Examples

- Use of force in riots (s. 870.01)
- Possession of controlled substances during investigation (Ch. 893)



U.S. and Florida Court Systems

Unit 4 Court

Basics Lesson 1



Court Jurisdiction

General Jurisdiction

Court hears all kinds of cases within geographic area

Limited Jurisdiction

Court hears only certain types of cases

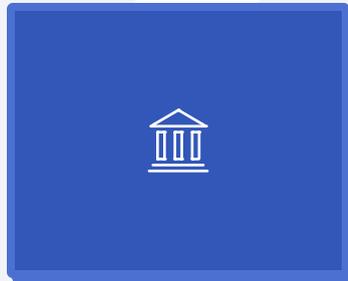
State vs. Federal

State courts: state law violations

Federal courts: federal law violations

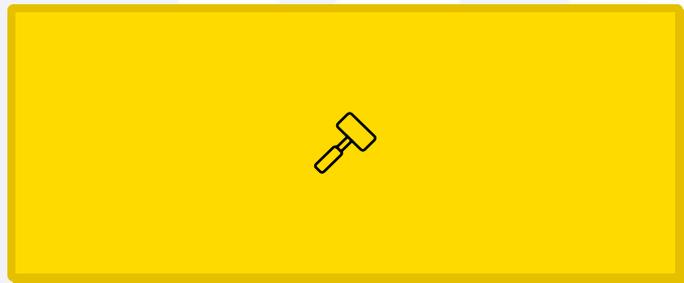


Florida Court System



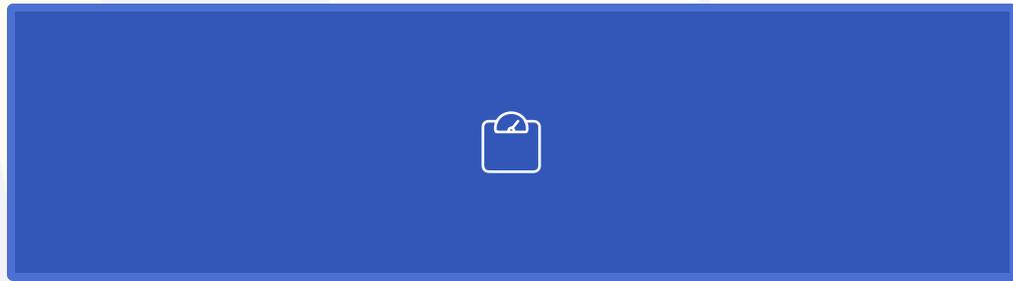
County Courts

67 courts, limited jurisdiction



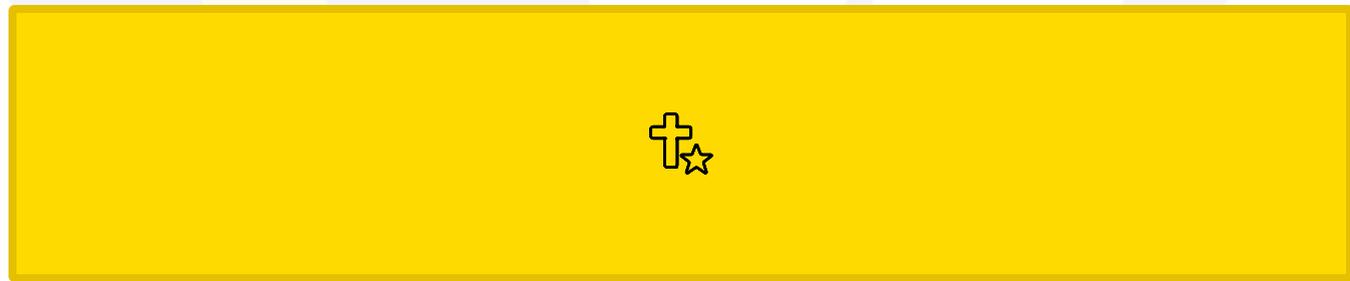
Circuit Courts

20 courts, general jurisdiction



District Courts of Appeal

Intermediate appellate courts



Florida Supreme Court

Highest court in Florida



County Courts

Limited jurisdiction managing:

