INTRODUCTION TO ADMINISTRATION OF JUSTICE

COURSE DESCRIPTION

Historical and philosophical development of administration of justice. Description, analysis, evaluation, and policy implications relating to criminal justice agencies. Relationship between theory and practice.

COURSE OBJECTIVES

1. To provide an introduction to the characteristics, structure, and processes of criminal justice in the United States.
2. To explain criminology, criminal law, criminal statistics, and constitutional criminal procedures as they relate to the criminal justice system.
3. To describe and discuss the purpose, functions and critical issue that relate to the three major components of the justice system: police, courts, and corrections.

TEXT


EVALUATION

Three examinations covering approximately one-third of the text and lecture materials will be given; text-lecture breakdown will be about 60%-40%. The Study Guide should be considered an important instructional tool in this class; consequently, 15 to 20% of the test questions will be taken directly from this source.

Each exam will count for one-third of the course grade. The final grade will be determined by a class curve, based on a three exam average. The third exam will be given during the designated final period. Note that exams may not be taken 10 minutes after the beginning of an exam. Please be on time!
CLASS POLICIES

* Exam improvement and class participation may be used to improve one's final grade.

* Make-up exams are not given except for excused absences, (i.e., instructor notified ahead of time) which are properly documented (e.g., a Doctor’s note). Please note, “I overslept” or “forgot what day it was” are not excused absences.

* Cheating on exams will constitute an F grade in the course. This is a department policy.

* Use of class drops, and “I” and “W” grades will adhere strictly to University policy (see Schedule of Classes of SJSU Catalog).

* Class etiquette suggests respect for other students and Professors during class time, especially with respect to “chatting,” eating, reading (please do so outside of class), and late entrance (please come in the back).

COURSE CONTENT

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<td>Exam III</td>
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COURSE OUTLINE

SECTION I – CRIMINAL JUSTICE IN THE UNITED STATES

A. Process of Criminal Justice in U.S.
B. What is Law/Justice/ Freedom?
C. What is Crime?/Criminological Continuum

SECTION II- THE POLICE

A. English Precedents
B. Contemporary Development/COP
C. Contemporary Issues (Film)

SECTION III – CRIMINAL LAW

A. Measuring Crime/Crime Trends
B. Basic Elements of Crime
C. Crime Classifications

SECTION IV – CONSTITUTIONAL CRIMINAL PROCEDURE

A. The Bill of Rights
B. Major Landmark Decisions (Handout)

SECTION V – THE ADMINISTRATION OF CRIMINAL JUSTICE

A. From Incident to Arraignment (Handout)
B. From Trial of Judgment (Film)
C. Appeal Process

SECTION VI – THE COURTS

A. Structure and Role of the Federal Courts
B. Structure and Role of State/Local Courts
C. Sentencing Structures

SECTION VII – CORRECTIONS

A. Juvenile Justice/Critical Cases
B. Models of Incarceration
C. Types of Institutions
COURTS AND SOCIETY
Administration of Justice 103
Spring 2001
TuTh 1:30-2:45 in MH 520

Instructor: Margaret Marr
Phone: 831/426-6277
email: margaret@cruzie.com

Office: MH 527
Office Hour: Tuesdays 12:00-1:00 (& by appt)
Office Phone 408/924-3225
(Use Office Phone only during office hour)

COURSE DESCRIPTION

This course surveys how courts in the United States, and the people who work in them, process criminal cases. We begin with an introduction to the sources of criminal law and the structure of state and federal trial courts. We then proceed to examine the basic steps of a criminal case, including arrest and charge, initial appearance and bail, preliminary hearings and grand juries, discovery and investigation, pretrial motions including motions to suppress illegally obtained evidence, plea bargaining, jury trial, evidence, sentencing and appeal. We will also examine juvenile courts in comparison to adult courts, and consider “boutique courts” such as drug courts. Along the way, we will consider the roles of the major actors in criminal courts in the United States including prosecutors, defense attorneys and judges.

REQUIREMENTS AND EVALUATIONS

Students’ mastery of the material will be evaluated through two short papers, presentations of those papers, a final exam, and class preparation and participation. More specifically, students will be required to:

1) Complete the readings prior to the class for which they are assigned;
2) Participate in class discussions;
3) Complete a minimum of six hours of courtroom observations;
4) Write two short papers (approximately 5 pages), typed, that detail the students astute courtroom observations and analyze the course materials in light of those observations;
5) Present each of those papers to the class and lead a short discussion about it;
6) Take a final exam.

