

EV06 - Crimes Against Persons  
 Session 01 - Crimes Related to Injury and Kidnap  
 LD07 - Crimes Against Persons / Death Investigations

**Date Revised:** 9/30/19

**Course Goal:** To teach recruit officers the laws involving crimes against persons.

**Learning Objective:**

- Recognize the crime elements required to arrest for:
  - Battery [\[7.1.A.1\]](#)
  - Assault with a deadly weapon or by means of force [\[7.1.A.2\]](#)
  - Elder or dependent adult abuse [\[7.1.A.3\]](#)
- Recognize the crime classification as misdemeanor or felony [7.1.B]
- Recognize the crime elements required to arrest for:
  - Kidnapping [\[7.2.A.1\]](#)
  - False Imprisonment [\[7.2.A.2\]](#)
  - Child abduction without custodial rights [\[7.2.A.3\]](#)
  - Child abduction with custodial rights [\[7.2.A.4\]](#)
- Recognize the crime classification as misdemeanor or felony [7.2.B]

**Session Time: 2 Hours**

<p><b>Resources:</b></p> <ul style="list-style-type: none"> <li>• Classroom with tables</li> <li>• Overhead projector</li> <li>• Computer with multimedia software and Microsoft PowerPoint</li> </ul>	
<p><b>Session Summary:</b> The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.</p>	
Outline	Instructor's Notes
<p>I. Crimes Related to Injury</p> <p>A. Battery, PC 242 <a href="#">[7.1.A.1]</a></p> <p>1. Elements</p> <p style="margin-left: 20px;">a. Willful and unlawful</p> <p style="margin-left: 20px;">b. Use of force or violence</p> <p style="margin-left: 20px;">c. On the person of another</p> <p>2. Battery causing serious bodily injury (PC 243(d)) means causing serious impairment including</p> <p style="margin-left: 20px;">a. Concussion</p> <p style="margin-left: 20px;">b. Loss of consciousness</p> <p style="margin-left: 20px;">c. Bone fracture</p>	<p><u>TTS 7.1.A.1 - 7.1.B (1.25 Hours)</u></p> <p style="text-align: center;"><b>PowerPoint Slides # 2 - 15</b></p> <p><b>Run</b> Learning Activity # 1 [LD 5 Infused]</p> <p style="color: red;">Note: See last page for learning activity # 1</p>

