

Date Revised: 9/05/2019

Course Goal: To introduce the recruit officers to criminal law.

Learning Objective:

- Identify the relationships among: [\[5.1.A\]](#)
 - Constitutional law [\[5.1.A.1\]](#)
 - Statutory law [\[5.1.A.2\]](#)
 - Case law [\[5.1.A.3\]](#)
- Differentiate between letter of the law and spirit of the law. [\[5.2.A\]](#)
- Differentiate between criminal and civil law. [\[5.2.B\]](#)
- Recall the statutory definition of a crime. [\[5.3.A\]](#)
- Identify the basic elements common to all crimes. [\[5.3.B\]](#)
- Identify the basic elements required of an attempt to commit a crime [\[5.3.C\]](#)

Session Time: 2 Hours

<p>Resources:</p> <ul style="list-style-type: none"> • Classroom with tables • Overhead projector • Computer with multimedia software and Microsoft PowerPoint 	
<p>Session Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.</p>	
Outline	Instructor's Notes
<p>I. Origins of law are found in our current legal system [1]</p> <p>A. Constitutional law and the Bill of Rights [5.1.A.1]</p> <ol style="list-style-type: none"> 1. Federal and State Constitutions 2. Federal and state courts are bound by the US Constitution, which is the supreme law of the land. 3. States may add to but not take away liberties in the Constitution 4. Law enforcement is impacted by Constitution through Bill of Rights (criminal procedure, due process, search & seizure, etc) 	<p><u>TTS 5.1.A.1 - 5.1.A.3 (30 minutes)</u></p> <p>[1] Run Learning Activity # 1 in conjunction with PowerPoint slides 2 - 6.</p> <p>Note: See last page for learning activity # 1</p>

<p>B. Statutory law- written law enacted by legislative bodies [5.1.A.2]</p> <ol style="list-style-type: none">1. Codes & Ordinances2. Must be a written law to be enforceable3. Federal & State Constitutions prohibit ex post facto laws, laws written after the fact to punish an action that has already taken place <p>C. Case law- precedent [5.1.A.3]</p> <ol style="list-style-type: none">1. Based upon previous appellate court decisions that are binding on lower court decisions2. Primary purposes<ol style="list-style-type: none">a. Interpret the Constitutionb. Clarify Statutes3. Judicial review, protects the rights of the individual from unconstitutional legislation <p>II. Distinctions in the Law [2]</p> <p>A. Letter of the Law vs Spirit of the Law [5.2.A]</p> <ol style="list-style-type: none">1. Letter of the Law- Letter of the law strictly applied to the literal meaning of the statute2. Spirit of the law applied in accordance with the intent of the legislature3. Laws must be interpreted with regard to<ol style="list-style-type: none">a. Its relationship to other statutesb. The intent of the legislative bodyc. The meaning of the wordsd. The scope of its effect <p>B. Criminal and Civil Law [5.2.B]</p> <ol style="list-style-type: none">1. Criminal Law [3]<ol style="list-style-type: none">a. Violations of criminal statutesb. Crimes are considered public wrongs against all the people of Californiac. Consequence for violating criminal law is prosecutiond. The purpose of punishment is to deter criminal behavior and to rehabilitate criminals	<p><u>TTS 5.2.A - 5.2.B (35 minutes)</u></p> <p>[2] Run Learning Activity # 2 in conjunction with PowerPoint slides 7 - 9.</p> <p>Note: See last page for learning activity # 2</p> <ul style="list-style-type: none">• Ask: What values did you identify when determining a course of action?<ul style="list-style-type: none">○ Core values: allow recruits to relate core values with exercise.○ Law Enforcement Code of Ethics• Conduct a facilitated group discussion and ensure to cover the following:<ul style="list-style-type: none">○ Letter of the Law○ Spirit of the Law○ Apply CAPRA○ Ethics and Leadership○ Constitutional requirements○ Ethical dilemma• [3] Ask: If one person robs another, is that
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<p>2. Civil Law [4]</p> <ul style="list-style-type: none">a. Noncriminal violations of the law or private wrongs committed by one person against anotherb. Civil wrong = tortc. Breach of contractd. Purpose of civil law is redress, or right a wronge. Injured party/plaintiff may file lawsuit for monetary compensation or other relief but not incarcerationf. Law enforcement officers have a duty to investigate any potential criminal violations, even in civil matters; otherwise stand by and keep the peace <p>III. Criminal Law [5]</p> <p>A. Crime and Punishment</p> <ul style="list-style-type: none">1. Definition of a Crime [5.3.A]<ul style="list-style-type: none">a. Violation of a criminal statuteb. PC 15 defines a crime or public offense as “an act committed or omitted in violation of a law forbidding or commanding it”c. Penalties upon conviction include:<ul style="list-style-type: none">1) Death2) Imprisonment3) Fine, removal from office4) Disqualification to hold and enjoy any office of honor, trust, or profit in California <p>B. Elements of a Crime [5.3.B]</p> <ul style="list-style-type: none">1. Basic facts that must be proven by the prosecution to sustain a conviction2. Every crime must have<ul style="list-style-type: none">a. Commission of a prohibited act, or an omission of a required actb. Presence of a designated state of mind (intent)3. Each crime has its own set of specific	<p>criminal law-related or civil law-related?</p> <ul style="list-style-type: none">• [4] Ask: If someone feels like they were wronged because another person did something to them that they didn't like, is that civil law or criminal law?<ul style="list-style-type: none">○ Eg. Accidental rear-end traffic collision○ Eg. Customer buying product with which they are unsatisfied <p><u>TTS 5.3.A - 5.3.E, 5.4.A.1 - 5.4.A.3 (35 minutes)</u></p> <p>[5] Run Learning Activity # 3 in conjunction with PowerPoint slides 13 – 19.</p> <p>Note: See last page for learning activity # 3</p>
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elements that must be proven to establish that a crime has been committed.

