

**Washington State Criminal Justice Training Commission
Basic Law Enforcement Academy**



Criminal Law Practice & Self-Study Workbook

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Burien, Washington

Mission Statement:

The Washington State Criminal Justice Training Commission enhances public safety by establishing standards and providing education and training.

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Anticipatory vs. Complicity Scenarios

- 1. John and Dwayne are golfing and complaining to each other about not having any toys to give their kids for Christmas. John remembers that he knows Jane, who works at Toys-R-Us. John calls Jane and they talk about how easy it would be to steal toys from the delivery truck that makes a weekly trip to her store. Jane has access to a delivery schedule and gives it to John and Dwayne. They agree to provide Jane with a portion of the stolen toys in exchange for her help. Five days before the heist is set to go down, Jane gets cold feet and decides that she doesn't want any more involvement in the plan. She tells John and Dwayne they are on their own. On the day of the heist, John and Dwayne carry out their plan and stop the truck at gunpoint (Dwayne has a pistol). They order the driver out of the truck and onto the ground. They get away with the truck and stolen merchandise. Since Jane backed-out, they never share any toys with her.**

Who are the players in this scenario?

What crime(s) are you considering?

Are those crime(s) completed yet?

Who can be charged, and what crime(s) can they be charged with?

- 2. Mr. Goodwrench is the leader of a car theft ring. He tells Les Schwab to steal three cars from a dealership lot. Each of the three cars is worth \$20,000. Les does this and then tells his henchmen, the Pep Boys, to take the vehicles out of state, down to Portland to be resold at a higher price. Two of the Pep Boys make it to Oregon, but the third Pep Boy gets stopped for speeding and is caught by police. The third Pep Boy confesses his involvement to police and also implicates Mr. Goodwrench and Les. With the cooperation of the police in Portland, law enforcement is able to recover the other two stolen vehicles.**

Who are the players in this scenario?

What crime(s) are you considering?

Are those crime(s) completed yet?

Who can be charged, and what crime(s) can they be charged with?

- 3. Fred, Mark and Sue develop a plan to rob a bank. Sue works at the bank as a teller. The three of them make a plan together. Fred will drive the get-away car, and Mark will handle the robbery on the inside. Sue gets nervous on the day before the robbery. She calls in sick at work. Then she goes to the police station and turns herself in. She tells the police everything and explains that she is too scared to carry it out. Minutes before Fred and Mark leave their houses the morning of the crime, the police show up and arrest them. Mark is caught with two pistols and a ski mask.**

• Who are the players in this scenario?

• What crime(s) are you considering?

• Are those crime(s) completed yet?

• Who can be charged, and what crime(s) can they be charged with?

Anticipatory vs. Complicity Scenarios

- 4. Bob and Tom live in Utah. They have a bad habit of stealing Honda Accords from Seattle and moving them back to Utah to be cut up and sold for parts. Last weekend, they stole two Accords and left them at Tom's sister's house. Her name is Patty. Patty knows what Tom is up to, and she regularly allows them to use her side driveway for temporary storage of the cars. A neighbor got suspicious and finally called the police.**
- Who are the players in this scenario?
 - What crime(s) are you considering?
 - Are those crime(s) completed yet?
 - Who can be charged, and what crime(s) can they be charged with?

Mid-Term Questions

- 1. The five basic premises of criminal law are:**
 - a. Act; omission; intent; result; written
 - b. Act or omission; mental state; concurrence; causation; written
 - c. Omission; causation; mental state; written; punitive

- 2. The age at which a child is incapable of committing a crime is:**
 - a. Age 7 and under
 - b. Age 8 and under
 - c. Age 12 and under

- 3. A homicide committed by accident or misfortune in doing a lawful act by lawful means without negligence or unlawful intent is an example of:**
 - a. Justifiable homicide
 - b. Excusable Homicide
 - c. Manslaughter

- 4. Premeditation is defined as:**
 - a. The time it takes to consume two beers
 - b. A split second decision
 - c. More than a moment or point in time

- 5. Bob and Jake get into an argument in a bar and Jake pours his beer over Bob's head. This is an example of what?**
 - a. Lack of common sense & good judgment on Jake's part
 - b. Assault 2nd Degree
 - c. Assault 4th Degree
 - d. Both A and C

- 6. If a corrections officer working in a jail facility is assaulted by an inmate, the appropriate charge would be:**
 - a. Custodial Interference
 - b. Custodial Assault
 - c. Assault 4th Degree
 - d. Nothing, it is a job hazard for the corrections officer

- 7. You are employed as a police officer and have been put in charge of your agency's evidence room. You decide that the department won't miss a couple of items. You end up stealing a VCR and a chainsaw from the evidence room with a total value of \$825. How long after the commission of this felony theft can you be charged?**
 - a. 3 years
 - b. 7 years
 - c. 10 years

- 8. A spring blade knife is only illegal if it is carried furtively with an intent to conceal it.**
 - a. True
 - b. False

Mid-Term Questions

9. What is the maximum jail sentence that may be imposed on a person convicted of committing a gross misdemeanor?
- Up to 90 days
 - Up to a year
 - Up to two years
10. "Necessary" means that no _____ effective alternative to the use of force appeared to exist and that the amount of force used was _____ to effect the lawful purpose intended.
- More; necessary
 - Reasonably; reasonable
 - Other; reasonable
11. Who bears the burden of proof when an insanity defense is utilized in court?
- The prosecution
 - The defense
 - The defendant who must maintain his insanity throughout the trial so it will be obvious to the jury
12. If a person climbs over a locked 6-foot wooden fence in order to gain access to someone's backyard without permission, they have committed what offense?
- Criminal Trespass
 - Burglary
13. A person can argue a duress defense in court even if they placed themselves in a position for duress to occur.
- True
 - False
14. Which one of the following is not considered a "basic necessity of life?"
- Water
 - Food
 - Education
 - Shelter
15. In order for a suspect to be arrested and charged for Criminal Mistreatment or Abandonment, you must first establish that the person was _____ responsible for the victim.
- Morally
 - Professionally
 - Legally
16. The anticipatory offenses of Criminal Attempt, Criminal Conspiracy and Criminal Solicitation can only be charged prior to the crime actually being committed.
- True
 - False

Mid-Term Questions

17. **An affirmative defense allows the defendant to admit to committing the crime while providing a legally valid defense for his/her actions.**
- True
 - False
18. **A group of teenage bullies approach some much smaller children playing on a playground and threaten to hurt them if they don't leave the playground. This is an example of what crime:**
- Malicious Harassment
 - Threats
 - Coercion
19. **Which of the following is NOT a BARRK felony?**
- Burglary 1st Degree
 - Burglary 2nd Degree
 - Assault 1st Degree
 - Robbery 1st Degree
 - Both B and C
20. **You respond to a report of a person threatening to jump to their death from a high bridge. When you arrive, you encounter the jumper's friend who repeatedly blocks your route to the subject and interferes with your ability to negotiate with him. The friend tells you that the other person has a terminal illness and has a right to die. What should you do?**
- Ask the jumper if they are sincere and leave if they say "yes"
 - Arrest the friend for reckless endangerment
 - Arrest the friend for promoting a suicide attempt
 - Both A and B
21. **The statute of limitations for voyeurism is:**
- 3 years from the time of commission
 - 2 years from the time the victim realizes they were a victim
 - 5 years from the time of commission
22. **You respond to the reported death of a four-year-old child. Several days later, the Medical Examiner (M.E.) calls you with the autopsy findings and indicates that the child died as a result of blunt force trauma to the head. Further investigation shows that the baby's stepmother was responsible for striking the child's head repeatedly against the hardwood floor. You also determine that the child's stepmother was previously investigated by CPS and a neighboring agency for shaking the child as an infant. What is the appropriate offense to arrest the stepmother for?**
- Manslaughter
 - Homicide
 - Homicide by Abuse

Mid-Term Questions

23. **Wally, who lives in Federal Way, calls his buddy Jim in Texas requesting information on how to commit a bank robbery. Jim provides Wally with tips on how to commit the crime and successfully stash the money. Two days later, Wally commits the robbery but is apprehended trying to leave the scene. What, if any, crime can Jim be arrested for?**
- Nothing because Washington laws are not enforceable in Texas
 - Jim can be arrested for Solicitation to Commit Robbery
 - Jim can be arrested for Robbery
24. **While fleeing the scene of a misdemeanor shoplift, bad guy Buck accidentally runs over a little old lady pushing her shopping cart through the parking lot. The little old lady dies instantly from her injuries. What additional crime can you arrest Buck for?**
- Murder 1st Degree
 - Murder 2nd Degree
 - Manslaughter 2nd Degree
25. **A person does not need a concealed pistol license in order to carry a firearm in their home or fixed place of business.**
- True
 - False
26. **You are dispatched to contact a despondent female who is reporting that she was abducted by her ex-boyfriend. Upon arrival, the female tells the officers that her ex-boyfriend showed up at her residence unannounced and demanded to talk to her. The female says she refused to let her boyfriend in her apartment, at which time he dragged her out to his car by her arm, forced her into the car and drove her around until she agreed to talk to him. The female says she decided to listen to what her ex-boyfriend had to say in exchange for him taking her home after they finished talking, which he did. What, if any, crime would you charge?**
27. **As an officer working graveyard, you respond to a third party report of two teenagers playing on the railroad overpass at Main Street. The reporting party indicates that the teens are hanging something from the overpass, which is causing motorists to swerve. The reporting party cannot identify what was hanging from the overpass, but stated a concern that the teens' behavior was going to cause an accident. As you round the corner toward the overpass, you observe the car ahead of you swerve abruptly on to the shoulder, dangerously close to the ditch. You look up and notice two boys hanging a life-size dummy from the overpass with a rope tied around its neck. When the boys see your patrol car, they drop the dummy and begin running. What do you do? What would you charge them with if you catch them?**
28. **Tommy and Johnny are both 29 years old and have known each other since they were school kids. Since both recently lost their jobs, they decide to rob the local bank for a little extra cash until they find work again. After formulating an elaborate plan, they each go home for the night with an agreement that they will rob the bank at closing time the following day. Once at home, Johnny decides that he does not want any part of Tommy's scheme. Johnny calls the police and explains their plan for robbing the bank. When Johnny doesn't show up, Tommy decides to rob the bank anyway and keep all of the money for himself. Unbeknownst to Tommy, the police are waiting for him to arrive and he is arrested as he enters the bank. Can Johnny be charged as an accomplice for this attempted robbery? Why or why not?**