A student’s final grade will be based on the following weighted evaluation of the student’s work:

25% First Paper
25% Second Paper
25% Final Examination
15% Presentation of papers and discussion of other students’ papers
10% Class discussion preparedness and participation

To measure students’ class preparedness, the instructor reserves the right to administer one or more unannounced “pop” quizzes.
REQUIRED READING


Other required reading will be handed out or made available for purchase as the course proceeds.

INITIAL SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES

Week 0: 1/25: **Introductions, Survey of Course and American Criminal Procedure**
Read Chapter 1: pp 2-22
Chapter 2: 32-35, 36

Week 1: 1/30: **Sources of Law, Basic Structure of a Criminal Law**
Chapter 3: pp. 57 (Lopez), 78-79 (Controversy), 68 (Close up), 78-82 (Text)
Chapter 10: pp 242-243 (Controversy)
Chapter 18: pp. 476-478 (Controversy)

2/1: **Trial Courts: Federal and State, their judges and staff**
Read Chapter 3 pp. 57-69,
All of Chapter 4: pp 86-102
Chapter 18: pp. 462-467
Ch.8 pp. 181-205

Week 2: 2/6: **Enforcing the law: Prosecutors and their Offices**
Read all of Chapter 6: pp. 129-154

2/8: **Arrest and Charging**
Read Chapter 2: p. 41,
Chapter 10: pp. 233-241, 258
Handouts

Week 3: 2/13: **Initial Appearance, Arraignment on Misdemeanors, and Bail**
Read Chapter 10: pp. 238-239 (Initial Appearance), p. 244-245, 258 (McLaughlin)
Ch. 18 p. 464, 470-472
All of Chapter 11: pp.262-282
Ch. 9 pp. 209-212

2/15: **Defense Attorneys**
Read all of Chapter 7: pp. 156-178
Week 4: 2/20: Is the Courthouse a Madhouse?  
Read all of Chapter 5: pp 106-126  
Chapter 3: pp.75-78  
Chapter 18: pp. 472-476  
Review Ch. 18: pp 462-467

2/22: Drug Diversion, Drug Courts and Prop. 36 in California  
Read Chapter 4: pp. 100-101  
Handouts

Week 5: 2/27: Preliminary hearings, the Grand Jury and arraignment on felonies  
Chapter 10 pp. 241-251

3/1: Oral Reports on First Court Room Observations (Pre-paper)

Week 6: 3/6: Discovery and Defense Investigation  
Read: Chapter 12 pp. 286-289, 290  
Review Chapter 6 (Prosecutors)  
Handouts

3/8: Pretrial Motions including the motion to exclude illegally obtained evidence  
Read: Chapter 12: pp. 289-305  
Handouts

Week 7: 3/13: Plea Bargaining I  
Read: Chapter 13: 308-331

3/15: Plea Bargaining II  
Review Chapter 13: 308-331

First Paper Due!

Week 8: 3/20: Presentations of First Papers

3/22: Presentations of First Papers and Review

SPRING BREAK

Week 9: 4/3: The right to jury trial  
Read: Ch 14: pp. 334-360, 362-363 (questions)

4/5: Jury Selection  
Review Chapter 14: 339-343

Week 10: 4/10: Evidence I: Finding the Truth?  
Review Ch 14 pp. 346-353
4/12: Evidence II: The truth at what cost?
Read Chapter 9: pp. 212-227
Review Ch 14 pp. 346-353
Handout

Week 11:
4/17: Juvenile Courts, without jury trials, and trying juveniles as adults with juries
Read all of Chapter 19: pp 485-508
Handout

4/19: Proposition 21 and Juvenile Justice Reform
Handout

Week 12:
4/24: Sentencing I
Read all of Chapter 15: pp. 370-395
Review Ch. 9: pp. 212-227 (witnesses)

4/26: Sentencing II
Read all of Chapter 16: pp. 399-427
Chapter 2: pp. 39-41 (Forfeiture, Restitution)
Review Ch. 15: pp. 387-388

Week 13:
5/1: Appeals, Appellate Procedure and Writs I
Read Chapter 3 pp. 69-71,
Review Chapter 4 pp. 91-93
Read All of Chapter 17: pp. 434-457

5/3: Appeals, Appellate Procedure and Writs II
Review reading for previous class

Second Paper Due!

