

Date Revised: 9/05/2019

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

Learning Objective:

- Discuss general, specific and transferred intent crimes. [\[5.3.D\]](#)
- Differentiate between criminal intent and criminal negligence. [\[5.3.E\]](#)
- Identify three classes of crime: [\[5.4.A\]](#)
 - Felony [\[5.4.A.1\]](#)
 - Misdemeanor [\[5.4.A.2\]](#)
 - Infraction [\[5.4.A.3\]](#)
- Differentiate among the three parties to a crime, to include: [\[5.4.B\]](#)
 - Principals [\[5.4.B.1\]](#)
 - Accessories [\[5.4.B.2\]](#)
 - Accomplices [\[5.4.B.3\]](#)
- Identify people legally incapable of committing a crime. [\[5.4.C\]](#)

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>A. Intent</p> <ol style="list-style-type: none"> 1. General Intent Crimes [5.3.D] [1] <ol style="list-style-type: none"> a. Intent is presumed and does not have to be proven (battery, arson, transp drugs) b. Presumes that the person was aware of his (or her) actions or was aware of his (or her) conduct c. Ignorance of the law is no excuse 2. Specific Intent Crimes <ol style="list-style-type: none"> a. Intent is an element of the offense 	<p><u>TTS 5.3.D (25 minutes)</u></p> <p style="text-align: center;">PowerPoint slides 2 - 7</p> <ul style="list-style-type: none"> • [1] Conduct facilitated discussion with class on definition and differences with general and specific intent crimes. <ul style="list-style-type: none"> ○ Ask: What are general intent and specific intent crimes and give examples?

<p>that must be proven (burglary, kidnap for ransom)</p> <p>b. Unless this specific intent exists, the crime has not been committed</p> <p>3. Transferred Intent [2]</p> <p>a. Unlawful act affects a person other than, or in addition to, the person it was intended to affect</p> <p>b. Intent may be transferred only if the act involved does not require a different state of mind or criminal intent.</p> <p>c. Does not apply if action is lawful</p> <p>4. Criminal Negligence [5.3.E] [3]</p> <p>a. A negligent act that is aggravated or reckless and constitutes indifference to the consequences</p> <p>b. In certain crimes, criminal negligence meets the requirement of criminal intent</p> <p>II. Criminal Prosecution</p> <p>A. Classification of Crimes [4]</p> <p>1. A felony is a crime, punishable by a fine and/or imprisonment in state prison, death, or removal from office. (PC 17) [5.4.A.1]</p> <p>2. A misdemeanor is a crime of lesser gravity than a felony. Misdemeanors are punishable by a fine and/or imprisonment in a county jail. (PC 19) [5.4.A.2]</p> <p>3. A crime that can be either a felony or a misdemeanor is commonly referred to as a wobbler, an alternative felony/misdemeanor.</p> <p>4. An infraction is a public offense punishable by fine only. [5.4.A.3]</p> <p>a. Citation issued instead of arrest.</p> <p>b. A person charged with an infraction is not entitled to a jury trial or to</p>	<ul style="list-style-type: none">• [2] Show video of “Turf War,” which depicts a shooting between rival drug dealers. During the shooting, a child, who was inside one of the apartments, was shot and killed.• Allow the recruits to discuss the scenario and ensure they determine a murder (187 PC) occurred.• Conduct a facilitated discussion and ensure to cover specific, general, and transferred intent. <p><u>TTS 5.3.E (25 min)</u></p> <p>PowerPoint Slides 8 - 10</p> <ul style="list-style-type: none">• [3] Show video of “Traffic Collision,” which depicts a traffic collision between a motor vehicle and a scooter.• Allow the recruits to discuss the scenario and determine whether criminal negligence was involved. If so, what facts would support criminal negligence?• Conduct a facilitated discussion and ensure to cover criminal intent and criminal negligence.<ul style="list-style-type: none">○ Motor vehicle ran through red light at high rate of speed○ Criminal negligence should be determined. <p><u>TTS 5.4.A.1 - 5.4.A.3 (10 min)</u></p> <p>PowerPoint Slides 11 - 14</p> <ul style="list-style-type: none">• [4] Continuing from the earlier assigned crimes (session 1), discuss their crime classifications to cover felonies, misdemeanors, and infractions.<ul style="list-style-type: none">○ Ask to give examples of each classification○ Ask what are the punishments
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representation by a public defender,
except in cases involving arrest.