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<ul style="list-style-type: none"><li>d. Protracted loss or impairment of any member or organ</li><li>e. Extensive suturing</li><li>f. Serious disfigurement</li><li>3. Every battery contains lesser crime of assault</li><li>4. Requires actual physical contact with the victim or with items closely associated with the victim's person (i.e., clothing, canes, and other walking devices)</li><li>5. Classification<ul style="list-style-type: none"><li>a. Battery, PC 242, misdemeanor</li><li>b. Battery with treatable injury, PC 243(c)(1), felony</li><li>c. Battery causing serious bodily injury, PC 243(d), felony</li></ul></li><li>6. Battery on peace officer, PC 243(b)<ul style="list-style-type: none"><li>a. Can only occur when the officer is engaged in the lawful performance of his/her duties</li><li>b. Suspect must know or reasonably know victim is officer</li><li>c. Cannot occur if officer is not in lawful activity (illegal arrest, excessive force)</li></ul></li><li>7. Battery of sports official, PC 243.8<ul style="list-style-type: none"><li>a. Victim must be in lawful performance of duties</li><li>b. Suspect must know or reasonably know victim is sports official</li></ul></li><li>8. Battery on school property, PC 243.5<ul style="list-style-type: none"><li>a. K-12, community college, adult school, evening high school</li><li>b. Can arrest w/out warrant</li><li>c. Does not have to be committed in presence of officer</li></ul></li><li>B. ADW or by Means of Force<ul style="list-style-type: none"><li>1. Elements <a href="#">[7.1.A.2]</a><ul style="list-style-type: none"><li>a. Unlawful attempt, and</li><li>b. The present ability</li><li>c. To commit a violent injury</li><li>d. Upon the person of another</li><li>e. By use of a deadly weapon</li></ul></li></ul></li></ul>	
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<p>f. Or force likely to produce great bodily injury</p> <p>2. Felony</p> <p>3. Any physical force is sufficient as long as it's capable of committing GBI</p> <p>a. Throwing hard object</p> <p>b. Kicking/ beating someone severely</p> <p>c. Throwing someone against or off something</p> <p>C. Elder or Dependent Adult Abuse, PC 368</p> <p>1. Elements <a href="#">[7.1.A.3]</a></p> <p>a. Any person who willfully causes or permits an elder or dependent adult to suffer or inflicts unjustifiable physical pain or mental suffering</p> <p>b. Willfully causes or permits the elder or dependent adult to be injured or endangered</p> <p>c. Violates any provision of law proscribing theft or embezzlement to the property of that elder or dependent adult</p> <p>2. Classifications</p> <p>a. Elder or dependent adult in circumstances resulting in GBI or likely to produce great bodily harm, PC 368(b), felony</p> <p>b. Elder or dependent adult in circumstances not likely to produce great bodily harm, 368(c), misdemeanor</p> <p>c. Caretaker involved in theft or embezzlement, PC 368(d) &amp; 368(e), misd or felony</p> <p>d. False imprisonment of elderly or dependent adult by violence, menace, fraud or deceit, PC 368(f), felony</p> <p>II. Crimes Related to Kidnapping</p> <p>A. Kidnapping, PC 207(a) <b>[1]</b></p> <p>1. Elements <a href="#">[7.2.A.1]</a></p> <p>a. Unlawful taking of a person</p> <p>b. Against his or her will</p> <p>c. By force or fear</p>	<p><u>TTS 7.2.A.1 - 7.2.A.4 (45 minutes)</u></p> <p><b>[1] Ask</b> a recruit or the whole class: What is your definition of a kidnapping? -Allow answers to cover TTS. -Fill in any element that is not covered</p>
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<ul style="list-style-type: none"><li>d. From one place to another</li><li>2. Felony</li><li>3. Movement does not refer to distance, rather whether the victim was put in more danger [2]</li><li>4. Physical force not necessary, as long as victims feel compelled to obey and believes harm will come to them if they refuse</li></ul> <p><b>B. False Imprisonment, PC 236 [3]</b></p> <ul style="list-style-type: none"><li>1. Elements <a href="#">[7.2.A.2]</a><ul style="list-style-type: none"><li>a. Unlawful violation</li><li>b. Of the personal liberty</li><li>c. Of another</li></ul></li><li>2. Classification<ul style="list-style-type: none"><li>a. Misdemeanor unless accomplished with violence, menace, fraud, or deceit, then felony</li></ul></li><li>3. Can be accomplished by [4]<ul style="list-style-type: none"><li>a. Restraining</li><li>b. Confining</li><li>c. Detaining</li><li>d. Compelling someone to stay or go somewhere without their consent</li></ul></li><li>4. Exception: PC 490.5 allows detainment of individuals against their will [5]<ul style="list-style-type: none"><li>a. Store owner detaining theft/burglary suspect</li><li>b. Theater owner detaining someone recording movie</li></ul></li></ul> <p><b>C. Child Abduction without Custodial Rights, PC 278</b></p> <ul style="list-style-type: none"><li>1. Elements <a href="#">[7.2.A.3]</a> [6]<ul style="list-style-type: none"><li>a. Every person</li><li>b. Not having the right of custody, who</li><li>c. Maliciously takes, entices away, keeps, withholds, or conceals</li><li>d. Any minor child</li><li>e. With the intent to detain or conceal</li><li>f. From a person having lawful custody</li></ul></li><li>2. Felony</li><li>3. Exception: PC 278.7 allows holding on to child if for good cause to keep from injury</li></ul>	<p><b>[2] Ask</b> How far does a victim have to be moved for kidnapping to be complete?</p> <p><b>[3] Ask</b> a recruit or the whole class: What is your definition of false imprisonment? -Allow answers to cover TTS. -Fill in any element that is not covered</p> <p><b>[4] Ask</b> What kind of action does it take to complete false imprisonment?</p> <p><b>[5] Ask</b> Can the elements of false imprisonment ever be legal?</p> <p><b>[6] Ask</b> a recruit or the whole class: What is your definition of child abduction without custodial rights? -Allow answers to cover TTS. -Fill in any element that is not covered</p>
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<p>D. Child Abduction with Custodial Rights, PC 278.5</p> <ol style="list-style-type: none"><li>1. Elements <a href="#">[7.2.A.4]</a> <b>[7]</b><ol style="list-style-type: none"><li>a. Every person who entices away, keeps, withholds, or conceals</li><li>b. With intent to deprive</li><li>c. The other person of his or her right to custody or visitation</li></ol></li><li>2. Felony</li></ol>	<p><b>[7] Ask</b> a recruit or the whole class: What is your definition of child abduction without custodial rights? -Allow answers to cover TTS. -Fill in any element that is not covered</p>
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### **Learning Activity # 1 - Battery, ADW, & Elder Abuse**

