

EV10 - Quality of Life
 Session 01 - Crimes Against the Justice System
 LD39 - Crimes Against the Justice System

Date Revised: 9/30/2019

Course Goal: To teach recruit officers basic crimes against the criminal justice system.

Learning Objective:

- Recognize the crime elements to arrest for:
 - Intimidating witnesses or victims [\[39.1.A.1\]](#)
 - Threat of retaliation [\[39.1.A.2\]](#)
 - Violating a court order [\[39.1.A.3\]](#)
- Recognize the crime classification as misdemeanor or felony [\[39.1.B\]](#)
- Recognize the crime elements to arrest for:
 - Resisting, delaying or obstructing a public officer, peace officer, or emergency medical technician [\[39.2.A.1\]](#)
 - Obstructing or resisting an executive officer by use of threats or force [\[39.2.A.2\]](#)
 - Threatening a public officer [\[39.2.A.3\]](#)
 - Disarming an officer [\[39.2.A.4\]](#)
 - Removing any weapon, other than a firearm, from an officer [\[39.2.A.5\]](#)
 - Attempting to remove a firearm from a public officer [\[39.2.A.6\]](#)
 - Attempting to escape or escaping from the custody of a peace officer [\[39.2.A.7\]](#)
 - Attempting to escape or escaping from a prison or other place of confinement [\[39.2.A.8\]](#)
 - Attempting to escape or escaping from a county or city jail [\[39.2.A.9\]](#)
 - Attempting to rescue or rescuing [\[39.2.A.10\]](#)
- Recognize the crime classification as a misdemeanor or felony [\[39.2.B\]](#)

Session Time: 2 Hours

Resources:	
<ul style="list-style-type: none"> • Classroom with tables 	
Session Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.	
Outline	Instructor's Notes
I. Identifying and Classifying Crimes that Obstruct the Judicial Process A. Intimidating Witnesses or Victims, PC 136.1(a) [39.1.A.1] 1. Elements a. Any person who knowingly and	Ask a recruit or the whole class "What do you think it means to intimidate a witness or victim?" <ul style="list-style-type: none"> • Allow answers to fulfill TTS • Cover rest of TTS if not mentioned. • Provide examples of each element or have recruits make up examples

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<p>maliciously prevents or dissuades any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law (PC Section 136.1(a)(1))</p> <p>b. Any person who knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law (PC Section 136.1(a)(2))</p> <p>c. Every person who attempts to prevent or dissuade another person who has been the victim of a crime or who is witness to a crime from doing any of the following including but not limited to:</p> <ol style="list-style-type: none">1) Making any report of that victimization to any Peace Officer (PC Section 136.1(b)(1)),2) Causing a complaint to be sought or assisting in the prosecution (PC Section 136.1(b)(2)),3) Arresting the suspect (PC Section 136.1(b)(3)) [39.1.B] <p>2. Felony</p> <p>B. Threats of Retaliation [39.1.A.2]</p> <ol style="list-style-type: none">1. Elements, Every person who:<ol style="list-style-type: none">a. willfully uses force orb. threatens to use force or violencec. upon the person of a witness to, or a victim ofd. a crime ore. any other person, orf. to take, damage, or destroyg. any property of any witness, victim,	<p>Ask a recruit or the whole class “What does it mean to give threats of retaliation?”</p> <ul style="list-style-type: none">• Allow answers to fulfill TTS• Cover rest of TTS if not mentioned
--	--