Mid-Term Questions

29. While on patrol, you stop a pickup truck for failure to stop at a stop sign. As you contact the driver, and sole occupant of the vehicle, you observe a shotgun sitting on the passenger seat of the truck. You ask the driver to step from the vehicle for your safety. The driver apologizes for any alarm he caused you and explains that the shotgun is his and he just got it out of his storage unit and was taking it home. In examining the shotgun, you notice that it has a barrel length of 16 inches and an overall length of 24 inches. Is this weapon legal for him to possess? If not, what crime could he be charged with?
30. As an officer, you respond to a harassment complaint at a local restaurant. The owner, who is of Middle Eastern descent, tells you that he has been receiving threatening notes on his door in the morning for the past several months. When asked what the notes say, the owner tells you that the first few were short and referred to him and his family as "terrorists." The owner says he disregarded the first several that were sent, but recently became concerned because the notes were more threatening. The owner shows you the note he found this morning, which states "DIE TERRORIST – I WILL DO TO YOU WHAT YOUR PEOPLE DID TO THIS COUNTRY." The owner indicates that he is in fear for his safety and his business based on the threatening nature of the note. If you find the suspect, what crime(s), if any, could they be charged with?
31. You are working a graveyard shift when you get dispatched to a commercial alarm at a local warehouse. Since you are familiar with your district, you are aware that the owners of the business are in the process of moving out and the warehouse is mostly vacant. When you arrive, you find a rear door to the warehouse slightly ajar. After waiting for backup, you begin conducting a building search. You subsequently locate a subject sleeping in a back corner of the warehouse. The suspect tells you they are homeless and were just trying to get in out of the weather. Can you arrest the subject, and if so, what for?
32. You respond to the local elementary school after being called by the principal who is concerned about possible child abuse. When you arrive, you contact the principal who tells you that an 8-year-old third grade student came to school today with a black eye. When questioned by the teacher about the injury, the child told the teacher that he fell down. However, when you talk to the teacher she tells you that this is not the first time the child has come to school with a black eye. The teacher also tells you that she has reported the mother for child abuse in the past after witnessing her grab the child by the arm and forcibly dragging the child to their car after school. After calling CPS and doing a joint interview with the child, you learn that the child's mother caused the black eye by punching him with a closed fist after he did not sufficiently clean his room. You also learn that CPS had a previously founded case of abuse against the mother, although no criminal charges were filed, for a similar incident with the same child. What, if anything, can you arrest the mother for?

Mid-Term Questions

33. During dayshift patrol, you respond to a possible burglary in progress at a residence. A neighbor called 9-1-1 because they observed a subject in the backyard of the house next door. The neighbor said they were concerned about the person in the backyard because the homeowners are out of town and no one is supposed to be there. Upon arrival, you go to the back patio door and notice that it has been pried open. After waiting for backup, you begin a building search of the residence. During your search, you locate a male subject hiding in the upstairs master bedroom. You later search the suspect and find that he has several items of jewelry (later identified as belonging to the homeowner) in his pockets along with several old credit card bills with the homeowner's information on them. You also locate a compact 9mm handgun in his jacket pocket, which is also later determined to belong to the homeowner. After confirming the suspect does not have a reason to be there, what crime(s) can you arrest him for?

Final Exam Questions

1. **Joe Buckethead is upset with his girlfriend. He goes by her house late at night to try to patch things up. When he arrives at the house, he notices a strange car in the driveway and all of the lights in the house are out. Buckethead becomes angry, suspecting that his girlfriend, Myrtle, is sleeping with another man. Buckethead returns to his car, which he parked a block away, and gets his gun. Buckethead returns to the house and enters the house through an unlocked door. He goes upstairs and finds Myrtle in bed with another man. Buckethead fires his gun at the man and kills him instantly. What crime(s) should Buckethead be charged with?**
 - a. Murder 2nd Degree and Residential Burglary
 - b. Murder 1st Degree and Burglary 1st Degree
 - c. Malicious Harassment and Burglary 1st Degree
 - d. Murder 1st Degree and Residential Burglary
 - e. Residential Burglary only...the homicide was justifiable.

2. **Elmer decides he is lonely and would like some company. He goes to a large shopping mall and entices a six-year-old boy into his car with a Nintendo Gameboy. He takes the child home and keeps him locked in a room in his basement. He and the boy pass the time playing Playstation and watching tabloid TV. After three days, the boy decides he wants to go home. Elmer refuses to release him and instead calls the boy's parents and offers to release the boy for \$1,000. They arrange a meet and Elmer places the boy in the trunk of his car. While driving to the meet, Elmer rear-ends a dump truck and the boy is killed. What crime(s) should Elmer be arrested for?**
 - a. Kidnapping 1st Degree and Murder 1st Degree
 - b. Unlawful Imprisonment and Murder 2nd Degree
 - c. Kidnapping 2nd Degree and Manslaughter
 - d. Kidnapping 1st Degree only...the homicide is excusable
 - e. Kidnapping 1st Degree and Manslaughter

3. **It is a hot and humid summer night. The moon is full and beautiful. Ted just got released from prison after serving 2 years of a life sentence for Rape. Ted walks to a nearby college campus and locates the women's dorm. He enters the dorm through a kitchen window that was left open. He picks up a large knife off the counter and then goes into one of the bedrooms where a coed is sleeping. He holds the knife to her throat and forces her to perform oral sex on him. What crime(s) has Ted committed?**
 - a. Residential Burglary and Rape 2nd Degree
 - b. Residential Burglary and Indecent Liberties
 - c. Burglary 1st Degree and Rape 2nd Degree
 - d. Burglary 1st Degree and Rape 1st Degree
 - e. Burglary 1st Degree and Indecent Liberties

Final Exam Questions

4. **As Ted is leaving the dorm, a coed screams. The scream is heard by a police officer who responds to the dorm. The officer sees Ted and orders him to put the knife down. Instead, Ted lunges at the officer with the knife. The officer fires three times, wounding Ted. Identify the additional charge(s) against Ted.**
- Assault 1st Degree
 - Attempted Escape
 - Murder 1st Degree
 - Resisting Arrest
 - All of the above
5. **The taking of which of the following items constitutes Theft 2nd Degree?**
- A completed parking ticket from the police department depository
 - A Sears credit card from a gym locker
 - 80000 Yen valued at around \$900.00
 - All of the above
6. **Milton Beerstein lost his job at Boeing after 18 years. Milton decides to turn to a life of crime and enters the Last National Bank armed with a toy pistol that looks like a real gun. He walks up to a teller and says, "This is a robbery," and points the toy pistol at her. The teller, fearing for her life, puts all of the money in Milton's paper sack. As Milton is about to leave the bank, he sees two police cars arriving. He then grabs a Girl Scout who was selling cookies inside the bank and uses her as a shield in order to affect his escape. He exits the bank with the Girl Scout in front of him. As he reaches his car, the Girl Scout kicks him in the shin allowing her to escape. Police rush in and Milton is taken into custody. What should Milton be arrested for?**
- Unlawful Imprisonment and Robbery 1st Degree
 - Kidnapping 1st Degree and Robbery 1st Degree
 - Kidnapping 1st Degree and Robbery 2nd Degree
 - Kidnapping 2nd Degree and Robbery 1st Degree
7. **Pugsley is getting his kicks by dropping large stones off of a pedestrian freeway overpass. His goal is to hit the cars on their roof. He hits a small pick-up truck, causing \$150 damage to the roof. The angry motorist catches Pugsley and holds him for the police. You arrive and take Pugsley into custody. What should Pugsley be arrested for?**
- Malicious Mischief 2nd Degree
 - Reckless Endangerment
 - Malicious Mischief 3rd Degree
 - Both B and C
 - Nothing....this was just an innocent, childish prank

Final Exam Questions

8. Assume the same facts as in question number 7 except that one of the rocks goes through the windshield of a car, striking the driver in the head and killing him. What additional crime should Pugsley be arrested for?
- Manslaughter 1st Degree
 - Manslaughter 2nd Degree
 - Murder 2nd Degree
 - Murder 1st Degree
 - Nothing...this was an accident and it is an excusable homicide
9. Officers respond to a suicidal subject threatening to jump from the 56th floor of the Columbia Tower. The elevators were not working and the only stairway was being blocked by a friend of the jumper who refuses to move when requested to do so by the responding officers. The friend tells the officers that his buddy has a terminal illness and has a right to die. What could you arrest the friend for?
- Disorderly Conduct
 - Obstructing a Law Enforcement Officer
 - Promoting a Suicide Attempt
 - All of the Above
 - B and C only
10. A juvenile who runs away from home without parental permission has committed a misdemeanor and may be arrested.
- True
 - False
11. A pickpocket steals money from the back pocket of a spectator at the fights. This act would constitute Theft 1st Degree:
- If the amount of money in the wallet exceeds \$5,000
 - If the amount of money in the wallet exceeds \$750
 - If the amount of money in the wallet exceeds \$250
 - Regardless of the amount
12. Bill Gates hires Melvin to break into the office belonging to the president of a software competitor to steal new computer programs. Melvin waits until 0300 hrs and enters the office through a roof vent. To protect himself, he carries a pistol and a large knife. Once inside, Melvin takes what he believes are the new computer programs and flees the scene. The two computer disks actually turn out to be blank. What crime(s) has Melvin committed?
- Burglary 1st Degree and Theft 3rd Degree
 - Burglary 1st Degree and Possession of Stolen Property
 - Burglary 2nd Degree and Theft 3rd Degree
 - Burglary 2nd Degree and Theft 2nd Degree

Final Exam Questions

- 13. Based on the same scenario in number 12, what crime(s) has Bill committed?**
- a. Solicitation to commit Theft
 - b. Conspiracy to commit Theft
 - c. Solicitation to commit Burglary and Theft
 - d. Attempted Burglary and Theft
 - e. None of the above
- 14. Custodial Assault occurs when an incarcerated inmate intentionally strikes another inmate.**
- a. True
 - b. False
- 15. In order for Assault of a Child to be charged, the suspect must be 18 years of age or older.**
- a. True
 - b. False
- 16. To extort something from someone, a person must use:**
- a. Threat
 - b. Force
 - c. Coercion
 - d. Deception
- 17. Sally Smith was with several friends at a bar when she was approached by Ned who offered to buy her a drink. Sally politely refused and Ned walked away. A few minutes later, Ned walked back over to Sally, grabbed her right breast with his hand and then walked out the door. Sally had the bartender call the police and you arrive to locate Ned standing in the parking lot, highly intoxicated. What crime has Ned committed?**
- a. Indecent Liberties
 - b. Assault
 - c. Indecent Exposure
 - d. Harassment
 - e. None of the above....this is typical bar behavior
- 18. During your interview of Ned for the above incident, Ned explains that he would never have touched Sally if his friends had not dared him to do it and then bought him a pitcher of beer to drink first. This would be an appropriate defense under:**
- a. Involuntary Intoxication
 - b. Duress
 - c. Insanity
 - d. None of the above...Ned is on his own