Criminal

Misdemeanors (max 1 year county jail)

Ordinances

County and municipal violations, traffic infractions

Civil

Cases involving \$50,000 or less

Warrants

Search and arrest warrants within county

Circuit Courts

Case Types

- Domestic relations
- Felonies
- Probate matters
- Civil cases >\$50,000
- Baker Act/Marchman Act

Additional Functions

- Search and arrest warrants within circuit
- Appeals from county court judgments





Florida Appellate Courts

District Courts of Appeal

Three judges, no jury

Determine if law applied correctly in trial court

Florida Supreme Court

Seven justices appointed by governor

Hears death penalty cases and appeals from lower courts



Federal Court System

U.S. District Courts

Federal trial courts with magistrates

All federal codes in all 50 states

Courts of Appeal

Hear challenges to district court decisions

Appeals from federal administrative agencies

Supreme Court of the United States

Highest court, chief authority in judicial branch

Constitutional interpretation and judicial review



Court Personnel



Judge

Presides over courtroom, decides questions of law



Defense Attorney

Represents defendant (hired, public defender, or self)



Jury

Citizens who determine questions of fact



Prosecutor

Represents government (U.S. Attorney or State Attorney)



Clerk of Court

Maintains files, records, issues subpoenas



Bailiff

Sworn officer responsible for courtroom security



Court Proceedings

Unit 4 Court

Basics Lesson 2



First Appearance Hearing

Timing

Within 24 hours of arrest

Judge Reviews

Probable cause affidavit and other information

Counsel Appointed

If defendant qualifies and desires

Probable Cause Determination

Judge decides if probable cause exists

☐ Hearsay evidence is admissible in first appearance hearings

Officer Role in First Appearance

Usually Not Required

Unless prosecutor requests appearance

Attend If Needed To:

- Clarify affidavit
- Supplement affidavit
- Provide relevant oral testimony





Arraignment and Pretrial Release

Arraignment

Charges formally filed and read

Defendant enters plea

Pretrial Release

Defendant released from jail pending trial

Conditions may be set

Bond Hearing

Determines eligibility and amount

Based on criminal history, offense, flight risk



Deposition

Official court proceeding where involved parties provide separate sworn testimonies before trial



Attorney Questions

Defense or prosecutor asks about case facts

Court Reporter Records

All responses transcribed

Used at Trial

Can discredit if testimony changes



Deposition Guidelines

- State attorney will be present (judge will not)
- Questions should be reasonably relevant to case
- Officers have right not to answer personal questions
- Do not answer "off the record" questions
- Review transcription—do not waive review
- Review deposition before trial to refresh memory



Suppression Hearing

Purpose

Defense files motion to exclude testimony or evidence

Alleges officer actions violated client's rights

Officer Testifies On:

- Stop
- Detention
- Arrest
- Search and seizure
- Statements and confessions



Pretrial Meeting and Trial

Pretrial Meeting

1

Prosecutor meets with victims, witnesses,
arresting officer

Clarify facts, address inconsistencies

Trial Process

3

Opening statements → Evidence
presentation → Closing statements →
Verdict

2

Trial Selection

Defendant chooses judge or jury trial

Juveniles entitled to judge trial unless tried
as adult



Sentencing Hearing

Timing

After trial or if defendant pleads guilty/nolo contendere

Review

Defendant's previous convictions examined

Presentations

Defense and prosecution recommend sentence

Victim may make impact statement

Officer Role

Provide complete picture of defendant's actions and impact



Violation of Probation Hearing

When It Occurs

Offender accused of violating probation or community control conditions

Offender contests violation

Officer may testify due to involvement with new charge violating probation

Key Differences

- Judge conducts hearing (no jury)
- Offender's rights differ from defendant's
- Hearsay evidence admissible
- More relaxed rules than trial

Court Orders

Unit 4 Court

Basics Lesson 3





Common Court Orders



Subpoena

Legal order to appear before court



Capias

Arrest order issued by clerk of court



Ex Parte Order

Issued without other parties present



Pickup Order

Take juvenile into custody



Protection Order

Protect person or entity from harm



Risk Protection Order

Revokes right to possess firearms



Executing Court Orders

