

Criminal Law Fundamentals

Facilitator Guide

Session Overview

Introduction and Learning Objectives	15m
Discussion	35m
Break	10m
GROUP EXERCISE – Look up RCWs (5/10/5)	20m
Discussion – Elements, 5 Basic Premises	20m
Break	10m
Discussion – Mental States	30m
Discussion – Corpus Delicti	10m
Break	10m
Discussion – Law Diagrams	10m
Discussion – Jurisdictions	10m
GROUP EXERCISE – Bodily Harm (5/10/15)	30m
Break	10m
Discussion – Definitions	30m
Discussion – Classifications / Misd. Presence Rule	20m
Break	10m
Discussion – Necessary	20m
GROUP EXERCISE – Necessary (5/10/15)	30m
Discussion – Deadly Force	10m
Break	10m
GROUP EXERCISE – Defenses (5/30/45)	1h20m
Conclusion	20m
Break / End of Session	10m

Total Session Time: 8 hours

Main Topics of Session:

- Familiarize students w/ Crim Law book
- Elements
- Basic Premises of Criminal Law
- Mental States
- Corpus Delicti
- Jurisdiction
- Definitions
- Classification of Crimes/ Statute of Limitations
- Defenses to Criminal Conduct
- Necessary
- Deadly Force
- Misdemeanor Presence Rule

Facilitators Needed: 1 (CL)

Location: Classroom

Materials Needed:

- PowerPoint - Criminal Law Fundamentals
- HANDOUT - Lawful Uses of Force (Contact)
- HANDOUT - Misdemeanor Presence Rule

Students Should Already Have:

- Pocket Press Books

[THUMB DRIVE]

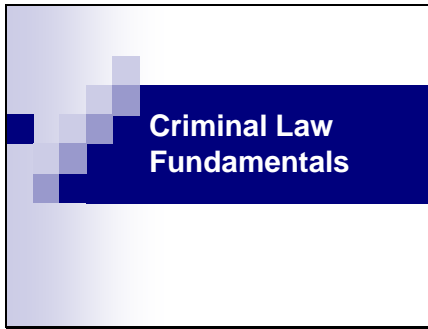
- Criminal Law Student Resource Guide
- Book (75 pages) – Criminal Law Practice & Self-Study Workbook



Criminal Law Fundamentals

Facilitator Guide

#1



SAY TO CLASS

When you respond to an incident as a peace officer you will, in many cases, have to determine whether a criminal offense has in fact taken place. The investigation that follows will determine whether or not someone will face criminal charges for their actions. Fundamentally, you must know whether a criminal offense has been committed.

In this session, you will be introduced to the tools, resources, and key information of Criminal Law so you are able to fulfill your main role, "Investigations of Violations and Enforcement of the Law". You will be taught how to recognize if a criminal offense has occurred, articulate the elements of the offense, identify key words and their definitions, and the section, subsection, paragraph or sub-paragraph of the RCW that applies.

- Determining Crimes is core function of our job
- Must know the law to investigate it



NOTE TO FACILITATOR

Lead a guided discussion on the difference between "right and wrong," "criminal" vs. "civil", "legal" vs. "not legal," "officer's discretion" (making relevant references to the earlier session on Ethics) and how a peace officer has to make good, quick, and legally-sound decisions, similar to a fighter pilot or an ER doc. Understanding and knowing the law, provides you with the foundation you need to make critical decisions.

Criminal Law Fundamentals

Facilitator Guide

#2

Learning Objectives

- Given a variety of scenarios, recognize if a crime has occurred
- Locate and interpret criminal offenses in the appropriate Revised Code of Washington (RCW) statute
- Identify the key elements of the offense as outlined in the RCW's
- Differentiate between the classes of crimes
- Explain the four most frequently used mental states



SAY TO CLASS

Together, we are going to spend time familiarizing ourselves with the main tools for your life as a peace officer: pocket size RCWs, the *Student Resource Guide*, and annually updated *Selected Titles of RCWs*.