- C. Attempt to Commit a Crime [\[5.3.C\]](#) [6]
1. Still a crime
 2. Attempt to commit a crime consists of:
 - a. Intent to commit that crime
 - b. A direct, but ineffectual, act done toward its commission
 3. Merely thinking about it does not make it a crime
 4. Some crimes have “attempt” built into them, like attempt arson
 5. Crimes that are not specifically attempt crimes, use 664 before the crime (e.g. 664 & 459)

Crimes that are not specifically attempt crimes, use 664 before the crime (e.g. 664 & 459)

TTS 5.3.C (20 min)

- **[6] Show** video of “The Bumbling Burglars,” PP 21, which depicts two suspects. Suspect 1 throws a brick at a window attempting to break it. Suspect 2 then throws a brick at the same window but ended up hitting Suspect 1 who was in the way. Suspect 1 was knocked unconscious.
- **Conduct a facilitated discussion** and ensure to cover attempt crimes:
 - Possible questions to **ask**:
 - Was a crime committed?
 - Was a crime completed?
 - What was the crime?

Learning Activity # 1

- Utilize PowerPoint slides # 2 - 6
- Divide the class into learning teams of 6 to 8 recruits
- Allow the learning teams to review chapter 1 and identify the three origins of law
- Have learning teams **discuss** the concepts, develop examples, and apply them to the everyday job of policing
- **Conduct a facilitated discussion** and ensure to cover the following:
 - Constitutional Law
 - Statutory Law
 - Case Law
 - Terry vs Ohio- An officer can briefly detain a person, based upon reasonable suspicion of criminal activity, long enough until there is no more reasonable suspicion or to allow it to rise to the level of probable cause for an arrest. The officer is also permitted to do a limited "frisk" search of the person without a warrant if there are articulable facts the person could be armed.
 - Miranda vs Arizona- Miranda warning must be given when a person is in custody and interrogated.
 - Provide other examples if needed.

Learning Activity # 2

- Utilize PowerPoint Slides # 7 - 9
- **Divide the class** into learning teams of 6 to 8 recruits
- **Provide** the learning teams with the following case study:
An officer was on patrol when she observed Jason, the son of a former partner and friend. The officer approached Jason, who was seated alone in a car. Next to Jason, on the console, was a small plastic bag with a white powder inside. It appeared to be cocaine. Jason has no criminal record and he said that the drugs were not his and that a friend left them behind in the car.
- Have the learning teams **discuss** the scenario and develop an investigative response applying CAPRA.
 - **Possible responses:**
 - Clients: Community, former partner
 - Acquire / Analyze:
 1. What crime was committed?
 2. What evidence to gather?
 - Partnerships: Supervisor, own partner, former partner / parent
 - Response: Arrest or let go?
 - Assessment
 1. Was right decision made?
 2. What impact will it have?
 - a. In community?
 - b. With former partner?
 - c. With work?
 - **Ask:** What values did you identify when determining a course of action?
 - Core values: allow recruits to relate core values with exercise.
 - Law Enforcement Code of Ethics
 - **Conduct** a facilitated group discussion and ensure to cover the following:
 - Letter of the Law
 - Spirit of the Law
 - Apply CAPRA
 - Ethics and Leadership
 - Constitutional requirements
 - Ethical dilemma

Learning Activity # 3

- Utilize PowerPoint slide # 13
- **Divide** the class into learning teams of 6-8 recruits
- **Provide** the learning teams with the following code sections / crimes (Code sections / crimes could be adjusted based on the number of learning teams):
 - 273.5 PC
 - 261 PC
 - 273d PC
 - 11350 HS
 - 11351.5 HS
 - 10851 VC
 - ADW
 - Robbery
 - Burglary
 - Murder
 - Theft
 - Battery
- Utilizing their penal code books, allow the recruits to look up their assigned crime.
- **Conduct a facilitated discussion** and ensure to cover definition of a crime and elements of a crime.
 - Possible questions to **ask**:
 - What are the elements of that crime?
 - What type of intent is required to arrest / cite for each crime?
 - What is the classification of the crime?
 - What are the punishments for these crimes?
 - **Ensure to distinguish** the differences in crime classifications and their different levels of punishment