Final Exam Questions

19. A person who is at least 18 years of age may be in possession of an unloaded pistol as long as it is not concealed on his person.
- True
 - False
20. The only difference between Sexual Misconduct with a Minor 1st Degree and Sexual Misconduct with a Minor 2nd Degree is sexual intercourse versus sexual contact, respectively.
- True
 - False
21. Tony breaks into a house looking for stereo equipment to support his gambling habit. Tony doesn't find any worthwhile stereos, but ends up taking a laptop computer (valued at \$600) and a .45 caliber pistol (valued at \$475) instead. You catch Tony as he is running away from the residence. What crime(s) can you arrest Tony for?
- Residential Burglary, Theft 3rd Degree and Theft of a Firearm
 - Burglary 1st Degree and Theft 2nd Degree based on aggregation of the items taken
 - Burglary 1st Degree, Theft 3rd Degree and Theft of a Firearm
 - Residential Burglary and Theft 2nd Degree based on aggregation of the items taken
22. While on patrol, you stop into your favorite donut house for your daily dose of sugar and caffeine. You are inside for approximately fifteen minutes. When you return to your patrol car, you find that someone has let the air out of all four of your tires. You radio dispatch and request a tow truck for your vehicle. You are the only officer on duty in your jurisdiction and it takes 45 minutes for you to return to your station, transfer your gear from the tow truck into another patrol car and go back into service. During that time there are no calls for service. Estimated cost for the tow truck trip and inflation of the four tires is \$75 dollars. If you find the hoodlums who left you stranded, you could arrest them for:
- Malicious Mischief 1st Degree
 - Malicious Mischief 2nd Degree
 - Malicious Mischief 3rd Degree
 - Reckless Endangerment
 - Harassment
23. It is illegal to possess a knife with a blade length in excess of 3 ½ inches long.
- True
 - False
24. The anticipatory offenses of Criminal Attempt, Criminal Conspiracy and Criminal Solicitation can only be used up to the point when the crime is committed.
- True
 - False

Final Exam Questions

25. You respond to a residential burglary in progress and locate the suspect coming down the sidewalk in front of a dark house. During your diligent questioning, the burglar tells you that it was all just a big mistake and that he accidentally went to the wrong house instead of the one he really meant to burglarize. What is this an example of? Can he still be arrested for Residential Burglary?
26. Johnny, the seven-year-old pyromaniac who lives next door, is caught trying to set the neighbor's garage on fire with a pile of empty cardboard boxes. What, if any, crime can Johnny be arrested for?
27. Bill and Ted, two old friends from college, get into an argument one night during a drinking contest. Bill becomes enraged and throws his beer glass at Ted, striking him in the head and causing a large laceration that later requires 13 stitches. What would be the appropriate crime to arrest Bill for?
28. While on routine patrol, you contact a suspicious person who won't stop putting his hands in his pockets. You ask to frisk him for weapons and he gives you consent to pat him down. While doing so, you detect what you believe to be a knife in his right front pants pocket. The subject tells you it is a knife and allows you to remove it from his pocket. You open it and note that it has a double-edged blade. Can you arrest the subject and, if so, what for?
29. The evidence clerk of your police department decides to help himself to an expensive mountain bike valued at \$768 that was entered as "found property" a month earlier. Upon questioning, the clerk states that he thought he would just keep the bike so the department wouldn't have to hassle with auctioning it off later. What, if any, crime would you arrest the clerk for and how long would the statute of limitations run?

Domestic Violence Scenarios

- 1. You respond to a third party complaint of a verbal disturbance inside an apartment between a female and male. No specific statements were heard and there is no history of domestic violence at the residence. Upon arrival, you hear loud voices coming from inside, but nothing discernable as threatening. Your knock on the door is answered by a female who is crying hysterically. The woman allows you inside and you observe a male subject sitting on the living room couch holding a small child. Upon investigation, you learn that the couple is married and the small child is theirs together. Both tell you that they were arguing over household chores and child care responsibilities. When asked if anything physical happened between the two, you noticed that they looked at each and then at a broken lamp on the floor before answering "no." You press further about how the lamp was broken, but neither is willing to tell you what happened. Based on this information alone, answer the following questions:**

 - Can you make an arrest?
 - Who will you arrest and what for?
 - Is it a mandatory arrest?
 - If you do not make an arrest, what will you do?

- 2. You respond to a call for help from a father who told Dispatch that his 14-year-old son is out of control and damaging items within the house. Upon arrival, you can hear two male voices inside yelling at each other and the sounds of breaking objects. Upon knocking, the father answers the door and immediately directs you upstairs where you find the 14-year-old son in the process of throwing dinner plates on the floor one at a time. After convincing the boy to stop breaking the plates, he explains that his father is never satisfied with his grades and that he can not do anything right in his father's eyes. He further explains that his father found out that he received a "B" in his English class and has grounded him for a week as punishment for the grade. The boy states that he started breaking things out of pent up anger at his father. Both tell you that no threats were made and that neither is in fear of the other. The father states that he does not want his son arrested, but would like you to explain that he can not break things that don't belong to him. The father also tells you that this is the first time he has ever called the police for assistance with his son. Based on this information alone, answer the following questions:**

 - Has a crime occurred, and if so, what is the crime?
 - Is it a mandatory arrest?
 - If you do not make an arrest, what will you do?

Domestic Violence Scenarios

3. While on patrol, you observe a vehicle ahead of you in traffic swerving within the lane. As you get closer, you notice that the vehicle is occupied by a male and female who appear to be arguing. As you prepare to stop the vehicle to check on the occupants, you observe the male passenger slap the female driver in the face. You initiate a stop and contact both occupants. You remove the driver, who is now crying, and ask what happened. The female tells you that the passenger is her ex-boyfriend and that they went out tonight to try to work things out. The female tells you that since breaking up, the male has repeatedly called her and asked to get back together. Tonight, upon realizing that it was not going to work, she offered to drive him back home. While on the way home, they began arguing and he threatened several times to wreck the car and hurt both of them. At one point shortly before being stopped, the female said the male tried to grab the steering wheel causing her to swerve within her lane (the driving you observed). When she began yelling at him to stop acting that way, he slapped her in the face (also the action you observed). The female tells you that her right cheek stings from being slapped and also indicates that this is not the first time he has hit her. Upon running their names, you find that he is the respondent in a No Contact Order issued from your court three months earlier, listing her as the protected person. Based on this information alone, answer the following questions:
- What crime(s) have been committed?
 - Is this a mandatory arrest?
 - What will you need to complete your case?
 - If you do not make an arrest, what will you do?
4. You respond to a disturbance at a small rambler involving two male subjects who are later determined to be roommates who share rent. The two tell you that they have been living together for approximately six months and that tonight they were arguing over a large utility bill. One of them (Bill) tells you that during the argument he was pushed by the other subject (Joe), causing him to fall against a kitchen bar stool. Bill tells you that it did not hurt when he was pushed or when he fell against the stool. Bill also states that he doesn't want Joe arrested because it will only make things worse if he is not there to help with the rent. According to both parties, this is the first time an argument has ever turned physical between them. Joe indicates that he is willing to leave for the night if given the option. Based on this information, answer the following questions:
- What crime(s) have been committed?
 - Is this a mandatory arrest?
 - If you do not make an arrest, what will you do?

Domestic Violence Scenarios

5. You respond to a fight in progress at the local tavern. Upon arrival, a male and female are still arguing across a pool table and you can see the female holding a pool cue in a threatening manner. You hear the female tell the male that if he comes any closer she will hit him again. After separating the parties, you learn that the two are married and have been for some time. Tonight, they began arguing when he accused her of flirting with other men in the bar. She tells you that he started toward her and she was afraid he was going to hit her because he has a history of physically abuse. When asked for more details, the female tells you that the male was clenching his right fist as he walked toward her and that she believed he was going to hit her because he has in the past. The female then tells you that rather than be hit, she swung the pool cue at him and hit in the lip with the end, causing a small cut. The male subject tells your partner that they were verbally arguing and she hit him in the face with the pool cue. He shows both of you a small cut on the outside of his lip that is bleeding slightly. He tells you that he wants her to go to jail "this time." When asked about previous times, he refused to cooperate further. Several bystanders tell you that the two are regulars and are always fighting. They also tell you that tonight the male was going towards the female, but that she hit him with the pool cue before he reached her. They also indicate that they thought he was going to hit her. Upon running their names, both parties are clear with no orders in effect. Based on this information, answer the following questions:
- Has a crime been committed and by who?
 - If so, is this a mandatory arrest?
 - If not, what will you do?

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- 1. A crime is an offense for which a sentence of _____ may be imposed.**
- 2. Do you have to be physically present within this state to commit a crime against the state? Explain.**
- 3. What are the three classifications of crimes utilized by the Washington Criminal Code?**
- 4. Define "felony."**
- 5. Define "gross misdemeanor."**
- 6. Define "misdemeanor."**
- 7. Children between the ages of ___ and ___ are presumed to be incapable of committing a crime in Washington State.**
- 8. What is the statute of limitations for Murder-Arson with death?**

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9. What is the statute of limitations generally for felony by a police officer?

10. What is the statute of limitations for most felonies by citizens?

11. What is the statute of limitations for a gross misdemeanor?

12. What is the statute of limitations generally for a misdemeanor?

13. The statute of limitations continues to run while a person is out of the state. True or False?

14. Define "building."

15. Define "dwelling."

16. Define "deadly weapon."

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17. Define "prison."

18. What is the difference between a "dwelling" and a "building"?

19. Name the four states of mind that constitute the mental state elements for many of the offenses defined in RCW 9A.

20. Define "criminal negligence."

21. Define "recklessness."

22. What is a synonym for "intent?"

23. What is the definition of "knowledge"?

24. What is an "accomplice " under Chapter 9A.08?

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- 25. Give one instance wherein a person is not an accomplice to a crime even though the person has aided another in committing the criminal act.**

- 26. Explain how you would "promote or facilitate" the commission of a crime?**

- 27. How can a person terminate his/her complicity in the commission of a crime?**

- 28. What are the elements for the insanity defense (RCW 9A.12.010) in the state of Washington?**

- 29. How is the defense of insanity established?**

- 30. Who has the burden of proof for the defense of insanity?**

- 31. Give an example of an "excusable homicide" under Chapter 9A.16.**

- 32. Give an example of a "justifiable homicide" by a public officer.**

Self-Study Course Workbook

- 33. Name two types of non-criminal homicides.**
- 34. Why is it necessary to be readily able to distinguish between a felony and other crimes?**
- 35. What are the elements of the defense of "duress"?**
- 36. Give an example of defense of duress.**
- 37. What are the elements of the defense of "entrapment"?**
- 38. Under Washington law a parent has no greater right to use force against a child than any other person. True or False?**
- 39. An "affirmative defense" under criminal law is one where a person asserts in essence, "I did the criminal act but my conduct was justified or excused." Name six affirmative defenses provided in the Washington Criminal Code.**
- 40. Can "involuntary intoxication" be an affirmative defense?**

Self-Study Course Workbook

- 41. Does "intoxication" include the use of drugs?**

- 42. What can voluntary intoxication do for the defendant as far as determining whether the defendant possessed the mental state necessary to prove a particular degree of a crime?**

- 43. In lieu of imposing a fine, the court may order the defendant to pay an amount of money fixed by the court to the victim. This procedure is called:**

- 44. What is the difference between an "attempt" and the "completed crime?"**

- 45. Does "mere preparation" to commit a crime constitute an "attempt" to commit that crime?**

- 46. What is the classification for attempted Murder 1st degree?**

- 47. What is the classification for an attempted class A felony?**

- 48. What is the classification for an attempted class B felony?**

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49. **What is the classification for an attempted class C felony?**

50. **What is the classification for an attempted gross misdemeanor?**

51. **What is the difference between Criminal Solicitation and Criminal Conspiracy?**

52. **How many people are needed for a "conspiracy?"**

53. **Once two people have agreed to commit a crime, there is an additional element needed to constitute the offense of Criminal Conspiracy. What is that additional element?**

54. **In regards to the classifications for Criminal Attempt, Criminal Conspiracy and Criminal Solicitation, what is meant by a "step-ladder system?"**

55. **Criminal Solicitation requires an agreement, or an action, on the part of the person being solicited. True or false?**

56. **What is "premeditation?"**

Self-Study Course Workbook

- 57. The felony Murder 1 rule refers to nine BARRK offenses. They are:**
- 58. What is the felony Murder 2 rule?**
- 59. What is the difference between Murder 1st and Murder 2nd degree?**
- 60. What is the mental state of Manslaughter 1st degree?**
- 61. What is the mental state of Manslaughter 2nd degree?**
- 62. If a person kills an unborn fetus by injuring the mother, what crime has been committed?**
- 63. Homicide by Abuse makes it an offense to cause the death of certain categories of vulnerable persons under circumstances manifesting an extreme indifference to human life where there has been a pattern or practice of _____ of such persons.**
- 64. Smith, intending to kill Jones, puts poison in Jones' coffee cup. Sally accidentally drinks the coffee and dies. What is the highest possible charge against Smith?**

Self-Study Course Workbook

65. What is the mental state of Assault 1st degree?
66. Is there a statutory definition of "assault?"
67. Does contact have to actually occur for an assault to be complete?
68. Define "great bodily harm."
69. Define "substantial bodily harm."
70. Define "bodily harm."
71. Give an example of Assault in the 4th degree.
72. How severe must an injury be to constitute Assault 3rd where the charge is based upon the defendant's resistance to an arrest?