**Purpose:** To identify and classify crimes against persons.

**Description:**

1. Overview
  - a. **Discuss** with the students the importance of identifying and classifying crimes related to personal injury and how some crimes are similar in nature but are very different with the addition or absence of one element.
  - b. Discussion may include current events that apply to crimes against persons, i.e. ask students about crimes recently reported in the news.
  - c. **Mention** core value “Reverence for the Law,” and how it applies to the enforcement of laws related to crimes against persons. [LAPD specific infused]
2. **Show** PPS 2 and explain that the CAPS crimes covered during this event will focus on (4) general areas:
  - a. Battery
  - b. ADW
  - c. Robbery
  - d. Homicide
  - e. Other crimes will be covered as well, but they will fall into one of the four general categories
3. **Divide** the class into learning teams of 6 - 8 recruits
4. **Show** PPS 3 and assign one of the following topics to each learning team. The instructor may adjust the topics to ensure that each learning team receives at least one topic each.
  - a. 240 PC
  - b. 242 PC
  - c. 243(d) PC / 243(f)(4) PC
  - d. 243(e)(1) PC
  - e. 245(a)(1) PC
  - f. 368 PC
  - g. 15630 WIC
  - h. 368(b) PC / 368(c) PC
  - i. 368(d) PC / 368(e) PC
  - j. 368(f) PC
5. Have the learning teams look up their penal code sections / topics and discuss
6. If recruits did not receive their penal code books, assign the following from LD 7 Ch 1:
  - a. 240, 242, 243(b), 243.8, 243.5

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- b. Have each group **discuss** the topics and be prepared to answer questions.
  - c. **Ask** random recruits to describe each crime.
7. Conduct a facilitated discussion and ensure to cover TTS' 7.1.A.1 - 7.1.B
- a. Possible discussion points aside from the TTS
    - 1) 240 PC, Assault
      - a) Assault is an unlawful attempt to commit battery- refer to LD 5, Ch 3, Attempt Crimes [LD 5 infused]
      - b) Not all assaults are unlawful (self-defense, boxing, football, Force used under 835a PC)
    - 2) 242 PC, Battery
      - a) **Discuss** elements and **compare / contrast** with assault
      - b) Battery is the completion of an assault
      - c) Battery will always include an assault but an assault will never include battery
      - d) It is not necessary the suspect directly apply force. Examples:
        - i. Spitting
        - ii. Running into someone with a bicycle
        - iii. Squirting water
      - e) **Ask** How much force / violence constitutes the crime?
        - i. Any wrongful application of physical force is sufficient
        - ii. No need to cause pain or leave marks
        - iii. Still a crime even though only feeling were injured
        - iv. As long as the force / violence was done in an insolent, rude, or angry manner (People v. Flummerfelt, 153 Cal. App. 2d. 104)
      - f) Battery is a felony when it results in serious bodily injury
        - i. Loss of consciousness
        - ii. Concussion
        - iii. Bone fracture
        - iv. Protracted loss or impairment of any bodily member or organ
        - v. A wound requiring extensive suturing
        - vi. Serious disfigurement
8. SCENARIO / ROLE PLAY: Battery Just Occurred Radio Call
- a. The purpose of this exercise is to develop the necessary investigative skills to determine if a crime was committed and provide an opportunity for the recruits to utilize dispute resolution skills and exercise spirit of the law or letter of law, when appropriate.
  - b. Select the following role players
    - 1) (2) recruits as officers
    - 2) (1) recruit as witness 1

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- 3) (1) recruit as witness 2
  - 4) (1) instructor as the suspect
  - 5) (1) instructor as the victim
- c. Provide the following information to the officers, “Battery just occurred at 5651 W. Manchester Ave.”
  - d. Allow the officers to respond to the location and conduct an investigation
  - e. Upon their arrival, the victim and suspect are involved in a heated argument regarding a political topic to be determined by the instructor
  - f. Wits 1 & 2 are standing by at the location, but witness 2 will be simulating as if they were filming the incident with their cell phone
  - g. If the officers interview the victim and suspect, they will state the following:
    - 1) Suspect: The suspect and victim were involved in a lively debate regarding a political topic. The victim became frustrated and made a (non-racial) derogatory remark to the suspect. The suspect walked away from the victim then tapped the victim in the back of the head with a stack of papers (approximately 10 sheets of paper) that he held in his hand. Upon tapping the victim with the papers, he observed the victim writhe in pain then slowly lower himself to the ground. It appeared the victim was acting.
      - a) The suspect will be adamant that he did nothing wrong
      - b) The reason why he tapped the victim with his papers was because the victim made a derogatory remark at him
      - c) If the recruits utilize effective dispute resolution techniques, then the suspect may be amenable to giving an apology to the victim
    - 2) Victim: The victim’s statements will be consistent with the suspect’s statements except when the victim was struck; the victim momentarily lost consciousness and collapsed to the ground
      - a) The victim will state that he was injured, but will refuse MT
      - b) If the recruits do not utilize effective dispute resolution techniques, the victim will be adamant that he wants a private person’s arrest
      - c) If the recruits utilize effective dispute resolution techniques, the victim will be amenable to accepting an apology from the suspect
  - h. If the officers interview the witnesses, they will state the following:
    - 1) Witness 1: Who is a friend of the victim, will have statements consistent with the victim, except he observed the victim was struck in the eye.
      - a) The witness will be adamant about the victim being struck in the eye and demand that a doctor be called
      - b) The witness will be adamant that the suspect should be arrested for his crimes



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- 2) Witness 2: Who was just a passerby, will have statements consistent with the suspect. Upon observing the suspect lay on the ground, witness 2 approached the victim and stated, ““No...no...no... please stop that.”
  - a) Witness 2 will state that the victim was exaggerating the whole incident
  - b) Witness 2 will further state that she captured the incident on video via her cell phone.
  