Week 14:
5/8: Presentations of Second Paper

5/10: Presentations of Second Paper

Week 15:
5/15: Review/Summary
Read Ch. 10: Ch. 251-257

FINAL EXAM: Friday 5/13: 12:15-2:30 p.m.

A NOTE ON LATE ASSIGNMENTS: They are unprofessional and not tolerated. Quizzes may not be made up. For papers and the final exam, only excuses as would persuade a trial judge to postpone an in-progress trial, including documentation, are accepted. Without such "good cause," the final may not be made up. The sanction for unexcused late papers is that the grade on a late paper will be reduced one whole letter grade for each day it is late, including weekends and holidays.
AJ 10
INTRODUCTION TO ADMINISTRATION OF JUSTICE

Course Description
Survey of the historical and philosophical development of the criminal justice system. Description, analysis and evaluation of the components of the system -- police, courts and corrections. We will look at how the system works, the relationship between theory and practice, and individual rights in a democratic society.

Course Objectives
1. To provide an understanding of the nature of crime in the U.S.
2. To provide knowledge and understanding of the structure, processes and goals of the criminal justice system.
3. To provide an understanding of the relationship between the agencies which make up the criminal justice system.

Text
James A. Inciardi: Criminal Justice (California edition, package)

Method of Instruction
Lectures, guest speakers, video presentations, field observation and class debate/discussion.

Evaluation
Grades for AJ 10 will be determined as follows:
- 4 Examinations (18% each)  72%
- Field Observation Write Up  18%
- Class participation/Quizzes  10%

Tests will have multiple choice, T-F, fill-in and essay questions. Exams will cover material from text, lectures, guest speakers, handouts and video presentations.

Make up exams will be essay style and should be made up as soon as possible after the exam. You may only make up one exam, and must arrange make-up prior to missing the scheduled exam.

Field Observations and write up must be done according to format provided. They must be typed, double spaced, and well written. Grammar, punctuation, and spelling count – please proofread before you submit!

Class Participation is encouraged and expected. You will be evaluated based upon your contributions to the class. In addition there will be at least four unannounced “pop quizzes” and class debates – plan to speak up! Come prepared!
AJ 10 Spring 2001
Class Schedule

Read the chapters listed and be prepared to discuss in class on the dates indicated. Please note: There will be at least one pop quiz for each unit. **Do yourself a favor — read thoroughly!**

**The Justice System**

Jan. 24       Introduction and Overview of class
Jan. 29       Ch. 1 “C.J. in America” & Ch. 2 “Crime and the Nature of Law”
Jan. 31       Chapter 3 “Legal and Behavioral Aspects of Crime”
Feb. 5        Movie: *Crime in the Suites (Discussion: White collar crime)*
Feb. 7        Chapter 4 “Criminal Statistics and the Extent of Crime”
Feb. 14       **Exam I: The Justice System**

**The Police**

Feb. 19       Chapter 6 “History and Structure of Police Systems in U.S.”
Feb. 21       Chapter 7 “Enforcing the Law and Keeping the Peace…in the U.S.”
Feb. 26       Movie: *Cops Behind the Badge (Discussion: Police Corruption)*
Feb. 28       Guest Speaker
Mar. 5        Chapter 8 “Law of Arrest, Search and Seizure: The Police and the Constitution”
Mar. 7        Movie: *Law & Order with Peter Jennings (Discussion: Search & Seizure)*
Mar. 12       Guest Speaker
Mar. 14       Custodial Interrogation
Mar. 19       Review for exam 2
Mar. 21       **Exam II: The Police**
The Courts

Apr. 2 Chapter 10 “History and Structure of the American Courts”
Apr. 4 Chapter 11 “The Courtroom Work Group”
Apr. 9 Guest speaker
Apr. 11 Chapter 12 “The Business of the Court...”
Apr. 16 Guest speaker
Apr. 18 Chapter 13 (p. 368-388) “Sentencing”
Apr. 23 Exam III: The Courts