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<p>or any other person</p> <ul style="list-style-type: none">h. because the witness, victim or other personi. has provided any assistance or informationj. to a law enforcement officer ork. to a public prosecutor in a criminal proceeding orl. juvenile court proceeding <p>2. Felony</p> <p>C. Violating a Court Order, PC 166(a)(4)</p> <ul style="list-style-type: none">1. Elements [39.1.A.3]<ul style="list-style-type: none">a. Any personb. Willfully disobeyingc. The written terms of any process or court order, or out-of-state court orderd. Lawfully issued by any court2. Misdemeanor3. For crime to be complete, court order must<ul style="list-style-type: none">a. Have been properly served on the person, orb. The person must have been present when the order was generated <p>II. Identifying and Classifying Crimes of Obstruction of Law Enforcement</p> <p>A. Resisting an Officer, PC 148(a)(1)</p> <ul style="list-style-type: none">1. Elements [39.2.A.1]<ul style="list-style-type: none">a. Every person whob. Willfully resists, delays, or obstructsc. Any public officer, peace officer, or emergency techniciand. In the discharge or the attempt to dischargee. Any duty of that officer's office or employment2. Misdemeanor3. Peace officers<ul style="list-style-type: none">a. any county sheriff, undersheriff, or	<p>Ask What does it mean to violate a court order?</p> <ul style="list-style-type: none">• Allow answers to cover TTS• Cover rest of TTS if not all mentioned <p><u>TTS 39.2.A.1 - 39.2.A.11 (1 Hour)</u></p> <p>Run Learning Activity # 1</p> <p>Note: See last page for learning activity # 1</p>
--	---

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<ul style="list-style-type: none">deputy sheriff;b. any city or district chief of police or any police officer;c. any marshal or deputy marshal of a municipal court;d. any DA investigator;e. any member of the California Highway Patrol <p>4. Public Officer</p> <ul style="list-style-type: none">a. Building inspectorsb. Health inspectors, et al. <p>5. No physical contact necessary; threats are sufficient</p> <p>6. Obstructing Executive Officers, PC 69</p> <ul style="list-style-type: none">a. Elements [39.2.A.2]<ul style="list-style-type: none">1) Every person who attempts by means of threat or violence2) to deter or prevent3) any executive officer from the performance of that officer's duties, or4) knowingly resists any executive officer5) by the use of force or violence6) in the performance of that officer's dutiesb. Felonyc. Includes peace officers, district attorneys, city attorneys, and police commissioners <p>7. Threatening Public Officers, PC 71</p> <ul style="list-style-type: none">a. Elements [39.2.A.3]<ul style="list-style-type: none">1) Every person who with intent to cause or attempts to cause2) Any<ul style="list-style-type: none">a) Public officer or employee, orb) Officer or employee of any public or private educational institution	
--	--

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<ul style="list-style-type: none">3) To do or refrain from doing4) Any act in the performance of their duties5) By means of a threat6) Directly communicated to the person7) To inflict an unlawful injury upon that person or that person's property, and8) It reasonably appears that the threat could be carried out <p>b. Felony</p> <p>B. Disarming an Officer, PC 148(c)/Attempt Disarming, PC 148(d)</p> <p>1. Elements [39.2.A.4]</p> <ul style="list-style-type: none">a. Every person whob. During the commission of any offense described in (PC148(a)(1)) (resisting, delaying, or obstructing any public officer, peace officer, or emergency technician)c. Removes or takes a firearm (PC 148(c))d. From the person or from the immediate presence of a public officer or peace officer <p>2. To prove Attempt Disarm, PC 148(d), one or more must occur: [39.2.A.6]</p> <ul style="list-style-type: none">a. The officer's holster strap was unfastened by the defendant (PC148(d)(1))b. The firearm was partially removed from the officer's holster by the defendant (PC 148(d)(2))c. The firearm safety was released by the defendant (PC148(d)(3))d. An independent witness corroborates that the defendant stated that he intended to remove the firearm and that the defendant	
--	--

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<p>actually touched the firearm (PC148(d)(4))</p> <ul style="list-style-type: none">e. An independent witness corroborates that the defendant actually had his hand on the firearm and tried to take it from the officer who was holding it (PC148(d)(5))f. The defendant's fingerprint was found on the firearm or holster (PC148(d)(6))g. Physical evidence authenticated by a scientifically verifiable procedure established that the defendant touched the firearm (PC148(d)(7))h. In the course of any struggle, the officer's firearm fell and the defendant attempted to pick it up (PC148(d)(8)) <p>3. Felony</p> <p>4. Removing any weapon other than firearm, PC 148(b)</p> <ul style="list-style-type: none">a. Elements [39.2.A.5]<ul style="list-style-type: none">1) Every person who2) During the commission of any offense described in Penal Code Section 148(a) (resisting, delaying, or obstructing any public officer, peace officer, or emergency technician)3) Removes or takes any weapon other than a firearm from the person of4) Or in the immediate presence of a public officer or peace officer5) While that officer is engaged in the performance of the officer's dutiesb. Felony <p>C. Escape PC 836.6(a)/Attempt Escape PC</p>	
--	--