The purpose of this *Student Resource Guide to Criminal Law* is to provide a comprehensive tool for your daily use as a commissioned officer. This *Resource Guide* compliments the annual updated *RCW Selected Titles Index* book, and the *Peace Officer's Pocket Guide to the RCW for Selected Criminal Laws* by discussing and highlighting selected RCWs most often used in the life of a peace officer on patrol.

Ultimately, if you don't understand the law, how can you enforce it? We don't expect you to memorize all the RCWs; however, there will be key RCWs that you will see often in the line of duty where memorization will ensure your success. Sometimes we have multiple laws being violated at once. When investigating a crime that is covered by more than one statute, determine which RCW is more applicable by asking yourself two questions:

1. Which is *most specific* to the crime in question?
2. Which is the *most serious*?

"*Most specific*" is the "default" indicator over "*most serious*." For example, use the more *specific* law even if there's a higher (more serious) law which happens to be *less specific*, i.e. vaguer. For example, "telephone" harassment vs. "regular" harassment.

- Use our tools (books)
- Crim law Student Resource Guide is only a study guide
- If you don't understand the law, you can't enforce it.
- When an act satisfies multiple criminal laws - which do you use?
- Specific over serious



BREAK



Criminal Law Fundamentals

Facilitator Guide



RESEARCH - Look up RCWs on Burglary

Time: 10 min

Instructions: In your squads, using your student materials, look up which RCWs deal with crimes that address being on property without permission. Find at least 4 different RCWs that deal with this.

NTF: Some relevant RCW's would include: Trespass, Burglary and Interference with Health Care Facility.

Discuss and debrief this exercise. Make sure recruits understand the concept of "most specific" and "most serious".

#3

Elements of a Crime

Recipe – Burglary, First Degree / RCW 9A.52.020

Ingredients

1 tsp - Enters or remains unlawfully

2 cups - A building


Dash of - Intent to commit a crime therein

3 tbsp - Armed with a weapon/assault any person

Combine entering or remaining unlawfully with a building. Add in one participant in the crime who is either armed or assaults any person while entering or while in the building or in immediate flight therefrom.

Pour into report of your choosing. Do not over bake.

Serves: 15-20 (months)





SAY TO CLASS

The next concept I would like to explain to you is "Elements of a Crime". Criminal offenses consist of certain factual components, commonly referred to as "elements." The elements of a criminal offense are similar to the ingredients of a recipe. Each one is critical to the outcome. Thus, where an officer wishes to make an arrest for an offense that consists of five factual elements, the officer must have evidence of those five facts to establish his probable cause. If one of the elements cannot be established, no conviction for that offense can result.

- Elements are like "ingredients"

ELEMENTS



Criminal Law Fundamentals

Facilitator Guide



NOTE TO FACILITATOR

Use the analogy of baking a cake. You have a series of ingredients required to make a cake. If you leave out one ingredient, i.e. flour, your cake is not going to turn out. It won't turn out correctly.

#4

Five Basic Premises

- Act or Omission
- Mental State
- Concurrence
- Causation
- All Laws Written

5 Premises of
Criminal Law

SAY TO CLASS

Criminal laws also follow certain rules. They are written in a way that adheres to basic principles that are accepted in legal circles and have stood the test of time and scrutiny by the courts. There are five basic premises of criminal law. The five premises are "how laws are made."

- Criminal laws are build upon the 5 basic premises

**BREAK**

Criminal Law Fundamentals

Facilitator Guide

#5

Mental States

- Intent
- Knowledge
- Recklessness
- Criminal Negligence

Intent



SAY TO CLASS

Sometimes the RCW will specify that the suspect must have the intent to accomplish something in particular, like “intent to deprive” or “intent to cause great bodily harm.” In these cases, we must go beyond proving that the suspect simply meant to do the act - we must prove that the suspect meant to do the act with that specific goal in mind.

- Specific Intent



DISCUSSION - Knowledge

QTC: What do you think is the key aspect of this definition?

AR: The key aspect of this definition is “the suspect knows it’s against the law, or should have known it was against the law.” This is based on the “reasonable person standard.”

QTC: Who can tell me what is meant by the “reasonable person standard”?