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- 73. Which statutory provisions are more “result-oriented”—the Assault statutes or those that deal with Reckless Endangerment?**
- 74. What is the charge for encouraging a suicide (i.e. promoting a successful taking by another of his/her life)?**
- 75. Custodial Assault is an assault by anyone in custody. True or False?**
- 76. In order to be convicted of Assault of a Child, the suspect must be at least _____ years of age and the victim must be under _____ years of age.**
- 77. What are the six aggravating circumstances that support a charge of Kidnapping 1st degree?**
- 78. Is it necessary that the victim be transported to another location for a kidnapping to occur?**
- 79. Give two examples of Kidnapping 1st degree.**
- 80. Give an example of Kidnapping 2nd degree.**

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- 81. What are the major differences between Custodial Interference 1st and Kidnapping 2nd degree?**
- 82. Give an example of Unlawful Imprisonment.**
- 83. What are the elements needed to prove Luring?**
- 84. What are the mental states for Criminal Mistreatment 1st and 2nd degree?**
- 85. Describe "sexual contact" (Chapter 9A.44).**
- 86. List the three circumstances where a person is incapable of consent under the Indecent Liberties statute.**
- 87. Define "sexual intercourse" (Chapter 9A.44).**
- 88. Define "forcible compulsion" (Chapter 9A.44).**

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89. Define "consent" (Chapter 9A.44).
90. A threat that is implied and does not place the person in fear of injury to himself or herself may nonetheless constitute "forcible compulsion." True or False?
91. List two instances other than forcible compulsion where a sexual act would be deemed to have been committed upon a person "without consent."
92. List the aggravating factors for the offense of Rape 1st degree.
93. What is the difference between Rape 1st and Rape 2nd degree?
94. Rape 3rd does not include "forcible compulsion" present in Rape 1st and 2nd. Rape 3rd focuses on _____.
95. An essential element of all degrees of rape of a child is the _____ of the victim.
96. Rape of a Child does not contain the same factors present in Rape 3rd degree. True or False?

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97. Comparing the sexual act, what is the difference between Rape and Indecent Liberties?

98. Consent is a defense to a charge of Rape of a Child. True or False?

99. Comparing the sexual act, what is the difference between Rape of a Child and Child Molestation?

100. Sexual Misconduct with a Minor does not involve "forcible compulsion." True or False?

101. The classification for Indecent Exposure depends on certain circumstances. What are the circumstances?

102. What are the mental states of the offense of Indecent Exposure?

103. An inadvertent exposure of a person's private parts constitutes Indecent Exposure. True or False?

104. What are the elements of Prostitution?

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105. What are the elements of Patronizing a Prostitute?

106. Define "sexual conduct"(Chapter 9A.88)

107. What is a defense to Prostitution?

108. Define "advances prostitution" (Chapter 9A.88).

109. What is the mental state for the two degrees of Promoting Prostitution?

110. List the three conditions, which must exist before a violation of Permitting Prostitution can be charged.

**111. The Harassment statute requires that the victim's fear of the threat be "reasonable."
True or False?**

112. What are the elements of the crime of Stalking? When is Stalking a felony?

Self-Study Course Workbook

113. The word "building" when used with respect to the offense of Arson has an exception that differs from the definition of "building" per 9A.04.110 (5). What is the exception?

114. Define "damages" as used in Chapter 9A.48.

115. List the four aggravating circumstances which justify a charge of Arson 1st degree.

116. What is the difference between Arson 1st and Arson 2nd degree?

117. Give an example of a "manifestly dangerous" situation under the Arson statute.

118. What is the difference between Reckless Burning 1st and Reckless Burning 2nd degree?

119. What is the difference between Reckless Burning and Arson?

120. Complete the monetary values which constitute the parameters for the following:

- i. Malicious Mischief 1st:**
- ii. Malicious Mischief 2nd:**
- iii. Malicious Mischief 3rd:**

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121. What is the difference between Malicious Mischief 1st and Malicious Mischief 2nd where the basis of the charge is malicious mischief relating to tampering with certain types of public property?

122. Give a short definition of "enter" as defined in 9A.52.010.

123. What type of structure is uniquely protected by Burglary 1st degree and Residential Burglary?

124. Burglary 2nd degree protects what types of structures?

125. Making or Having Burglar Tools is a restrictive offense because of the attendant circumstances requirement. What is that requirement?

126. What is the difference between Criminal Trespass 1st and Burglary?

127. What is the difference between Criminal Trespass 1st and Criminal Trespass 2nd degree?

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128. List four defenses to Criminal Trespass.

129. It is necessary that a "taking" be involved in the offense of Vehicle Prowling (i.e. someone must break in and take an item). True or False?

130. Define "services" (Chapter 9A.56).

131. Describe the "market value" concept of "value."

132. Define the "aggregate value" or "aggregation" rule for Theft.

133. Define "theft."

134. Give an affirmative defense for Theft.

135. The value of property or services is one method of distinguishing the degree of Theft. Provide the monetary value for:

- i. Theft 1:**
- ii. Theft 2:**
- iii. Theft 3:**

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- 136. Theft 1st degree has another variation other than the monetary value of the item taken. What is that variation?**
- 137. Unlawful Issuance of Checks or Drafts protects situations when a check is drawn and there are not sufficient funds in the bank. Whose bank account does this refer to?**
- 138. Unlawful Issuance of Checks or Drafts is an offense that could be either a Class C felony or a gross misdemeanor. When is it a Class C felony? When is it a gross misdemeanor?**
- 139. What is the difference between Theft of a Motor Vehicle and Taking a Motor Vehicle Without Permission (TMVWP)?**
- 140. Theft of Livestock protects many types of farm animals. Name some types of animals that are not included in this offense.**
- 141. Extortion penalizes the unlawful acquisition or attempted acquisition of the property of another where such property is obtained by means of _____.**
- 142. A person who knowingly possesses a stolen firearm is guilty of Theft of a Firearm, which is a felony. True or False?**

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143. Provide the monetary value for the following:

- i. Possessing Stolen Property 1st:**
- ii. Possessing Stolen Property 2nd:**
- iii. Possessing Stolen Property 3rd:**

144. Possession of Stolen Property 2nd includes knowingly possessing certain types of stolen items. Name the types of items.

145. What are the conditions that must be met for a robbery to be considered Robbery 1st degree?

146. What is the difference between Robbery and Extortion?

147. What is the mental state of Forgery?

148. List the forms of conduct that are prohibited by Forgery.

149. Define "utter" as used in Forgery (Chapter 9A.60).

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- 150. Mary, wife of John, always takes his paycheck to the bank. She signs his name on the back and deposits the check. Is this a crime? Why or why not?**
- 151. What offense is present under Washington law when a person intentionally marries another person in this state when the other has a living spouse?**
- 152. Define "descendent" as used in the offense of Incest.**
- 153. Define "public servant" as defined under RCW 9A.04.110 (22).**
- 154. Define "pecuniary benefit" as defined under RCW 9A.04.110 (16).**
- 155. _____ is an offense which penalizes parties involved in giving or offering benefits to change a person's action taken in an official capacity.**
- 156. "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding. What might the term "any other material" apply to where a law enforcement officer/witness is involved?**
- 157. What are the elements of Perjury 1st degree?**

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158. List the elements of Tampering with a Witness.

159. A person who commits the offense of Tampering with Physical Evidence is committing an offense classified as:

160. Define "custody."

161. Define "detention facility."

162. Define "contraband."

163. List the elements of Obstructing a Law Enforcement Officer as provided in RCW 9A.76.020.

164. Resisting Arrest relates to a person's arrest. Who does it apply to?

165. With what do you charge a person who interferes with the arrest of another person?

Self-Study Course Workbook

166. List the ways criminal assistance can be rendered.

167. List the assistance a "relative" can provide without being held guilty of felony Rendering Criminal Assistance 1st degree. (Note: the "relative" will nonetheless be guilty of a lesser crime.)

168. "Relatives" are exempt from prosecution under the Rendering Criminal Assistance statutes. True or False?

169. What factors determine what degree of Escape will be charged?

170. It is necessary that the public servant's vote, opinion, decision, or other official action be influenced for charging the offense of Intimidating a Public Servant. True or False?

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171. A concert of action is required between participants under the Riot statute. Counting the defendant, what is the minimum number of persons that must be present for Riot to be charged?

172. The offense of Failure to Disperse (RCW 9A.84.020) covers actions leading up to riot situations. What action is required of a police officer if this offense is to be enforced?

173. What is the mental state for the offense of Disorderly Conduct?

174. List the four types of conduct for which a person may be charged with Disorderly Conduct?

175. One of the elements of False Reporting is that the person making the report has _____ that the information _____ is _____.

A N S W E R S – Anticipatory vs. Complicity

1. Christmas Toys

- **Who are the players for this scenario?**
 - John – helps create the plan, recruits Jane, carries out the robbery
 - Dwayne – helps create the plan, carries out the robbery armed with the pistol
 - Jane – agrees to participate in the plan, provides details about delivery
- **Which crimes are we considering for this scenario?**
 - Robbery 1st Degree – since one of the suspects in the robbery is armed with a deadly weapon, the robbery is first degree for everyone involved.
- **Now let's take each crime we listed above and work through it for every individual player. Is the crime completed (in other words, is every element of the crime satisfied)?**
 - Robbery 1st Degree = YES, the crime is completed. Property was actually taken by immediate force/threat of force, and the suspects were armed with a deadly weapon.
 - Since the crime was completed, the only role available for this charge is "accomplice" to Robbery 1st Degree.
- **Now let's list each individual player and decide which role best fits his/her involvement:**
 - John – "Accomplice" charged with Robbery 1st Degree.
 - Dwayne – "Accomplice" charged with Robbery 1st Degree.
 - Jane – "Accomplice" to Robbery 1st Degree. She's still charged with Robbery 1st Degree, even though she backed-out. She did not properly terminate her complicity (criminal responsibility) because she did not either make a good faith effort to stop the crime, or provide timely warning to law enforcement.