- 3) If the officers request to view the video, play the video to the class on PowerPoint Slide # 11

The clip depicted Vera DeWitt (suspect), a former Carson mayor and now political activist, addressing the Carson city council regarding incidents of intimidation against political activist gathering signatures for a special election to recall the mayor.

As DeWitt concluded and walked back to her seat, she struck the papers that she held in her hand against the back of the head of Jan Schaefer (victim), who was the Public Works Commissioner as well as an ally of the mayor who was the subject of the recall. A few moments after being touched behind the head with the papers, Schaefer writhed in pain and lay on the floor as if injured.

The mayor (Witness 1) exclaimed, “She hit her right in the eye! Stop that woman from leaving the room! She struck the woman. She should be arrested. This is unbelievable. We're going to call a doctor.”

A woman (Witness 2) from the audience confronted Schaefer and in reference to Schaefer’s exaggerated response stated, “No...no...no... please stop that.”

- i. For the purposes of this exercise, the incident occurred during a lively debate among people with differing opinions and not during an official governmental session.
  - j. Potential debriefing points:
    - 1) Ultimately, a crime was committed; however, would the incarceration of one party necessarily solve the problem or perhaps increase animosity?
    - 2) Spirit of law vs. Letter of the Law [LD 5 infused]
    - 3) Was there an opportunity to resolve the conflict?
    - 4) What are the potential benefits to resolving the conflict versus incarceration?
    - 5) Accepting private persons arrest (Policy handout is located in the Recruit Law Study Guide) [LAPD specific]
9. Facilitated discussion covering TTS’ continued. Additional possible discussion points
- a. ADW
    - 1) **Discuss** elements and **compare / contrast** with battery
    - 2) **Ask** What are some examples of “deadly weapons?”

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- a) Gun
  - b) Bat
  - c) Beer bottle
  - d) Any object capable of causing death or great bodily injury from the manner in which it was used.
- 3) **Ask** What are some examples of “force likely to produce great bodily injury?”
- a) Knocking a person down and then continuing to viciously kick them
  - b) Throwing someone out a window or down a flight of stairs
  - c) Choking
  - d) Pushing the victim where the victim strikes their head on a hard object
- 4) **Explain:** There are many similarities between battery causing SBI and ADW. The facts and totality of the circumstances determines what crime was committed.
- b. Elder abuse
- 1) Officer’s responsibility [LAPD Manual Vol 4/209.05], In **all** cases of suspected elder/dependent adult abuse, officers shall:
- a) Conduct a preliminary investigation; Complete a State of California 341 Department of Social Services, “Report of Suspected Dependent Adult/Elder Abuse” State of California (SOC) 341;
  - b) Complete the required Department report(s) (e.g., Investigative Report, Form 03.01.00; Arrest Report, Form 05.02.00; and/or Injury Investigation, Form 03.15.00);
  - c) Document in the narrative of all reports that a SOC 341 was completed Send the completed SOC 341 to the appropriate agency(ies) prior to the officer’s end of watch;
  - d) Document in the narrative of all reports the name(s) of the mandated agency(ies) notified;
  - e) Ensure that victims have transportation to an appropriate emergency shelter and/or referral information to the appropriate service agencies; and,
  - f) Initiate commitment of victims pursuant to Section 5150 of the Welfare and Institutions Code (WIC), when necessary.
  - g) **Note:** All elder/dependent adult abuse reports involving serious bodily injury must be completed and approved within two hours after completing the investigation. Reports for elder abuse that do not involve serious bodily injury shall be completed and approved within 24 hours after completing the investigation.
  - h) **Community Settings.** Officers who encounter or are informed of cases of suspected elder/dependent adult abuse and neglect in **community settings** (e.g., homes, apartments, independent living senior housing) shall, in addition to the requirements listed in “Officer’s Responsibilities,” immediately notify

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Adult Protective Services (APS) of the incident, mail the completed SOC 341 to APS and assist APS in gaining access to the possible victim if there is probable cause to suspect the victim's life is endangered.

- i) Officers shall document in all related reports the APS six-digit intake number provided by APS.

**Resources needed:**

- Recruit Penal Code Books
  
- Classroom
- Projector
- PowerPoint Presentation

**Handouts:**

- None

**Time required:** 1.25 Hours