

Law Enforcement Test 3 Study Guide

Ch. 6 Review Questions

1. Why are the police sometimes called the gatekeepers to the criminal justice process?
 - One role of a police officer is to enforce the criminal law. What we mean here is that the decision to arrest a person triggers the Criminal Justice process.

2. Explain how *corpus delicti* , *mens rea*, and *actus rea* relate?
 - Corpus Delicti: Body of a crime.
 - The body of a crime contains two parts, the mens rea and the actus rea.
 - Mens Rea: "The guilty mind" and refers to the mental state of the suspect. (Mens rea means the suspect has the ability to form criminal intent.)
 - Actus Rea: Pertains to the elements or physical acts that define a particular crime.

3. Give some examples of a lack of mens rea.
 - Juveniles (7-10): Do not have the ability to form criminal intent.
 - A *mentally retarded* person may not understand the consequences of his or her actions.
 - Someone suffering from a *psychological disorder* might not really know what he or she is doing.
 - An *elderly person* who is senile also could fall within this category.
 - Instead of arresting these people, an officer may take them into *protective custody* for safety reasons if they are dangerous to themselves, others, or property.
 - The Model Penal Code explains that "Intoxication does not, in itself, constitute mental disease".

4. What is the difference b/w a felony and a misdemeanor?

- Actus re differentiates a felony offense from a misdemeanor violation.
- A felony is a serious crime punishable by more than one year imprisonment.
- A misdemeanor is a minor crime that carries a maximum confinement of up to one year.
- In some states a person who steals a bicycle valued at \$250 a felony. In other states, this theft might be a misdemeanor. As you can see, the same behavior can carry different penalties, depending upon the crime classification and geographical jurisdiction.
- Generally speaking, an officer may not make an arrest for a misdemeanor unless that crime takes place in his or her presence. A felony arrest carries no such restriction.
- An officer should not be so much concerned with mens rea as much as actus rea.

5. Define homicide.

- The killing of one human being by another. Two generable classes of homicide: Lawful and Unlawful.
- Deaths due to accidents, during war time, or from legal executions are not considered to be homicides.

6. What does a justifiable homicide mean?

- Lawful. Involves the use of lethal force to prevent serious injury or death to another or to oneself. Ex:// Officer kills a robber who is shooting a gun at people.
- *Stand your ground law*. Relieves a civilian of the duty to retreat under certain conditions and allows that person to use whatever force is necessary to defend his or her well being.
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7. To what does an excusable homicide refer?

- Lawful. Refers to a death which results from an accident or sheer misfortune.

State laws usually divide unlawful homicide into two types:

Murder & Manslaughter

8. What constitutes murder?

- A criminal homicide is murder when "it is committed purposely or knowingly; or it is committed recklessly under circumstances manifesting extreme indifference to the value of human life.

9. What is first-degree murder?

- Involves malice aforethought, deliberation and premeditation

10. Define malice aforethought, deliberation, and premeditation.

- Malice Aforethought: The intent to commit a felony or to cause death or serious harm.
- Deliberation: Means that the person has thought over the consequences and has still decided to kill the victim.
- Premeditation: Implies that the person planned to carryout the killing.
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11. What is included under manslaughter?

- It involves negligence or takes place "under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or cause"
- Manslaughter is an unlawful murder characterized by a lack of premeditation. It is an intermediate crime which lies half-way between the more serious crime of murder, at the one extreme, and, at the other extreme, justifiable, or excusable homicide, which is not criminal at all.
- Manslaughter can be either voluntary or involuntary.

12. What 4 conditions make up "heat of passion?"

- The provocation must be reasonable
- The death must take place during the heat of passion