AR: If this action was asked before 12 civilians, there would be consensus that a reasonable person would - or should -- have known it was illegal.

It is an idea, a legal standard. A reasonable person is defined as someone who has an average education level, regular Joe citizen.

Knowledge



Criminal Law Fundamentals

Facilitator Guide

QTC: What's an example?

AR: A person throws a rock over a freeway overpass.

QTC: How many of you consider yourself a "reasonable person"?

AR: Recruit's response.

QTC: I'm not a reasonable person. Do you know why?

AR: Recruit's response.



SAY TO CLASS

Guess what? After you leave the academy you are no longer considered a *reasonable person*. What you are now is better educated in the law, more tactics-oriented, more aware of people's behavior, and held to a higher standard (as we discussed in the Ethics session). We call this the "*Reasonable Officer Standard*" because given our training and outlook on people, crime, etc. we have a different standard than the average civilian. The community and your agency expect you to know the laws and consequences.

- Reasonable person is different than reasonable officer



DISCUSSION - Knowledge

QTC: Let's pursue this further. Who here has worked in patrol, the military, or corrections?

What in your life has changed or is different now than before you worked in patrol (the military, corrections)?

AR: I see every traffic infraction.

I am more aware of my surroundings.

I interact with different people/friends than before.

I conduct myself differently.



SAY TO CLASS

Based on our training and experience, we look at everyday life through a different lens...our unique perspective can change how we see people and the things happening around us. That can be either positive or negative depending on you process events as they occur. It also means that we have a broader knowledge and experience base than the "average reasonable person" is expected to and therefore operate at a higher standard.



Criminal Law Fundamentals

Facilitator Guide

QTC: What if the suspect was here in our country visiting, and didn't know about our local laws? What if a specific incident isn't a crime in their culture, like "jay walking"?

AR: Recruit's response.



SAY TO CLASS

If you asked 100 people, what would they say? Applying the logic of the "*reasonable person standard*" will most often give you the right answer.

- What is "reasonable"?



NOTE TO FACILITATOR

When an RCW does not directly specify a mental then we are to assume that the legislators intended it that way.

Therefore if there is NO mental state listed it is considered strict liability.



Criminal Law Fundamentals

Facilitator Guide

Recklessness

Negligence

Corpus
Delicti (Body
of the Crime)



SAY TO CLASS

"Reckless" is as if the person says: *"ya, screw it"*. He or she is aware that they are doing something dangerous or wrong and they do it anyway.



SAY TO CLASS

"Criminal Negligence" is like the person said: *"huh? I had no idea."* They failed to be aware that they were doing something dangerous or wrong.

QTC: Who can give me examples of criminal acts with different mental states to demonstrate these differences?

AR: Recruit's responses.



DISCUSSION - Corpus Delicti (Body of the Crime)

QTC: What is the gist of this page? What is it saying?

AR: Just because someone confesses to doing something illegal, doesn't mean he/she did it and we should arrest them.

The Latin rule of "Corpus Delicti" states that proof is required. Evidence is needed.

QTC: Could we arrest a person solely on them saying, "I'm guilty. I'm the one who took your bike?"

AR: No. We need more than just a confession in order to make an arrest. We need additional independent evidence of the crime.



Criminal Law Fundamentals

Facilitator Guide

QTC: If a man walked out of the woods and came up to you on patrol and told you he just murdered someone, what would you do?

AR: Recruit's response.



NOTE TO FACILITATOR

The class should come up with lots of ideas on how to work through this scenario. The key point to make is that you wouldn't just take the suspect at his word. You would investigate and gather evidence. Corpus Delicti requires PROOF in addition to a confession. Ask the students for a few examples of types of evidence they would be looking for to supplement the confession.



BREAK



Criminal Law Fundamentals

Facilitator Guide

Diagrams in
the Student
Resource
Guide

Jurisdictions



SAY TO CLASS

On pages 7 & 8 of your Resource Guide, a visual overview is presented to assist you in determining (a) if a crime has been committed, and if so, (b) which specific RCW is referenced. This “visual of diagrams” will be used throughout the modules as we discuss various RCW’s. You just learned that ALL 5 premises have to be present in order for a crime to have been committed. Reading each box from the left to the right, can you follow the path to determine if each “ingredient” of the law is present? If you can’t, that means there’s an ingredient missing, and you therefore can’t use that specific law (RCW).