2. Car Theft Ring

- **Who are the players for this scenario?**
 - Mr. Goodwrench – mastermind of the plan
 - Les Schwab – steals the cars and turns them over to the Pep Boys
 - Pep Boy #1 – takes possession of stolen car and makes it Portland
 - Pep Boy #2 – takes possession of stolen car and makes it Portland
 - Pep Boy #3 – takes possession of stolen car and gets caught by police
- **Which crimes are we considering for this scenario?**
 - Three counts of Taking Motor Vehicle Without Owner's Permission 1st Degree (TMVWOP) – the fact they are reselling the cars (for profit) makes it 1st degree.
- **Now let's take each crime we listed above and work through it for every individual player. Is the crime completed (in other words, is every element of the crime satisfied)?**
 - TMVWOP 1st Degree = YES, the crime is completed.
 - Since the crime was completed, the only role available for this charge is "accomplice" to TMVWOP 1st Degree.
- **Now let's list each individual player and decide which role best fits his/her involvement:**
 - Mr. Goodwrench – "Accomplice" charged with three counts of TMVWOP 1st Degree.
 - Les Schwab – "Accomplice" charged with three counts of TMVWOP 1st Degree.
 - Pep Boy #1 – "Accomplice" charged with three counts of TMVWOP 1st Degree.
 - Pep Boy #2 – "Accomplice" charged with three counts of TMVWOP 1st Degree.
 - Pep Boy #3 – "Accomplice" charged with three counts of TMVWOP 1st Degree.

A N S W E R S – Anticipatory vs. Complicity

3. Bank Robbery

- **Who are the players for this scenario?**
 - Fred – helped plan the robbery, gathered supplies (shotgun and ammo)
 - Mark – helped plan the robbery, gathered supplies (pistols and mask)
 - Sue – helped plan the robbery, then notified police prior to robbery
- **Which crimes are we considering for this scenario?**
 - Robbery 1st Degree – since the suspects in the robbery were to be armed with a deadly weapon, the robbery is first degree for everyone involved. (It would have been 1st degree anyway because the robbery is within and against a financial institution.)
- **Now let's take each crime we listed above and work through it for every individual player. Is the crime completed (in other words, is every element of the crime satisfied)?**
 - Robbery 1st Degree = NO, the crime is NOT completed. No property was actually taken yet. So we must look at the anticipatory offenses. We have three choices for the player's roles:
 - "Attempted Robbery 1st Degree"
 - "Solicitation of Robbery 1st Degree"
 - "Conspiracy to commit Robbery 1st Degree"
- **Now let's list each individual player and decide which role best fits his/her involvement:**
 - Fred – "Conspiracy" is the best fit for his role since he was in on the criminal plan and another person in the group took a substantial step (Mark gathered supplies). He is charged with Conspiracy to Commit Robbery 1st Degree.
 - Mark – "Attempt" is the best fit for his role since he had intent and took a substantial step (gathering supplies for the crime). He is charged with Attempted Robbery 1st Degree.
 - Sue – She is not charged. She has terminated her complicity (criminal responsibility) by giving timely warning to law enforcement. We know it was timely because police were able to stop the crime from being completed.

4. Stolen Cars

- **Who are the players for this scenario?**
 - Bob – steals cars and moves them to Utah for chopping
 - Tom – steals cars and moves them to Utah for chopping
 - Patty – allows them to use her place for storage of stolen cars
- **Which crimes are we considering for this scenario?**
 - Two counts of Taking Motor Vehicle Without Owner's Permission 1st Degree (TMVWOP) – the fact they are reselling the parts (for profit) makes it 1st degree.
- **Now let's take each crime we listed above and work through it for every individual player. Is the crime completed (in other words, is every element of the crime satisfied)?**
 - TMVWOP 1st Degree = YES, the crime is completed.
 - Since the crime was completed, the only role available for this charge is "accomplice" to TMVWOP 1st Degree.
- **Now let's list each individual player and decide which role best fits his/her involvement:**
 - Bob – "Accomplice" charged with two counts of TMVWOP 1st Degree.
 - Tom – "Accomplice" charged with two counts of TMVWOP 1st Degree.
 - Patty – "Accomplice" charged with two counts of TMVWOP 1st Degree.

ANSWERS – Mid-Term Questions

1. B
2. A – absolutely incapable of committing a crime is “under the age of 8”
3. B
4. C
5. D – but I’ll also accept C if you failed to see the humor in the answers
6. B
7. C – because the **felony** crime was committed during the commission of the officer’s duties
8. B
9. B
10. B
11. B
12. B
13. B
14. C
15. C
16. A – once committed, you would use the charge for the crime itself
17. A
18. C
19. E – The “A” is for Arson and only Burglary 1st Degree is a BARRK felony
20. C
21. D
22. C – based on the previous history of abuse by the same perpetrator
23. C – because the crime was committed, you can not use any of the anticipatory offenses
24. C – because it was while fleeing from a **misdemeanor** crime
25. A
26. Kidnapping 2nd Degree – DV
27. Reckless Endangerment
28. No, because he notified law enforcement in advance therefore terminating his complicity.
29. Possession of Unlawful Firearm
30. Malicious Harassment and Harassment
31. Criminal Trespass 1st Degree
32. Assault of a Child 2nd Degree
33. Malicious Mischief, Burglary 1st Degree, Theft of a Firearm, and Theft (degree based upon value of items)

ANSWERS – Final Exam Questions

1. B – Premeditation is established when Buckethead returns to his car, which is parked a block away, to get his gun. The fact that he entered the house, which he did not have a right to enter, with the intent to hurt and/or kill the people inside armed with a firearm gives you Burglary 1st Degree.
2. A – Kidnapping 1st Degree is established when the ransom money was requested and because this is a BARRK felony, Murder 1st Degree would apply.
3. D – Entering and remaining unlawfully with the intent to commit a rape (a form of assault) and arming himself with the knife inside establishes Burglary 1st Degree. Rape 1st Degree is established via force and the deadly weapon.
4. A – Lunging at the officer with a deadly weapon constitutes Assault 1st Degree. It is **not** Resisting Arrest because the officer had not yet told him he was under arrest.
5. D – They are all examples of Theft 2nd Degree
6. B – Robbery 1st Degree because it is a financial institution and displayed what appeared to be a weapon. Kidnapping 1st Degree because he used the Girl Scout as a shield to affect his escape.
7. D – Reckless Endangerment for the risk he was causing to the passing motorists and Malicious Mischief 3rd Degree based on the dollar amount of damage (under \$750).
8. A – Manslaughter 1st Degree because you do not have to apply the felony murder rule when his obviously reckless behavior caused the death of another person allowing for the higher offense to be charged rather than Manslaughter 2nd since Reckless Endangerment and Malicious Mischief 3rd are both gross misdemeanors.
9. E – The jumper’s friend is hindering your investigation into the incident giving you Obstructing and he is also promoting his friend’s suicide attempt.
10. B – Being a runaway is not a crime – you can take the child into protective custody only pending release to his/her parents, legal guardian or competent adult.
11. D – The taking of an item from the person of another automatically constitutes Theft 1st Degree regardless of the value of the property taken.
12. A – Because he went armed with a firearm it becomes Burglary 1st Degree and because the disks are blank and of little to no value it is Theft 3rd Degree.
13. E – None of the anticipatory offenses apply because Melvin completed the crimes. Bill could only be arrested for the same crimes of Burglary and Theft.
14. B – Custodial Assault only applies to inmate(s) who assault corrections staff.
15. A
16. A – Extortion is threats of future harm as a consequence to a demand made by the suspect.
17. B – Since there was no force being used to overcome resistance, Assault is the appropriate charge instead of Indecent Liberties.
18. D – None of the defenses are legally valid.

ANSWERS – Final Exam Questions

- 19. A
- 20. A
- 21. C – It becomes Burglary 1st Degree due to the theft of the firearm (arming himself therein), Theft 3rd Degree for the laptop computer and Theft of a Firearm for the weapon.
- 22. B – Malicious Mischief 2nd Degree since there was a **risk** of impairment of service rather than actual impairment of service due to the damage to your vehicle. Actual impairment would have given you Malicious Mischief 1st Degree instead.
- 23. B
- 24. A
- 25. Transferred Intent – Yes
- 26. Nothing – he is incapable of committing a crime based on his age
- 27. Assault 2nd Degree
- 28. No, the knife was not being furtively carried with an intent to conceal it and on it's face it is not illegal to possess
- 29. Theft 2nd Degree – 10 years

ANSWERS – Domestic Violence Scenarios

1.
 - **Can you make an arrest?** No, there is not enough information
 - **Who will you arrest and what for?** N/A
 - **Is it a mandatory arrest?** No, there is no assault & no fear by either party
 - **If you do not make an arrest, what will you do?** Document the incident, provide resource information to both parties and refer a copy of the case to CPS since the child may have witnessed the violence. You may also take a picture of the lamp if both parties are willing.

2.
 - **Has a crime occurred, and if so, what is the crime?** Yes, Malicious Mischief
 - **Is it a mandatory arrest?** No, no assault occurred & the child is under 16
 - **If you do not make an arrest, what will you do?** Document the incident, provide resource information to both parties, counsel the child on the DV and Malicious Mischief laws & photograph the damage.

3.
 - **What crime(s) have been committed?** Assault 4th – DV / Felony Violation of the No Contact Order because an assault occurred
 - **Is this a mandatory arrest?** Yes
 - **What will you need to complete your case?** A copy of the court order, photographs of the victim and suspect (taken separately, but to show they were together) and statement from the victim.
 - **If you do not make an arrest, what will you do?** N/A

4.
 - **What crime(s) have been committed?** Assault 4th – DV for the push
 - **Is this a mandatory arrest?** No, because there is no complaint of pain or injury
 - **If you do not make an arrest, what will you do?** Obtain a written statement from both parties, convince one to leave for the evening, provide both with resource information & document the incident in a case report.

5.
 - **Has a crime been committed and by who?** Yes, Assault 4th – DV by the male
 - **If so, is this a mandatory arrest?** Yes, because the victim was in imminent fear for her safety based his actions and the history between them. She was acting in self-defense and, therefore, is not the primary aggressor.
 - **If not, what will you do?** N/A

ANSWERS – Self-Study Course Workbook

1. **A crime is an offense for which a sentence of *Imprisonment* may be imposed.**
 - RCW 9A.04.040 - Classification of Crimes

2. **Do you have to be physically present within this state to commit a crime against the state? Explain.**
 - No, RCW 9A.04.030 - State Criminal Jurisdictions
 - Commits theft in any other state and arrested in Washington of stolen property.
 - Commits, causes, procures, aids, abets another to commit a crime in Washington.
 - Kidnaps another in another state and brings into Washington
 - Commits an act outside of Washington that affects persons/property in Washington
 - False statements or declaration made in Washington

3. **What are the three classifications of crimes utilized by the Washington Criminal Code?**
 - Felonies
 - Gross Misdemeanors
 - Misdemeanors

4. **Define "felony."**
 - RCW 9A.20.010/020, A crime is punishable by more than 1 year of imprisonment.