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

836.6(b)

1. Elements [\[39.2.A.7\]](#)
 - a. Any person who has been
 - b. Remanded by a magistrate or judge to the custody of a sheriff, marshal or other police agency,
 - c. And thereafter escapes or attempts to escape from that custody, or
 - d. Any person who has been
 - e. Lawfully arrested by a peace officer, and
 - f. Who knows or reasonably should have known that he/she was arrested, and
 - g. Who thereafter escapes or attempts to escape from the peace officer
2. Misdemeanor unless done with force or violence and causes SBI to officer, then felony
3. Escape/attempt escape from state prison through force or violence, PC 4530(a) [\[39.2.A.8\]](#)
 - a. Every prisoner confined in a state prison who,
 - 1) By force or violence,
 - 2) Escapes or attempts to escape and
 - b. Every prisoner committed to a state prison who,
 - c. By force or violence,
 - d. Escapes or attempts to escape
 - 1) While being conveyed to or from such prison or
 - 2) Any other state prison, or as delineated in Penal Code Section 4350(a)
 - 3) While under the custody of prison officials, officers or employees;
 - 4) While at work outside or away

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<p>from</p> <p>5) Prison under custody of prison officials, officers, or employees</p> <p>e. Felony</p> <p>4. Escape/attempt escape from state prison without force or violence, PC 4530(b)</p> <p>a. Elements</p> <p>1) Every prisoner who</p> <p>2) Commits an escape or</p> <p>3) Attempts an escape as described in subdivision (a)</p> <p>4) Without force or violence</p> <p>b. Failure to return from temporary release, such as work or education release, at the specified time is considered an escape</p> <p>c. Felony</p> <p>5. Escape from county/city jail or home detention, PC 4532</p> <p>a. Elements [39.2.A.9]</p> <p>1) Every person who has been</p> <p>2) Arrested and booked for, charged with, or convicted of a misdemeanor, or</p> <p>3) Committed as an inebriate under WIC Sections 5654, 5656, or 5677, and</p> <p>4) Is confined to any county or city jail, prison, or industrial farm, or is authorized for temporary release for work, education or family emergency, or participates in a home detention program pursuant to PC 1203.016, and</p> <p>5) Who thereafter attempts to escape or escapes from that custody</p> <p>b. Felony</p>	
---	--

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

<p>D. Rescue</p> <ol style="list-style-type: none">1. Rescue, PC 4550<ol style="list-style-type: none">a. Elements [39.2.A.10]<ol style="list-style-type: none">1) Every person who2) Rescues or attempts to rescue, or3) Aids another in rescuing or attempting to rescue any prisoner from any:<ol style="list-style-type: none">a) Prison,b) Road camp,c) Jail, ord) Officer or person having that prisoner in lawful custodyb. Felony	
---	--

Learning Activity # 1

Purpose: To provide the recruits with the basic knowledge necessary to identify the elements of crimes that obstruct law enforcement, develop the probable cause to arrest, and successfully prosecute.

Description:

1. Provide the recruits with either the “Side 1 or Side 2” handouts
2. Assign each learning team one or more of the following categories and/ or subcategories (depending on the size of the class):
 - a. Provide half of the recruits in the class (i.e. if there are 50 recruits, provide 25 recruits) with the “Side 1” handout. This handout contains the elements of the crimes.
 - b. Provide the other half with the “Side 2” handout. This handout contains the titles of the crimes.
 - c. Option 1: Have the learning teams fold along the lines of their handouts and then neatly tear along the lines so they have individual flash cards (8 total)
 - d. Option 2: Cut out the flash cards prior to the start of class. Have each learning team present their category, in order, starting from the time of arrest to the time of release from prison, parole, acquittal, etc...
3. Providing the class with approximately 10 minutes, have the recruits, with one type of handout, locate another recruit with the other type of handout. (i.e. if the recruit has a Side 1 handout, then have them locate someone with a Side 2 handout. If there are an odd number of recruits in the class, have one group work in a team consisting of 3 members.
4. The purpose of this exercise is to allow the recruits to move about the classroom, identify partnerships, and to work with other recruits other than those in their learning team toward a common goal.
5. When the recruit locates another recruit with the opposite handout, have them work together and match the elements of the crimes to their appropriate titles.
6. If needed, conduct a review of the crimes to ensure that the recruits matched their cards correctly.
7. Using the Fact Pattern Exercise, read each fact pattern to the class.
8. As each fact pattern is read, the recruits, still working in their pairs, will evaluate the fact pattern and determine the crime(s) committed.
9. Once they determined the crime(s) committed, they will locate and hold up the title of the crime(s) that applied to the fact pattern.
10. Conduct a facilitated discussion and ensure to cover all of TTS 39.2.A and their crime classification.

Resources needed:

- Classroom

Handouts:

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

- Side 1 and 2 handouts

Time required: 1 Hour

ELEMENTS

- Every person who

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

- Willfully resists, delays, or obstructs
 - Any public officer, peace officer, or emergency technician
 - In the discharge or the attempt to discharge
 - Any duty of that officer's office or employment
-

- Every person who attempts
 - By means of threat or violence,
 - To deter or prevent
 - Any executive officer from the performance of that officer's duties, or
 - Knowingly resists any executive officer,
 - By the use of force or violence, - In the performance of that officer's duties
-

- Every person who
 - o With the intent to cause,
 - o Attempts to cause, or causes
 - Any:
 - o Public officer or employee, or
 - o Officer or employee of any public or private educational institution
 - To do or refrain from doing
 - Any act in the performance of their duties,
 - By means of a threat
 - Directly communicated to the person,
 - To inflict an unlawful injury upon that person or that person's property, and
 - It reasonably appears that the threat could be carried out
-

- Any person who has been
 - Remanded by a magistrate or judge to the custody of a sheriff, marshal or other police agency, and
 - Thereafter escapes or attempts to escape from that custody, or
 - Any person who has been lawfully arrested by a peace officer, and
 - Who knows or reasonably should have known that he/ she was arrested, and
 - Who thereafter escapes or attempts to escape from the peace officer
-

- Every prisoner confined in a state prison who,
 - o By force or violence
 - o Escapes or attempts to escape and

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

- Every prisoner committed to a state prison who,
 - By force or violence,
 - Escapes or attempts to escape
 - o While being conveyed to or from such prison or
 - o Any other state prison, or a delineated in 4350(a) PC
 - o While under the custody of prison officials, officers or employees;
 - o While at work outside or away from o Prison under custody of prison officials, officers, or employees
-

- Every person who
 - Commits an escape or
 - Attempts an escape as described in 4350(a) PC
 - Without force or violence
-

- Every person who
 - Rescues or attempts to rescue, or
 - Aids another in rescuing or attempting to rescue
 - Any prisoner from any:
 - o Prison
 - o Road camp
 - o Jail, or
 - o Officer or person having that prisoner in lawful custody
-

- The taking
- By means of a riot
- Of any person
- From the lawful custody of any peace officer

CRIME

EV10 - Quality of Life
Session 01 - Crimes Against the Justice System
LD39 - Crimes Against the Justice System

Penal Code Section 148(a)(1)

Resisting delaying, or obstructing any public officer, peace officer, or emergency technician

Penal Code Section 69

Obstructing or resisting an executive officer

Penal Code Section 71

Threatening public officers and employees, and school officials

Penal Code Section 836.6

Attempting to escape, or escaping from the custody of a peace officer

Penal Code Section 4530

Attempting to escape or escaping from a state prison

Penal Code Section 4532

Attempting to escape or escaping from a county or city jail or home detention

Penal Code Section 4550

Rescue or rescuing

Penal Code Section 405(a)

Lynching