- How to read the diagrams in the Crim Law book



DISCUSSION - Jurisdictions

QTC: What does “conveyance” mean?

AR: Transportation, such as a bus, train, plane, car, ferry, boat, etc.

QTC: Can a person be held accountable for a Washington State Law if they were outside of Washington State at the time the crime was committed?

AR: Yes, because it doesn’t matter that the person was physically outside of Washington State when he or she committed the crime. It matters if their action affected a Washington State person or property. Thus a person living outside our state, region, or even country can be charged with a Washington State crime.

QTC: What would be an example of such a crime?

AR: Telephone harassment.

QTC: Why?

AR: Because you affected someone in Washington State.



SAY TO CLASS

For those of you working for departments whose jurisdiction borders Canada or the states of Idaho or Oregon, refer to your own specific agency policies regarding handling of cross- or multi-jurisdiction cases.



Criminal Law Fundamentals

Facilitator Guide



GROUP EXERCISE - Bodily Harm RCWs

Time: **30 Min** (5 prep / 10 work / 15 discuss)

- Materials:
- Easel & Toolbox
 - RCWs

Purpose: Learn the difference between the three bodily harms.

Instructions: In your squads, take a moment to look up the following definitions: "*bodily injury*", "*substantial bodily harm*," and "*great bodily harm*" in RCW 9A.04.110. Determine what the difference is between the three definitions and be prepared to explain. On an easel chart, identify the key words and generate three examples for each definition.



BREAK



Criminal Law Fundamentals

Facilitator Guide

**DISCUSSION - Building or not?**

QTC: What is the difference between a building and a dwelling?

AR: A building is any structure used for lodging of persons or for carrying on business.

A dwelling (home) is a building or structure, moveable or temporary, and is used or ordinarily used by a person for lodging.

QTC: What if you have a shack up in the mountains that you stay in once a year to go fishing?

AR: Building because it is not ordinarily being used for the purpose of lodging.

QTC: What would Home Depot's fenced area be considered?

AR: It is treated as if you walked into a building.

QTC: What kind of fenced in areas will be considered buildings?

AR: Areas that are completely enclosed by a fence and the fence has to be designed to physically keep people out.

Example: 10 feet high with barb wire.

QTC: What types of fenced in areas are not going to be considered buildings?

AR: Ones that you can walk around and ones that are not designed to.

Example: Picket fence (meant to beautify or decorate - not meant to physically keep people out).

#6



Building? NO

#7

Building? YES

Criminal Law Fundamentals

Facilitator Guide

#8



Building? NO

#9



Building? NO

#10



Building? NO

#11



Building? MAYBE

#12



Building? NO

#13



Building? MAYBE

#14



Building? YES

NTF - Slides 11 & 13 need further discussion to determine what the fence was intended to do and whether or not it completely encompasses the property.



Criminal Law Fundamentals

Facilitator Guide



DISCUSSION - Fenced Areas (Building or not a Building?)

QTC: Why is this definition so inclusive? Why are so many things considered “buildings”?

AR: If we can't call it a “building” how can we arrest a person committing a burglary? This allows us to charge a suspect with burglary for entering any of these places.



IMPORTANT POINT

You can't say “Burglary” if you can't say “Building”.

QTC: Let's look at another example. What would a vacant house for sale be considered?

AR: A building.

QTC: Why?

AR: No-one lives there yet. Right now it is just a building. It's not a “dwelling” until someone moves in and “ordinarily” uses it for lodging.

QTC: What distinguishes a public officer from a public governmental employee?

AR: Sovereign power of government.

QTC: What are examples?

AR: Judges, Senators, Health Inspectors, Building Inspectors, Mayors, City Council Members, Coroner, or Medical Examiner.

Lastly, a Peace Officer means a duly appointed city, county or state law enforcement officer.



