

ANSWER KEY – Fight Calls In-Class Worksheet

IMPORTANT: Completing this worksheet prior to the “Fight Calls” class will help you prepare for the class, review all the laws for which you are responsible, and allow you to ask intelligent questions that may arise as you work through this handout. A Criminal Law Instructor will be available during the last 30 minutes of the your “Fight Calls” class to review the answers and field any questions.

1. Roger and Sam are celebrating a Friday evening at the Boar’s Head Tavern. Sam gets frustrated because the waitress is taking too long to get their order for another round of drinks. He goes up to the bar to get a pitcher. On his way, he accidentally bumps into Stephanie as she gets up from her table. Sam apologizes. She accepts. Sam thinks she is cute, so he makes a flirtatious comment. She tells him that she is with her boyfriend. Sam says good-bye and heads to the bar. Stephanie’s boyfriend Alan watched the whole interaction; he is angry that Sam flirted. He intercepts Sam as he is heading back to the table. Alan puffs out his chest and says, “What? You think it’s okay to hit on another guy’s girlfriend? You’re an asshole! I think you should leave jackass. Maybe I should go show your girlfriend what a REAL man could do for her. What do you think about that, you fucking jerk?” Sam goes back to the bar and asks the bartender to call 911. You arrive. Has a crime been committed? If so, what and by whom?

Disorderly Conduct 9A.84.030 (abusive language that intentionally creates a risk of assault, “fighting words”) on Alan

2. Roger and Sam are celebrating a Friday evening at the Boar’s Head Tavern. Sam gets frustrated because the waitress is taking too long to get their order for another round of drinks. He goes up to the bar to get a pitcher. On his way, he accidentally bumps into Stephanie as she gets up from her table. Sam apologizes. She accepts. Sam thinks she is cute, so he makes a flirtatious comment. She tells him that she is with her boyfriend. Sam says good-bye and heads to the bar. Stephanie’s boyfriend Alan watched the whole interaction; he is angry that Sam flirted. He intercepts Sam as he is heading back to the table. Alan puffs out his chest and says, “What? You think it’s okay to hit on another guy’s girlfriend? You’re an asshole! I think you should leave jackass. Maybe I should go show your girlfriend what a REAL man could do for her. What do you think about that, you fucking jerk?” Sam pours the pitcher of beer over Alan and walks back to the bar. Alan is furious. He grabs an empty beer bottle off a nearby table and hits Sam over the head from behind, breaking the bottle and cutting Sam on the head and upper back. Security grabs Alan and Sam and takes them outside to wait for police and aid to arrive. Has a crime been committed? If so, what and by whom?

Assault Fourth Degree 9A.36.041 (unwanted contact with the beer) on Sam; Assault First Degree 9A.36.011 (assault with a deadly weapon over his head) on Alan (NOTE: no self-defense for either)

3. You walk over to Alan to arrest him. You tell him to turn away from you so you can cuff him, but you do not tell him why. When you grab his arm, he pulls away and then continues to struggle with you, trying to get away, as you employ defensive tactics to take him into custody. You end up with a couple of minor bruises on your forearms and shins from his flailing. What, if any, additional crime has occurred? Explain.

None; this is not Resisting Arrest 9A.76.040 because you never told him that he was under arrest. You have to say those magic words, “You are under arrest!” If you had said that, it

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would be Resisting Arrest. It's not Assault 3 because he lacked intent to harm you; his intent was to get away from you.

4. You walk over to Alan and tell him to turn away from you so you can cuff him because he is under arrest. When you grab his arm, he spins on you, and punches you in the jaw causing temporary pain and a bruise. He tries to walk away, but you employ appropriate use of force to take him into custody. What, if any, crime has occurred? Defend/explain for answer.

Assault Third Degree 9A.36.031 (committed an assault 4 on one of the specially protected people/occupations); this is NOT resisting because his intent was to harm you.