 Corrections

Apr. 25 Chapter 14 “The History of American Prisons”
Apr. 30 Chapter 15 “Penitentiaries, Prisons and other Correctional Institutions”
May 2 Movie: Crimes and Punishments (Discussion: What works in corrections?)
May 7 Chapter 17 “Probation. Parole and Community Based Corrections”
May 9 Guest speaker
May 14 Movie: Convicts on The Street (Discussion: Does Parole Work?)
Review for final

Thursday, May 17 Exam IV: Corrections 7:15 – 9:30 AM

Dates to remember: Exam I (The Justice System) Wed. February 14
Exam II (The Police) Wed. March 21
Exam III (The Court System) Mon. April 23
Exam IV (The Correctional System) Thursday, May 17 7:15 – 9:30 AM

Exam IV is the final exam and will be comprehensive in regard to theories & philosophies regarding various aspects of the Justice System (reasons for criminal behavior, various approaches to correctional punishment, etc.)

Field Observation Write Ups:
You should turn in your write up as soon as possible after completing your field observation.

Police Ride Along Write Up Due Week of April 2
Court Observations Write Up Due Week of May 7

There will be three field trips this semester dates will be announced as soon as they are scheduled:

Tour of Police Department
Tour of Alcatraz
Tour of Santa Clara Co. Main Jail
PROCEDURES FOR POLICE RIDE ALONG
FIELD OBSERVATIONS

San Jose Police Department: This is a tough department to get a ride with. Call immediately to make a reservation to attend the next orientation! Orientations are held the first Wednesday of each month. (March orientation still has a few spaces available, but they will fill up quickly!) You will need to provide name, address, phone and DOB, for a background check before you will be allowed to go on a ride along. Phone: (408) 277-4133.

Santa Clara County Sheriff's Department: Orientations may be arranged by calling Deputy Thieman at (408) 299-3308.

Other departments have different requirements, the smaller departments generally only require that you clear the ride along with the watch commander on duty at least 24 hours in advance, and that you sign a release of liability. Call the department you are interested in to find out what they require.

A word of caution: Bring something to read while you wait for your ride along. You may have to wait for the officer to finish their briefing, or to come pick you up, or whatever. It is not unusual for a student to wait 15 – 45 minutes!

Write up must include:
• The date and time of ride
• The name of the agency, and the officer(s) with whom you rode
• The beat/district you covered, and the shift
• The time and code number for the calls/stops you made, along with a description of the call/stop
• How did the officer(s) handle the situation?
• What sort of style/personality did this (these) officers have? Compare their style to the styles described in Chapter 7.
• Wrap up the field observation write up with your own thoughts about the experience. What did you think about it? What did you learn that was new or surprising?

A sample write up is attached.
SANTA CLARA COUNTY SHERIFF’S RIDE ALONG

On Thursday, March 13, 2000, I had the opportunity to ride along with the Santa Clara County Sheriff’s Department. I arrived at the station at about 3:15 p.m. I walked inside the office and was introduced to the deputy I would be riding with. His name is Deputy Anthony Lopez. He has been with the Sheriff’s Dept. for 22 years. From the minute I met him, I knew we would get along and have a lot to talk about. He invited me to attend the squad meeting. This is where the deputies that will be on duty meet before their shift. They discussed matters of jurisdiction and conflicts with San Jose Police Dept. The Watch Commander also reminded everyone of the procedures that need to be followed when force is used. The meeting lasted about 35 minutes, and after it was over, we headed out to the parking lot to start the shift.

In the parking lot, he loaded all the materials he would need for the night into his patrol car. This included a laptop computer, a pad of paper, a box full of papers, and a 12-gauge shotgun. He tested the sirens and lights on the car to be sure they were functioning properly. Then he instructed me on what to do in case of an emergency. I was to radio in for help and if necessary, I was to shoot in order to protect my life (He taught me how to operate the shotgun.) After a little pep talk about how rare such an instance would be, and how safe most ride alongs are, we headed out to patrol the streets of Santa Clara County.