5. **Define "gross misdemeanor."**
 - RCW 9A.20.021(2), A crime punishable by not more than 364 days in jail and or \$5000.00 fine

6. **Define "misdemeanor."**
 - RCW 9A.20.021, A crime punishable by not more than 90 days in jail and or a \$1000.00 fine

7. **Children between the ages of 8 and 12 are presumed to be incapable of committing a crime in Washington State.**
 - RCW 9A.04.050 - People capable of committing a crime.

8. **What is the statute of limitations for Murder-Arson with death?**
 - Life, RCW 9A.04.080(1)(a)(iii) - Limitations of actions

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9. **What is the statute of limitations generally for felony by a police officer?**
 - Ten Years, RCW 9A.04.080(1)(b)(I)

10. **What is the statute of limitations for most felonies by citizens?**
 - Three years, RCW 9A.04.80(h)

11. **What is the statute of limitations for a gross misdemeanor?**
 - Two years, RCW 9A.04.80(i)

12. **What is the statute of limitations generally for a misdemeanor?**
 - One year, RCW 9A.04.080(j)

13. **The statute of limitations continues to run while a person is out of the state. True or False?**
 - False, RCW (9A.080(2))

14. **Define “building.”**
 - RCW 9A.04110(5), “Building”, in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

15. **Define “dwelling.”**
 - RCW 9A.04.110(6), “Dwelling” means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

16. **Define “deadly weapon.”**
 - RCW 9A.04.110(6), “Deadly weapon” means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a “vehicle” as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm;

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17. Define “prison.”

- RCW 9A.04.110(19), Any place designated by law the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail.

18. What is the difference between a “dwelling” and a “building”?

- RCW 9A.04.110(5)(7), Dwelling is used for lodging. Building is used for lodging or business use, sale or deposited of goods. Each unit of a building separately secured or occupied is a separate building.

19. Name the four states of mind that constitute the mental state elements for many of the offenses defined in RCW 9A.

- RCW 9A.08.010 General requirements of culpability
 - Intent
 - Knowledge
 - Recklessness
 - Criminal Negligence

20. Define “criminal negligence.”

- RCW 9A.08.010(1)(d), “Criminal negligence”: A person fails to be aware that their conduct creates a substantial risk that a wrongful act may occur but they should have been aware and failure to be aware is a gross deviation from the acts of a reasonable person.

21. Define “recklessness.”

- RCW 9A.08.010(1)(c), “Recklessness”: A person is aware that their conduct creates a substantial risk that a wrongful act may occur and, they disregard that risk and disregarding that risk is a gross deviation from the action of a reasonable person.

22. What is a synonym for “intent?”

- RCW 9A.08.010(1)(a), A person acts with intent or intentionally when he acts with objective or purpose to accomplish a result which constitutes a crime.

23. What is the definition of “knowledge”?

- RCW 9A.08.010(1)(b), “Knowledge” A person is aware of facts or circumstances described by a statute which defines a criminal offense; or A person possesses information that would lead a reasonable person in the same situation to believe that facts exist which constitute a criminal violation.

24. What is an “accomplice “ under Chapter 9A.08?

- RCW 9A.08.020, A person is legally accountable for the conduct of another person when acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct or he is accomplice of such other person in the commission of the crime a person is accomplice of another person in the commission of a crime if with knowledge that it will promote or facilitate the commission of the crime he solicits, commands, encourages or request such other person to commit it aids or agrees to aid such other person in planning or committing it his conduct is expressly declared by law to establish his complicity.

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- 25. Give one instance wherein a person is not an accomplice to a crime even though the person has aided another in committing the criminal act.**
- RCW 9A.08.020(5)
 - He is a victim of that crime, OR
 - He terminates his complicity prior to the commission of the crime, and either gives timely warning to the law enforcement authorities otherwise makes good faith effort to prevent the commission of the crime.
- 26. Explain how you would “promote or facilitate” the commission of a crime?**
- RCW 9A.08.020(3), Solicits, commands, encourages, or requests such other person to commit it, or aids or agrees to aid such other person in planning or committing
- 27. How can a person terminate his/her complicity in the commission of a crime?**
- RCW 9A.08.020(50(b)), Either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.
- 28. What are the elements for the insanity defense (RCW 9A.12.010) in the state of Washington?**
- At the time of the offense as a result of mental disease or defect, the mind of the actor was affected to such an extent that:
 - He was unable to perceive that nature and quality of the act with which he is charged
 - He was unable to tell right from wrong with reference to the particular act charged
- 29. How is the defense of insanity established?**
- The defense of insanity must be established by a preponderance of the evidence.
 - The M’Naghten test
- 30. Who has the burden of proof for the defense of insanity?**
- The defense (suspect)
- 31. Give an example of an “excusable homicide” under Chapter 9A.16.**
- When committed by accident or misfortune. Must be involved in lawful act by lawful means and without Criminal Negligence or Unlawful Intent.
- 32. Give an example of a “justifiable homicide” by a public officer.**
- RCW 9A.16.040
 - Justified when the officer has probable cause to believe that the suspect if not apprehended, poses a threat of serious physical harm to the officer or others.
 - Threats of serious physical harm
 - A suspect threatens an officer with a deadly weapon.
 - An officer has probable cause to believe a suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

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33. Name two types of non-criminal homicides.

- Excusable homicide
- Justifiable homicide

34. Why is it necessary to be readily able to distinguish between a felony and other crimes?

- Criminal Procedures (rules of engagement) change, such as:
 - When an arrest falls under 10.31.100 – Misdemeanor Presence Rule
 - Statute of limitations
 - Use of Force options

35. What are the elements of the defense of “duress”?

- RCW 9A.16.060
- The actor was forced into committing a crime because of threats of immediate death or grievous bodily injury to themselves or a third person.
- Apprehension of the threat is reasonable.
- The actor would not have committed the crime except for the duress.
- Duress is not available as a defense;
 - When the crime charged is murder or manslaughter; or
 - When the actor intentionally or recklessly positioned themselves for duress occur.

36. Give an example of defense of duress.

- A person is forced to drive a get away car from a bank robbery after their car has been high jacked.

37. What are the elements of the defense of “entrapment”?

- RCW 9A.16.070
- The criminal design originated in the mind of law enforcement AND
- The actor was lured or induced into committing a crime which he did not intend to commit
- Requires undue solicitation on the part of law enforcement.

38. Under Washington law a parent has no greater right to use force against a child than any other person. True or False?

- False, RCW 9A.16.100

39. An “affirmative defense” under criminal law is one where a person asserts in essence, “I did the criminal act but my conduct was justified or excused.” Name six affirmative defenses provided in the Washington Criminal Code.

- RCW 9A.16. DEFENSES
 - 9A.16.030 Excusable Homicide
 - 9A.16.304 Justifiable homicide by Officer
 - 9A.16.050 Self-defense/defense of another
 - 9A.16.060 Duress
 - 9A.16.070 Entrapment
 - 9A.16.090 Intoxication
 - 9A.12.010 Insanity

40. Can “involuntary intoxication” be an affirmative defense?

- Yes, RCW 9A.16.090

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- 41. Does “intoxication” include the use of drugs?**
- Yes
- 42. What can voluntary intoxication do for the defendant as far as determining whether the defendant possessed the mental state necessary to prove a particular degree of a crime?**
- RCW 9A.16.090, Can be used by defense to try to convince the jury that he did not possess the mental state required for the charged crime.
- 43. In lieu of imposing a fine, the court may order the defendant to pay an amount of money fixed by the court to the victim. This procedure is called:**
- RCW 9A.20.030, Restitution
- 44. What is the difference between an “attempt” and the “completed crime?”**
- RCW 9A.28.020, “Attempt” is intent to commit a specific crime, combined with a “substantial step” toward the commission of that crime.
- 45. Does “mere preparation” to commit a crime constitute an “attempt” to commit that crime?**
- No—not unless the preparation is a substantial step.
- 46. What is the classification for attempted Murder 1st degree?**
- RCW 9A.28.020 (3)(a), Class A Felony
- 47. What is the classification for an attempted class A felony?**
- RCW 9A.28.020 (3)(b), Class B Felony
- 48. What is the classification for an attempted class B felony?**
- RCW 9A.28.020 (3)(c), Class C Felony

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49. What is the classification for an attempted class C felony?

- RCW 9A.28.020 (3)(d), Gross Misdemeanor

50. What is the classification for an attempted gross misdemeanor?

- RCW 9A.28.020 (3)(e), Misdemeanor

51. What is the difference between Criminal Solicitation and Criminal Conspiracy?

- RCW 9A.28.030, Criminal solicitation is an offer of something of value to commit a crime.
- RCW 9A.28.040, Criminal conspiracy is an agreement between 2 or more persons to commit a specific crime combined with a substantial step committed by one of them.

52. How many people are needed for a “conspiracy?”

- RCW 9A.28.040, Two or more

53. Once two people have agreed to commit a crime, there is an additional element needed to constitute the offense of Criminal Conspiracy. What is that additional element?

- RCW 9A.28.040, A “substantial step” in furthering the conspiracy taken by any one of the co-conspirators.

54. In regards to the classifications for Criminal Attempt, Criminal Conspiracy and Criminal Solicitation, what is meant by a “step-ladder system?”

- RCW 9A.28.020, Except for Murder 1 and 2 and Arson 1, the punishment for an attempted crime is one “step” below the punishment for the completed crime.

55. Criminal Solicitation requires an agreement, or an action, on the part of the person being solicited. True or false?

- False, RCW 9A.28.030

56. What is “premeditation?”

- RCW 9A.32.020, “More than a moment in point of time.”

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- 57. The felony Murder 1 rule refers to nine BARRK offenses. They are:**
- **RCW 9A.32.030 (1)(c)**
 - B—Burglary 1
 - A—Arson 1 and 2
 - R—Robbery 1 and 2
 - R—Rape 1 and 2
 - K—Kidnapping 1 and 2
- 58. What is the felony Murder 2 rule?**
- RCW 9A.32.090 (1)(b), Causing death of another in the course of any non-BARRK felony.
- 59. What is the difference between Murder 1st and Murder 2nd degree?**
- Murder 1 requires either premeditated intent, extreme indifference to human life, or BARRK felony.
 - Murder 2 requires either intent, or a non-BARRK felony.
- 60. What is the mental state of Manslaughter 1st degree?**
- Recklessness, RCW 9A.32.060
- 61. What is the mental state of Manslaughter 2nd degree?**
- Criminal negligence, RCW 9A.32.070
- 62. What is the offense of “criminal abortion” called?**
- RCW 9A.32.060 (1)(b), Manslaughter 1st Degree
- 63. Homicide by Abuse makes it an offense to cause the death of certain categories of vulnerable persons under circumstances manifesting an extreme indifference to human life where there has been a pattern or practice of Assault/Torture of such persons.**
- RCW 9A.32.055, Homicide by abuse
- 64. Smith, intending to kill Jones, puts poison in Jones’ coffee cup. Sally accidentally drinks the coffee and dies. What is the highest possible charge against Smith?**
- Murder 1 because of “transferred intent.”