5. Once you have secured both Sam and Alan and searched them incident to arrest, you attempt to identify them, as you will need that information to complete your police reports. Sam provides all his correct information and a computer check returns clear and current. Alan gives his name and birth date as "Alan Patrick Jones, 5-12-82." A computer check returns "No Record Found." You double check with dispatch that they typed in the correct information. They did. You go back to Alan and tell him he needs to stop lying about his identity or he will face additional charges. He says, "Okay, okay, my name is really Alan Jackson II with the same birth date 5-12-82." You run the new information. Again, it returns "No Record Found." You go back to Alan and tell him he is under arrest. As you are completing the booking paperwork on Alan, listing him as "John Doe" A.K.A. Alan Patrick Jones and Alan Jackson II, you inventory his wallet to account for items of value. He has a Visa, a twenty dollar bill, and his WA driver's license in the name of "Alan Patrick Jackson 5-12-80." You run that name and find an outstanding warrant for Criminal Trespass First Degree and Assault Fourth Degree out of King County. What crime are you arresting him for? Explain your answer.

Making a False or Misleading Statement to a Public Servant (9A. 76.175)-the name is a "material statement" that you are using on an official arrest report to show identity (NOTE: This is not a good Obstructing case because this crime 9A.76.175 is more specific, and because the prosecutor's office considers these "weak" obstructing cases as a knee-jerk, "pissed –off-the-police" charge and will not usually file them.)

6. While you are dealing with Alan, your partner is handling Sam. You both finish the paperwork you need to complete, and you pull your cars around toward the parking lot exit to head for jail. Sam's friend Roger and Roger's friends Jane, Bob, and Charlie are pacing back-and-forth in front of the driveway yelling, "Stop the injustice. Self-defense is still allowed!" There are several vehicles backed up in the left turn lane that cannot get into the parking lot because of this demonstration. Also, a car is in front of you in the lot, and you and your partner cannot exit the lot because of this group. This stalemate goes on for twenty minutes until the additional back up you called for arrives. Can Roger, Jane, Bob, and Charlie be arrested for anything? What? Explain your answer.

Disorderly Conduct 9A.84.030 intentionally obstructing vehicular or pedestrian traffic without lawful authority; again, this would NOT be a good Obstructing charge because Disorderly is more specific. It's NOT Rioting because there was no use or threatened use of force against

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people or property. It's NOT Failure to Disperse because no officer has given a lawful order to disperse.

7. As your additional back up arrives, more people exiting the tavern start joining in on the demonstration. Now there are about 35-40 people pacing and chanting, blocking the driveway and milling around between parked cars near the exit. Some of the participants are yelling "Kill the Pigs!" Instead of trying to arrest everyone, Sgt Thompson gets on his PA, identifies himself, and tells the crowd that everyone needs to leave the area or the police will start making arrests. If the crowd refuses, can he make any arrests? For what? Explain your answer.

Yes, Failure to Disperse-Sgt Thompson gave a lawful order to leave/disperse, there were at least four people, and the group is creating a risk of injury to people and/or substantial harm to property. And Disorderly Conduct still applies, as well.

8. Sally and Bill are coworkers who decide to go out for a beer after work one evening. While they are at the bar, an unknown male at the bar starts flirting with Sally. Sally politely tells him that she is not interested and already has a boyfriend. The man assumes that Bill is the boyfriend, looks over at him and then back to Sally, and tells Sally, "Don't worry about him. I could take him." Sally asks the man to leave her alone. Bill also politely asks the man to leave their table. The man turns to Bill and shoves him, causing Bill to fall out of his chair and bump his head on the floor. For what crime(s) could you make an arrest?
- Disorderly Conduct and Assault 4
 - Harassment and Assault 4
 - Disorderly Conduct
 - Assault 4**
9. Sally and Bill are coworkers who decide to go out for a beer after work one evening. While they are at the bar, an unknown male at the bar starts flirting with Sally. Sally politely tells him that she is not interested and already has a boyfriend. The man assumes that Bill is the boyfriend, looks over at him and then back to Sally, and tells Sally, "Don't worry about him. I could take him." The man turns to Bill and says, "Come on tough guy, protect your little woman. Go on and hit me. Give it your best shot. Come on, turkey. Show me how tough you are. What? Are you chicken?" Sally calls the police on her cell phone while Bill sits quietly trying not to respond to the man's remarks. For what crime could you make an arrest?
- Obstructing
 - Harassment
 - Disorderly Conduct**
 - Inciting a riot
10. Sam attends the political rally for his least favorite candidate. He really thinks this guy is stupid and wants him to lose. Sam can't believe that all the people in the crowd are gullible enough to like this guy. It is an outdoor event being held in a courtyard area between two office buildings (the rally has a permit for their function). Sam stands on the back edge of the audience. While one of the keynote speakers is giving his talk and people are cheering, Sam pulls out his

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megaphone and starts berating the speaker, the candidate, and his positions on various issues. Organizers for the event ask Sam, from the stage and by individual contact with him, to stop interrupting the event. Sam continues to talk on his megaphone saying that it is his right.