BEAT: 81 E 7 (East side of San Jose and Metcalf Road)
SHIFT: Swing (15:30 – 25:30)

16:30
1195 Vehicle stop (1st and Burton)

A woman ran through a yellow light with great speed. Deputy Lopez explained to her the danger of trying to catch the light before it changes color. She responded by saying that she was already in the middle of the intersection when the light turned yellow. She was given a stern warning and we proceeded about our business.

17:00
1195 Suspicious vehicle (Metcalf Road)

A large black pick-up truck was parked along side a dirt road. When Deputy Lopez approached the driver and asked him what he was doing, the young man responded by saying he was simply eating. The truck smelled of McDonald’s food and wrappers were visible. The Deputy wished him a nice day and we moved along.

18:00
---- Citizen’s aid (Monterey Road and Curtner Ave.)

A man in his late thirties was standing by a Ford Bronco truck when we arrived. Apparently, he was having car trouble, so Deputy Lopez called dispatch and ordered a tow truck.
I was curious about the dispatchers, since I kept hearing their voices, so Deputy Lopez asked me if I'd like to go see what dispatch was like. I of course said that I would love it! We headed over to the Santa Clara County Communications Center.

Security is very tight here, so before we arrived, he had to make sure that it would be o.k. if a visitor came along with him. Upon arrival, a security guard asked the Deputy to come up to a screen to identify himself. I was amazed to see that there were only ten people working in dispatch for the entire county of Santa Clara. It is a very high tech facility with dim lights so the dispatchers can see their scenes easily. We were only there for about ten minutes when a 911 call came in. Deputy Lopez decided to take the call.

The call came in about a man who tried to run over a five year old autistic boy. The mother, who observed to incident, said that the boy was in the middle of the road and she yelled at the driver to slow down and let the boy get out of the street, but the man supposedly sped up and came at the boy with a smile on his face, like he was enjoying playing "chicken" with the boy.

The lady was familiar with the man and gave us his address. We headed over to the man's house. When we arrived, we asked if it would be o.k. if we came in and the man said yes. He was an older man, in his sixties, and he seemed to me to be very pleasant. He and his wife were having dinner and he seemed very surprised to find a sheriff's deputy at the door.

Officer Lopez told the man why we were there, and asked him to tell us his version of the story. The man said he was honking and yelling at the boy to move out of the street, but he didn't move. He figured that if he kept on driving, the boy would realize the danger and would move. Officer Lopez informed the man that the boy was autistic, and therefore could not comprehend what the man was doing. The man apologized and said that he would be more careful in the future. He also denied smiling when he approached the boy. It was apparent to both me and Deputy Lopez that this man just was a nice person and that smiling was a facial characteristic of his. We wished him a good day and the headed back to the mother's house again. She accepted his apology, but was still visibly upset.

Deputy Pina radioed in a call about a fox that needed to be dispatched (killed) over in the Alum Rock Hills. We decided to go over with him. When we arrived, Deputy Pina was talking to the teenaged girl who came upon the fox. The fox was shaking badly and its eyes were rolling back and forth. It was clear that this animal was suffering. Deputy Pina looked very upset, and asked if I wanted to watch. I did, and he clubbed the poor fox in the head with an ax handle. I felt really sad watching this poor thing, but felt worse when it was
killed. Deputy Pina commented that he'd rather take out a bad criminal than an innocent animal. The fox was placed in a box alongside the road and Animal Control was called to come pick him up. The atmosphere was so gloomy that we decided that it was time for a coffee break. Deputy Lopez, Deputy Pina and I headed over to 7-11 on McKee Road.

19:25
---- Coffee break

7-Eleven and the Deputies have this policy with each other and it goes like this: since they (the 7-Eleven) is located in a high crime area, the Deputy's presence (especially four of them) deters criminals from wanting to rob, solicit, or do anything that is illegal. In return, the deputies get free drinks and, of course, free doughnuts. It works out well for both parties. (In the book this would be considered an example mild corruption - 7-Eleven is clearly “buying” the deputies’ presence; but I didn’t say anything!)

19:55
ATC Attempt to contact (Canoas Gardens)

Burglary suspect is needed for questioning. Deputy Lopez and I and a canine officer went to the suspect's apartment complex to see if he was home. I was allowed to go, but had to stay back 100 feet. Several knocks were answered with silence. The deputies peeked inside the windows and determined that no-one was home, so we left.