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- 65. What is the mental state of Assault 1st degree?**
- Intent to afflict great bodily harm, RCW 9A.36.011
- 66. Is there a statutory definition of “assault?”**
- No – It’s a working definition based on different RCW’s, case law, and Common law.
- 67. Does contact have to actually occur for an assault to be complete?**
- No—Assault can include an act which causes a person to fear imminent bodily harm.
- 68. Define “great bodily harm.”**
- RCW 9A.04.110 (4)(c), Means bodily injury which creates a probability of death or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.
- 69. Define “substantial bodily harm.”**
- RCW 9A.04.110 (4)(b), Means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.
- 70. Define “bodily harm.”**
- RCW 9A.04.110 (4)(a), Means physical pain or injury, illness, or an impairment of physical condition.
- 71. Give an example of Assault in the 4th degree.**
- RCW 9A.36.041, Pushing another, hitting, kicking another which does not rise to the level of substantial bodily harm.
- 72. How severe must an injury be to constitute Assault 3rd where the charge is based upon the defendant’s resistance to an arrest?**
- RCW 9A.36.031 (g), No severity is required, the defendant must simply assault the officer.

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- 73. Which statutory provisions are more “result-oriented”—the Assault statutes or those that deal with Reckless Endangerment?**
- RCW 9A.36.045/050, Reckless endangerment because it was passed by the legislature to combat “drive-by” shootings.
- 74. What is the charge for encouraging a suicide (i.e. promoting a successful taking by another of his/her life)?**
- RCW 9A.36.060, Promoting a suicide attempt.
- 75. Custodial Assault is an assault by anyone in custody. True or False?**
- RCW 9A.36.100, False—applies to assaults on corrections officers.
- 76. In order to be convicted of Assault of a Child, the suspect must be at least 18 years of age and the victim must be under 13 years of age.**
- RCW 9A.36.120 Assault of a child 1st degree
 - RCW 9A.36.130 Assault of a child 2nd degree
 - RCW 9A.36.140 Assault of a child 3rd degree
- 77. What are the six aggravating circumstances that support a charge of Kidnapping 1st degree?**
- RCW 9A.40.020
 - To hold for ransom.
 - To use the victim as a shield/hostage,
 - To facilitate flight/commission of a felony.
 - To inflict bodily injury.
 - To inflict severe emotional distress.
 - To interfere with the performance of any government function.
- 78. Is it necessary that the victim be transported to another location for a kidnapping to occur?**
- RCW 9A.40.010 (1,2), No—Defendant could restrain victim by use or threat of deadly force to constitute kidnapping.
- 79. Give two examples of Kidnapping 1st degree.**
- Kidnapper takes Bill Gates’ daughter and holds her for ransom.
 - Kidnapper takes a juror from a trial to prevent a trial from proceeding.
- 80. Give an example of Kidnapping 2nd degree.**
- Kidnapper takes a child and imprisons him in his basement.

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- 81. What are the major differences between Custodial Interference 1st and Kidnapping 2nd degree?**
- RCW 9A.40.060, Custodial Interference 1 is when a relation/parent takes their child without use or threat of deadly force for a long time.
 - RCW 9A.40.030, Kidnapping 2 involves the taking of another person to a secret place or by use or threat of force.
- 82. Give an example of Unlawful Imprisonment.**
- RCW 9A.40.040, A teacher tells a pupil that he will beat her with a bat if she tries to leave class.
- 83. What are the elements needed to prove Luring?**
- RCW 9A.40.090, Orders, lures, or attempts to lure a minor or developmentally disabled person into a car or hidden place. without parental consent, and is a stranger to the child/person.
- 84. What are the mental states for Criminal Mistreatment 1st and 2nd degree?**
- RCW 9A.42.020, Criminal Mistreatment 1 is recklessly causing great bodily harm.
 - RCW 9A.42.030, Criminal Mistreatment 2 is recklessly creating a risk of death or great bodily harm or causing substantial bodily harm by withholding basic necessities of life.
- 85. Describe “sexual contact” (Chapter 9A.44).**
- RCW 9A.44.010, Means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a 3rd party.
- 86. List the three circumstances where a person is incapable of consent under the Indecent Liberties statute.**
- RCW 9A.44.100 (1)(b)
 - Mentally defective
 - Mentally incapacitated or
 - Physically helpless
- 87. Define “sexual intercourse” (Chapter 9A.44).**
- RCW 9A.44.010 (1)
 - Has it’s ordinary meaning and occurs upon penetration, however slight..
 - Any penetration of vagina or anus by any object.
 - Sexual contact between sex organs and mouth or anus.
- 88. Define “forcible compulsion” (Chapter 9A.44).**
- RCW 9A.44.010 (6), Physical force which overcomes resistance, or a threat, expressed or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that he or she or another person will be kidnapped.

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89. Define “consent” (Chapter 9A.44).

- RCW 9A.44.010(7), At the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

90. A threat that is implied and does not place the person in fear of injury to himself or herself may nonetheless constitute “forcible compulsion.” True or False?

- False, the threat must place person in fear of death, injury, or kidnapping.

91. List two instances other than forcible compulsion where a sexual act would be deemed to have been committed upon a person “without consent.”

- RCW 9A.44.090, When the victim is incapable of consent because of physically helpless or mentally incapacitated.

92. List the aggravating factors for the offense of Rape 1st degree.

- RCW 9A.44.040, Any of the following:
- Uses or threatens with a deadly weapon.
- Kidnaps victim.
- Inflicts serious physical injury.
- Feloniously enters building where victim is situated.

93. What is the difference between Rape 1st and Rape 2nd degree?

- Rape 1 contains several aggravating factors.
- Rape 2 includes sexual intercourse with a physically or mentally disabled person.

94. Rape 3rd does not include “forcible compulsion” present in Rape 1st and 2nd. Rape 3rd focuses on nonconsensual sexual intercourse.

- RCW 9A.44.060

95. An essential element of all degrees of rape of a child is the age of the victim.

- RCW 9A.44.073/.076/.077

96. Rape of a Child does not contain the same factors present in Rape 3rd degree. True or False?

- True, Requires child and victim to be certain ages.

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97. Comparing the sexual act, what is the difference between Rape and Indecent Liberties?

- Rape—Sexual intercourse
- Indecent liberties—Sexual contact

98. Consent is a defense to a charge of Rape of a Child. True or False?

- False

99. Comparing the sexual act, what is the difference between Rape of a Child and Child Molestation?

- Rape of a child involves sexual intercourse.
- Child molestation involves sexual contact.

100. Sexual Misconduct with a Minor does not involve “forcible compulsion.” True or False?

- True

101. The classification for Indecent Exposure depends on certain circumstances. What are the circumstances?

- RCW 9A.88.010 RCW 10.31.100
- Misdemeanor exception rule
- Misdemeanor for 1st time committing crime
- Gross Misdemeanor if victim is under the age of 14 years
- Class “C” Felony if suspect has previously been convicted of indecent exposure or a sex offense RCW 9.94A.030

102. What are the mental states of the offense of Indecent Exposure?

- RCW 9A.88.010, Intentionally makes an open and obscene exposure of his person knowing that such conduct is likely to cause affront of alarm

103. An inadvertent exposure of a person’s private parts constitutes Indecent Exposure. True or False?

- False, Must be intentional and knowing that it will cause affront or alarm.

104. What are the elements of Prostitution?

- RCW 9A.88.030
- Engages, agrees or offers to engage in sexual conduct,
- With another person,
- In return for a fee.

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105. What are the elements of Patronizing a Prostitute?

- RCW 9A.8.110
- Pursuant to a prior understanding a fee is paid to another person as compensation for such person or a third person having engaged in sexual conduct with them, or
- Agrees to pay a fee to engage in sexual conduct, or
- Solicits or requests another person to engage in sexual conduct in return for a fee

106. Define “sexual conduct” (Chapter 9A.88)

- RCW 9A.88.030, for purposes of this section sexual conduct means sexual intercourse or sexual contact as defined in RCW 9A.44

107. What is a defense to Prostitution?

- There was no fee involved

108. Define “advances prostitution” (Chapter 9A.88).

- RCW 9A.88.060, “Advances prostitution” - A person, if acting other than as a prostitute or as a customer thereof, he causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, or facilitate an act or enterprise of prostitution.

109. What is the mental state for the two degrees of Promoting Prostitution?

- RCW 9A.88.070, Promoting prostitution in the first degree if he knowingly:
 - Advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force. or
 - Advances or profits from prostitution of a person less than eighteen years old

110. List the three conditions, which must exist before a violation of Permitting Prostitution can be charged.

- RCW 9A.88.090, Person is guilty of permitting prostitution if having possession or control of premises which, he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

111. The Harassment statute requires that the victim’s fear of the threat be “reasonable.” True or False?

- True, RCW 9A.46.020

112. What are the elements of the crime of Stalking? When is Stalking a felony?

- RCW 9A.46.110
- Intentionally and repeatedly harasses or follows another.
- Victim is placed in reasonable fear of injury to person or property.
- Stalker intends either to frighten, intimidate, or harass, or knows or reasonably should know that the victim is afraid.
- It is a felony when defendant has been convicted of harassment before, violated a protective order, armed with a deadly weapon, or the victim was a public officer, a juror, or a witness.

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113. The word “building” when used with respect to the offense of Arson has an exception that differs from the definition of “building” per 9A.04.110 (5). What is the exception?

- RCW 9A.48.010 (1)(a), Each unit shall not be treated as a separate building.

114. Define “damages” as used in Chapter 9A.48.

- RCW 9A.48.010 (1)(b), In addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or sabotage and shall include any diminution of value of property because of an act.

115. List the four aggravating circumstances which justify a charge of Arson 1st degree.

- RCW 9A.48.020
- Fire or explosion manifestly dangerous to any human life, or
- Fire or explosion that damages a dwelling, or
- Fire or explosion to a building where there was a human being, or
- Fire or explosion on property worth \$10,000+ to collect insurance.

116. What is the difference between Arson 1st and Arson 2nd degree?

- Both are knowingly and recklessly causing fire or explosion but Arson 1 requires an aggravating circumstance, such as fire or explosion dangerous to human life, damaging a dwelling, or insurance fraud.

117. Give an example of a “manifestly dangerous” situation under the Arson statute.

- Pang warehouse fire; a fire which would require many firefighters and involves a difficult fire to extinguish.

118. What is the difference between Reckless Burning 1st and Reckless Burning 2nd degree?

- RCW 9A.48.040, Reckless Burning 1 is recklessly damaging a building or specifically listed property.
- RCW 9A.48.050, Reckless Burning 2 is recklessly causing fire or explosion that places property in danger of damage.

119. What is the difference between Reckless Burning and Arson?

- Mental state—Arson is knowingly and maliciously committing the act; Reckless Burning is knowingly and recklessly committing the act.