- a. RCW noise violation
- b. Obstructing
- c. Disorderly Conduct**
- d. No crime has occurred
- e. He is correct; there is no crime.

11. What are the four ways Disorderly Conduct can be committed?

***Uses abusive language to intentionally instigate a fight
Intentionally disrupts a meeting
Intentionally blocks foot or vehicle traffic
Intentionally disrupts a funeral ceremony***

12. In #10, the police arrive and try to get to Sam to detain him and investigate whether or not they will make an arrest. As the two officers approach him, Sam's coworker Jose physically blocks Officer Smith's path to Sam and starts accusing Officer Smith of being politically biased. Officer Jones tries to go around Jose, but Jose pulls a trashcan into the officer's path. Sam sees what Jose is doing and moves to a new position a little bit further away from the officers. Again, Officers Smith and Jones try to go around Jose, but this time he gets rights in front of Sam and begins telling the officers how he has political friends and how he can get them fired. Can Officers Smith and Jones arrest Jose for anything? If so, what? Explain.

Obstructing 9A.76.020 (willfully hinder or delay an officer's investigation) - although the law does not require the obstructing be physical, this would be an example of a good quality obstructing arrest (as opposed to a subject playing the name game with you).

13. Is Obstructing a Law Enforcement Officer a Misdemeanor Presence Exception? Why or why not?

No, it's not on the 10.31.100 list; but since you can only obstruct an officer, the officer will be presence, right?

14. Is Resisting Arrest a Misdemeanor Presence Exception? Why or why not?

No, it's not on the 10.31.100 list; but since you can only resist a peace officer, the officer will be presence, right?

15. Is Disorderly Conduct a Misdemeanor Presence Exception? Why or why not?

Maybe, it depends; you would have to articulate how the actions of the suspect involve "physical harm or threats of harm to any person or property" as required by 10.31.100.

16. Is Making a False or Misleading Statement to a Public Servant a Misdemeanor Presence Exception? Why or why not?

No, it's not on the 10.31.100 list.

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17. Is Riot a Misdemeanor Presence Exception? Why or why not?

Yes, this crime requires a risk of harm to people or property which meets the 10.31.100 requirement of “physical harm or threats of harm to any person or property.”

18. Is Failure to Disperse a Misdemeanor Presence Exception? Why or why not?

Yes, this crime requires a risk of harm to people or property which meets the 10.31.100 requirement of “physical harm or threats of harm to any person or property.”

19. Zack is the manager of an apartment complex. You have a warrant for his tenant, Adam Hayes, who lives in unit #21. The warrant is for Residential Burglary. You tell Zack this information and that you and your partner saw Adam come home. You went to the door and knocked, announced, and told him why you were there and ordered him to open the door. He did not. Since Zack was on the property, you wanted to try to get a key so you would not have to damage the doorframe. Zack tells you he has to grab his keys from the office, even though the keys are in his pocket. Zack runs to the office, calls Adam, tells Adam the police are coming back with a key and that he is stalling the police out front so Adam can slip out the back. Adam jumps off a second floor balcony into the alley and tries to run away. Unfortunately for him, you had a third officer and his K9 watching the back. Adam is caught. He waives his rights and gives a statement, telling you why he thought it was safe to go out the back. Has Zack committed any crimes? If so, what and why?

Rendering Criminal Assistance Second Degree 9A.76.080-“warns such person of impending discovery or apprehension,” for a class B felony. This is different from Complicity (9A.08.020), because this is assistance given after a crime is over and done. Zack did nothing to “solicit, encourage, command, request, aid, or agree to aid” in the residential burglary. Zack just tried to help Adam avoid capture after-the-fact.

20. The reason there is a warrant out for Adam is because while he was serving his sentence, he put in enough “good behavior” to get himself assigned to a work release program. On his second day of work release, he failed to return to the jail. Besides the warrant for Residential Burglary, can you book Adam for anything else? If so, what and why?

Yes, for Escape First Degree (knowingly escape custody after CONVICTION for a felony).