NOTE TO FACILITATOR

Spend **10 minutes** and go through the definitions in Section 4 (Jurisdictions & General Definitions) in the Criminal Law Student Resource Guide.



Criminal Law Fundamentals

Facilitator Guide



NOTE TO FACILITATOR

Lead a 20 minute lecture on the Misdemeanor Presence Rule. Use lots of examples to illustrate how it works.

Use this opportunity to introduce Section 5 (Classifications of Crimes) in the Criminal Law Student Resource Guide. Discuss the Statute of Limitations and the ways to “stop the clock”.

Misdemeanor
Presence
Rules

**STUDY**

STUDY MATERIAL - HANDOUT - Misdemeanor Presence Rule [THUMB DRIVE]

Refer the students to the Misdemeanor Presence Rule Handout on their Thumb Drive and encourage them to print a copy to keep with them while at the Academy and out on patrol.

**BREAK**

Criminal Law Fundamentals

Facilitator Guide

#15

“Necessary”

means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to affect the lawful purpose intended.

Necessary

**GROUP EXERCISE - Necessary**

Time: **30 min** (5 prep / 20 work / 15 discussion)

- Materials:
- Easel & Writing Materials
 - Pocket Press Books

Instructions: In your squads, create a working definition of the term “necessary” in your own words that encompasses the essence and the intent of the actual RCW. Your definition should include all major components (rules):

- Reasonably effective alternative
- Use of force
- Appeared to exist
- Reasonable
- Lawful purpose

Each squad will share their definition and as a class we will add/correct any missing parts to make the definitions complete.

NTF: Lead a group discussion on each squad’s version and help them correct any missing parts to make it complete.

See file: [FG Supplemental - Definition of Necessary](#)



Criminal Law Fundamentals

Facilitator Guide

#16

“Deadly Force”

means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Deadly Force

#17

Defenses

- *“Yes I did it... but let me explain!”*
- Legal excuse to conduct that is normally criminal

Defenses



BREAK



Criminal Law Fundamentals

Facilitator Guide



GROUP EXERCISE - Defenses

Time: 1hr 20min (5 prep / 30 work / 45 presentations & discussion)

- Materials:
- Easel
 - Pocket Press Books
 - Criminal Law Student Resource Guide

Instructions: In your squads, research your assigned defense and prepare a 5 minute presentation to deliver to the rest of the class.

Address the following: What is it? What are the rules? When can a person use it as a defense? Additionally, create three scenarios that may or may not work for your particular defense. Be prepared to articulate why or why not the assigned defense works or does not work.

You have 30 minutes to complete your research and prepare your presentation. Your group presentation will be evaluated by the facilitator so make certain you incorporate the information you learned from Module One's Effective Presentations session.

NTF: Assign each team one of the following type of lawful defense to research and present:

- Group 1 - Use of force
- Group 2 - Excusable & justifiable homicide
- Group 3 - Duress & Intoxication
- Group 4 - Reasonable Ground & entrapment
- Group 5 - Use of force on children



STUDY

STUDY MATERIAL - HANDOUT - Lawful Uses of Force (Contact) [THUMB DRIVE]

Instructions: The info in this handout will be testable. Please make sure to read it and learn it. You will also need to know it for the mock scenes in the next Module.



Criminal Law Fundamentals

Facilitator Guide

#18

Review

- Student Resource Guide
- Elements of a crime
- Five basic premises of criminal law
- Mental states
- Rule of Corpus Delicti
- Diagramming laws
- Jurisdictions
- Definitions (RCW 9A.04.110)
- Classification of Crimes / Statute of Limitations



STUDY MATERIAL - Book (75 pages) - Criminal Law Practice & Self-Study Workbook

Instructions: This workbook is completely voluntary. The answers are contained within the book. Most students find it helpful for study purposes.

NTF: This booklet is printed by the state print shop (A-24). Distribute the booklet to students.



JOURNAL ENTRY

Time: 5 min

Instructions: Please take a few minutes to record in your journals what stands out for you as one of the most critical components in your role as a peace officer.



BREAK/END OF SESSION