B. Parties to a Crime

1. Principals include all persons involved in the commission of a felony or misdemeanor **[5.4.B.1] [5]**
 - a. All principals can be arrested and prosecuted
 - b. Must have intent
 - c. Principal is anyone who
 - 1) Directly committed the offense
 - 2) Aided and abetted in the commission of the offense
 - 3) Advised and encouraged the commission of the offense
 - 4) Counseled, advised, or encouraged children under the age of 14 years, or mentally incapacitated persons, to commit the offense
 - 5) By fraud, contrivance, or force, occasioned the drunkenness of another for the purpose of causing that person to commit the offense
 - 6) By threats, menaces, command, or coercion compelled another to commit the offense
 - d. A person aids and abets in the commission of a crime if he or she actively assists, supports, promotes, encourages, strengthens, or instigates by act or advice, the commission of the offense.
 - 1) Abet implies having a guilty knowledge and felonious intent
 - 2) Aid is actively assisting or supporting without knowledge of guilt
2. Accessory is anyone, after a felony has been committed, meets all the following

TTS 5.4.B.1 - 5.4.B.3 (25 minutes)

[5] Run Learning Activity # 1 in conjunction with **PowerPoint slides 15 – 20.**

Note: See last page for learning activity # 1

<p>requirements: [5.4.B.2]</p> <ul style="list-style-type: none">a. Has knowledge the principal has been involved in a felonyb. Harbors, conceals, or aids a principal in the felonyc. Has intention of assisting the principal to avoid or escape arrest, trial, conviction, or punishmentd. Wobblere. No accessories to misdemeanors crimes <p>3. Principals become accomplices when they testify for the prosecution against other principals [5.4.B.3]</p> <p>C. People Legally Incapable of Committing a Crime [5.4.C] [6]</p> <ul style="list-style-type: none">1. Children under 142. Persons who are mentally incapacitated3. Persons who committed the act or omission:<ul style="list-style-type: none">a. Under ignorance or mistake of fact,b. Without being conscious of the act,c. Through misfortune or accident, ord. Under threat or menace	<p>[6] Run Learning Activity # 2 in conjunction with PowerPoint Slides 21 - 27.</p> <p>Note: See last page for learning activity # 2</p>
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Learning Activity # 1

- Utilize PowerPoint Slides # 15 - 20
- **Read** the following scenario and have the **class identify** the role played by each participant:

Juan mentions to Cal that he thinks it would be easy to rob a local convenience store. Edith, overhearing Cal repeating this to Morris, draws a floor plan of the store for Cal. Juan then offers Cal suggestions on implementing the robbery and loans him a ski mask and gloves to use. With no further assistance from Juan or Edith, Cal plans and carries out the robbery of the store. Morris serves as lookout, and his girlfriend, Heidi, drives the getaway vehicle which was borrowed from Desi for a "hot date out on the town." When Cal, Morris, and Heidi show up at Alice's door and tell her of their activities, Alice offers them refuge and help in hiding the money.

- **Seeking:**
 - Juan: principal
 - Cal: principal
 - Edith: principal
 - Morris: principal
 - Heidi: principal
 - Desi: no crime
 - Alice: accessory
- Advance the story and tell the class all involved parties were arrested.
 - **Ask:** What would Cal be if he testified against the other principals involved?
 - Answer is accomplice.

Learning Activity # 2

- Utilize PowerPoint Slides # 21 - 27
- **Divide** the class into learning teams of 6-8 recruits
- Have the learning **teams identify** persons who are legally incapable of committing crimes.
 - **Ask:** Are all people who commit acts prohibited by law responsible for their actions?
 - **Provide** examples of who they think should not be held responsible.
 - **Seeking:** children, people with mental illness, acts done by accident or mistake and other examples covered in chapter 5
- **Read** the following case study to the recruits:

Brian Wells (victim) and three other suspects conspired to rob a local bank in Erie, PA. On the day of the intended robbery, Wells, who was a pizza delivery man, met with the suspects under the guise of a pizza delivery. Wells was supposed to wear a fake bomb and go to the PNC bank in Erie and advise the teller that he was being forced to rob the bank. When Wells discovered that the bomb was actually real, he backed out and a struggle ensued between the victim and suspects. The suspects forcibly placed an explosive device around the neck of Wells. Wells went to the bank where he robbed it of approximately \$8000. Wells was stopped by the police shortly after he fled the location. Wells explained to the officers that he was forced to rob the bank and the suspects placed a bomb around his neck. The officers requested bomb squad assistance; however, the bomb detonated before they could arrive. Wells was killed by the explosion.

- Have the learning teams discuss whether the “victim” was liable for criminal prosecution.
 - **Ask:** Is the victim liable for the bank robbery?
 - Victim is part of robbery, regardless.
 - **Ask:** Is the victim liable for other crimes?
 - **Develop reasons** why or why not.
 - Use example to spark discussion on people capable of committing crimes as well as principal, accessory, etc.
 - **Apply** CAPRA (suggested CAPRA)
 - C-Business robbed, community
 - A-What law/s were broken
 - P-Other agencies?
 - R-Bomb Squad? Other agencies help? Arrest if collar removed?
 - A-Did we do everything possible to resolve situation?

Conduct a facilitated discussion fusing the concepts of LD 2 with LD 5.