120. Complete the monetary values which constitute the parameters for the following:

- Malicious Mischief 1st: RCW 9A.48.070-- >\$5000
- Malicious Mischief 2nd: RCW 9A.48.080-- >\$750-\$5000
- Malicious Mischief 3rd: RCW 9A.48.090-- <=\$750

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121. What is the difference between Malicious Mischief 1st and Malicious Mischief 2nd where the basis of the charge is malicious mischief relating to tampering with certain types of public property?

- Malicious Mischief 1 is the interruption or impairment of public service.
- Malicious Mischief 2 is the risk of interruption or impairment of public service.

122. Give a short definition of “enter” as defined in 9A.52.010.

- Entrance of person or insertion of any part of the body or any instrument or weapon held in hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

123. What type of structure is uniquely protected by Burglary 1st degree and Residential Burglary?

- Dwelling

124. Burglary 2nd degree protects what types of structures?

- RCW 9A.52.030 – buildings other than vehicles and dwellings.

125. Making or Having Burglar Tools is a restrictive offense because of the attendant circumstances requirement. What is that requirement?

- RCW 9A.52.060, Circumstances evincing an intent to use or employ, or allow the tool to be used or employed in the commission of a burglary.

126. What is the difference between Criminal Trespass 1st and Burglary?

- RCW 9A.52.070, Criminal Trespass 1 involves unlawful entry or remaining without the element of intent to commit another crime.

127. What is the difference between Criminal Trespass 1st and Criminal Trespass 2nd degree?

- RCW 9A.52.070—Criminal Trespass 1 refers to a building.
- RCW 9A.52.080—Criminal Trespass 2 refers to the premises.

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128. List four defenses to Criminal Trespass.

- RCW 9A.52.090, Abandoned, Open to public, Defendant reasonable believed that the owner would have licensed him to enter, Defendant was attempting to serve legal process

129. It is necessary that a “taking” be involved in the offense of Vehicle Prowling (i.e. someone must break in and take an item). True or False?

- False, RCW 9A.52.095/100

130. Define “services” (Chapter 9A.56).

- RCW 9A.56.010 (10), Labor, professional services, transportation services, electronic computer services, hotel accommodations, restaurant services, entertainment, equipment, public utility commodities.

131. Describe the “market value” concept of “value.”

- RCW 9A.56.010 (15), Value is the market value of the property or services at the time and in the approximate area of the criminal act.

132. Define the “aggregate value” or “aggregation” rule for Theft.

- RCW 9A.56.010 (15)(c), If a series of thefts would be separate Theft 3's, then they may be aggregated (added together) to reach a higher degree of Theft.

133. Define “theft.”

- RCW 9A.56.020, Wrongfully obtains or exert control over the property or services of another or value thereof, with intent to deprive him of such property or services, or; Use of deception to obtain property of another, or; to appropriate lost or misdelivered property/services of another.

134. Give an affirmative defense for Theft.

- RCW 9A.56.020 (2), The property/service was appropriated openly and under a claim of title made in good faith.

135. The value of property or services is one method of distinguishing the degree of Theft. Provide the monetary value for:

- Theft 1: RCW 9A.56.030-- >\$5000
- Theft 2: RCW 9A.56.040-- >\$750-\$5000
- Theft 3: RCW 9A.56.050-- <=\$750

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136. Theft 1st degree has another variation other than the monetary value of the item taken. What is that variation?

- RCW 9A.56.030, Theft from the person.

137. Unlawful Issuance of Checks or Drafts protects situations when a check is drawn and there are not sufficient funds in the bank. Whose bank account does this refer to?

- RCW 9A.56.060, Protects the bank; refers to the bank account of the drawer.

138. Unlawful Issuance of Checks or Drafts is an offense that could be either a Class C felony or a gross misdemeanor. When is it a Class C felony? When is it a gross misdemeanor?

- >\$750 it is a Class C felony
- <=\$750 it is a gross misdemeanor

139. What is the difference between Theft of a Motor Vehicle and Taking a Motor Vehicle Without Permission (TMVWP)?

- RCW 9A.56.070, TMVWP does not require intent to deprive permanently.

140. Theft of Livestock protects many types of farm animals. Name some types of animals that are not included in this offense.

- RCW 9A.56.080, Dogs, rabbits, ferrets, cats, ostriches

141. Extortion penalizes the unlawful acquisition or attempted acquisition of the property of another where such property is obtained by means of *Threat*.

- RCW 9A.56.110

142. A person who knowingly possesses a stolen firearm is guilty of Theft of a Firearm, which is a felony. True or False?

- False. Should be Possession of Stolen Firearm, RCW 9A.56.310

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143. Provide the monetary value for the following:

- Possessing stolen property 1: RCW 9A.56.150-- >\$5000
- Possessing stolen property 2: RCW 9A.56.160-- >\$750-\$5000
- Possessing stolen property 3: RCW 9A.56.170-- <=\$750

144. Possession of Stolen Property 2nd includes knowingly possessing certain types of stolen items. Name the types of items.

- RCW 9A.96.160, Public records, access devices

145. What are the conditions that must be met for a robbery to be considered Robbery 1st degree?

- RCW 9A.56.200, Defendant is armed with a deadly weapon, or; Displays what appears to be a firearm or other deadly weapon, or; Inflicts bodily injury; or commits robbery within and against a financial institution.

146. What is the difference between Robbery and Extortion?

- Robbery involves the threat or use of immediate force.
- Extortion involves the threat of future force.

147. What is the mental state of Forgery?

- RCW 9A.60.020, With intent to injure or defraud.

148. List the forms of conduct that are prohibited by Forgery.

- RCW 9A.60.020 (c), Falsely makes, completes, or alters a written instrument, or; Possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

149. Define “utter” as used in Forgery (Chapter 9A.60).

- To offer or declare a written instrument as a true instrument when he knows, in fact, that it is not.

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150. Mary, wife of John, always takes his paycheck to the bank. She signs his name on the back and deposits the check. Is this a crime? Why or why not?

- No—because forgery involves intent to injure or defraud. Here there is no such intent.

151. What offense is present under Washington law when a person intentionally marries another person in this state when the other has a living spouse?

- Bigamy, RCW 9A.64.010 (1)

152. Define “descendent” as used in the offense of Incest.

- RCW 9A.64.020 (3), Descendent includes stepchildren and adopted children under 18 years of age.

153. Define “public servant” as defined under RCW 9A.04.110 (22).

- Means any person other than a witness who presently occupies the position of or has been elected, appropriated, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

154. Define “pecuniary benefit” as defined under RCW 9A.04.110 (16).

- Means any gain or advantage in the form of money, payments, commercial interest, or anything else the primary significance of which is economic gain.

155. *Bribery* is an offense which penalizes parties involved in giving or offering benefits to change a person’s action taken in an official capacity.

- Bribery, RCW 9A.68.010 (1)(b)

156. “Testimony” includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding. What might the term “any other material” apply to where a law enforcement officer/witness is involved?

- Police reports, citations, notes from a police notebook

157. What are the elements of Perjury 1st degree?

- RCW 9A.72.020
 - In an official proceeding;
 - Defendant makes a materially false statement;
 - Which he knows to be false;
 - Under an oath required or authorized of by law.

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158. List the elements of Tampering with a Witness.

- RCW 9A.72.120, Defendant attempts to involve a witness or person who he/she has reason to believe will be called as a witness, or who has info about a criminal investigation or child abuse/neglect; To testify falsely, withhold testimony, absent himself from the proceedings, or withhold info from a law enforcement agency.

159. A person who commits the offense of Tampering with Physical Evidence is committing an offense classified as:

- Gross Misdemeanor, RCW 9A.72.150

160. Define “custody.”

- RCW 9A.76.010 (1), Means restraint pursuant to lawful arrest or an order of a court, or any period of service on a work crew.

161. Define “detention facility.”

- RCW 9A.76.010 (2), Means any place used for the confinement of a person arrested for, charged with, or convicted of an offense, or charged with being or adjudicated to be a juvenile offender, or held for extradition or as a material witness, or otherwise confined pursuant to an order of a court, or in any work release, furlough, or other such facility or program.

162. Define “contraband.”

- RCW 9A.76.010 (3), Means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

163. List the elements of Obstructing a Law Enforcement Officer as provided in RCW 9A.76.020.

- Willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his/her official powers or duties.

164. Resisting Arrest relates to a person’s arrest. Who does it apply to?

- RCW 9A.76.040, The person being arrested.

165. With what do you charge a person who interferes with the arrest of another person?

- Either Obstructing (RCW 9A.76.020) or Rendering Criminal Assistance (RCW 9A.76.070/080/090).

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166. List the ways criminal assistance can be rendered.

- RCW 9A.76.050, Harbors or conceals defendant, Warns defendant of discovery or apprehension, Provides defendant with money, transportation, disguise, or other means of avoiding discovery or apprehension, Prevents or obstructs others from aiding in discovery or apprehension, Conceals, alters, or destroys evidence, or Provides defendant with weapon

167. List the assistance a “relative” can provide without being held guilty of felony Rendering Criminal Assistance 1st degree. (Note: the “relative” will nonetheless be guilty of a lesser crime.)

- RCW 9A.76.050 (1,2,3), Harbors or conceals defendant, Warns defendant of impending discovery or apprehension, Provides defendant with money, transportation, disguise, or other means of avoiding discovery or apprehension.

168. “Relatives” are exempt from prosecution under the Rendering Criminal Assistance statutes. True or False?

- False

169. What factors determine what degree of Escape will be charged?

- Escape 1st degree 9A.76.110
 - While detained pursuant to a conviction of a felony
 - Escape from custody
 - Or from a detention facility
- Escape 2nd degree 9A.76.120
 - Escape from a detention facility or
 - Equivalent juvenile offender,
 - Escapes from custody
- Escape 3rd degree 9A.76.130
 - Escapes from Custody

170. It is necessary that the public servant’s vote, opinion, decision, or other official action be influenced for charging the offense of Intimidating a Public Servant. True or False?

- False, 9A.76.180

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171. A concert of action is required between participants under the Riot statute. Counting the defendant, what is the minimum number of persons that must be present for Riot to be charged?

- RCW 9A.84.010, at least 4 persons needed for riot.

172. The offense of Failure to Disperse (RCW 9A.84.020) covers actions leading up to riot situations. What action is required of a police officer if this offense is to be enforced?

- The officer must order the crowd to disperse "This is an unlawful gathering, you are ordered to disperse if you fail to do so you will be arrested"

173. What is the mental state for the offense of Disorderly Conduct?

- RCW 9A.84.030, "Intentionally" uses abusive language and creates a risk of assault, disrupts a lawful assembly, or obstructs vehicular or pedestrian traffic.

174. List the four types of conduct for which a person may be charged with Disorderly Conduct?

- RCW 9A.84.030,
 - i. Uses abusive language and thereby intentionally creates a risk of assault, or
 - ii. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority, or
 - iii. Intentionally obstructs vehicular or pedestrian traffic without lawful authority, or
 - iv. Knowingly disrupts a funeral/memorial service by making noise within 500 feet

175. One of the elements of False Reporting is that the person making the report has knowledge that the information reported is false.

- RCW 9A.84.040