20:00
---- Patrol

As we drove around, Deputy Lopez told me that the Sheriff's Office used to run the jails, but the County took that job away from the Sheriff and established the Santa Clara Co. Dept. of Correction, because the county thought they could run the jail cheaper than the Sheriff could. According to Deputy Lopez, corrections is where the money can be made. He worked at the Main Jail and also at Elmwood. He liked the hours - six p.m. to six am. He worked in corrections for 15 years, and his wife was a lot happier with him working in the jail than out on the streets, because he was a lot safer there. He also made a lot of money working over-time. We talked about his family and his plans for the future.

20:10
1124 Suspicious vehicle (Blossom Hill Road and San Ignacio Road)

The car was a white Honda. It was parked in an area where a lot of people go to throw their trash and old furniture, appliances, etc. Officer Lopez turned his light on the vehicle, and suddenly a girl's head popped up from the back seat. It was obvious to us what was going on. We turned the light off in order to let the couple “straighten themselves up” and after a few minutes, Deputy Lopez walked over to the car. He verified their ID's to make sure they were both of age, and then lectured them about how there is as place and time for such activities, and then we were off.
20:38
1195 Vehicle stop (San Ignacio Road)

Deputy Lopez pulled over a man driving a red pick-up truck because it was swerving a bit. As it turned out, the driver was slightly intoxicated. Fortunately for the driver, there was a passenger in the truck, so Deputy Lopez ordered the passenger to drive or else the driver would get a DUI. I asked Deputy Lopez why he didn’t just give the man a DUI and he told me that it isn’t always about just busting people, and if there is a better, safer alternative to a citation, he prefers that.

21:00
---- Follow up (Potts Road)

He stopped by the house of a teenaged girl who likes to run away. He wanted to check on the girl and see how she has been doing lately. The mother informed us that her 15-year-old daughter had been doing well for about three weeks, and had then begun to cut classes. The girl had run away the week prior to our visit. The mother seemed frustrated, but resigned to the girl’s behavior. Deputy Lopez gave her some advice and told her to report the girl as a runaway if she didn’t return by the next day.

21:33
459 Burglary (Blossom Hill Road)

A call came in about a homeowner who had just gotten home to find he had been burglarized. We went to the call. We were the second car to arrive. Deputy Gallagher had already begun interviewing the victim. The victim said he had been out all night (since 5:00 p.m.), and when he got home, he found the house had been broken into. He was quite upset. As I looked around, I couldn’t blame him. The house was a mess – there were drawers pulled open, cabinets open, things strewn throughout the house. He sat down with the other officer to give a statement while we looked around the scene. When we were sure the perpetrator had fled, and there was no further danger, we left the scene.

22:20 – 23:00
---- Lunch

23:08 – 23:51
---- McKee Road Apartment Complex

Deputy Lopez stopped to chat with a friend who is an officer with the San Jose Police Dept. Officer Ronteria was working security on bike patrol. He said it was easier to catch bad people when they are running through the apartments. This is a high burglary area. There were no calls coming for Deputy Lopez on the radio, so we were here for quite a while.
24:25
242 Assault (Capital Expressway)

A drunk man was trying to walk through the drive through at Taco Bell. They refused him service, and he began throwing cups and cursing at the workers. When we arrived, there was another deputy already on the scene. He informed us that the drunk man was warned to stay away from the restaurant and that the man peacefully obeyed, therefore, no action needed to be taken.

00:00 – 00:25
----- Monterey Road

We pulled into the Caltrain parking lot and Deputy Lopez pulled out his laptop computer. He got out his log and began putting everything into the computer. He said this is the part of the job that he hates, but I was happy to have a little time to get my own notes together.

00:50
----- Younger Road

We refueled the patrol car and the shift was over.

Epilogue

I’m glad I chose to ride with the Sheriff’s Dept. I learned a lot about law enforcement that day. I learned a lot about the history of the Santa Clara County Sheriff’s Dept. and what it takes to be a good police officer. Deputy Lopez is a very smart and strong individual; he overcame a lot of obstacles to get where he is today. Thanks to him, I feel even more confident that I will fulfill my career goal of becoming a sheriff’s deputy. The most important thing I learned is that being a police officer is not always about busting people, it is about helping people.