

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 25 ESCAPE AND RELATED OFFENSES
HOURS:	.5
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: 2.11.25.1 Given a copy of A.R.S. Title 13 and a written, verbal or visual description depicting the possible commission of the following crime(s), identify if a crime occurred and, if so, the appropriate code section and crime classification: A. Hindering prosecution – A.R.S. §§13-2510 through 13-2512. B. Escape – A.R.S. §§13-2502 through 13-2504. C. Failure to appear – A.R.S. §§13-2506 and 13-2507. D. Resisting arrest – A.R.S. §13-2508.

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW
CHAPTER 25 ESCAPE AND RELATED OFFENSES

PAGE: 2

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	Sgt. George Sloane 12817, T. P.D.	DATE: August 2002
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AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: March 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 25 Escape & Related Offenses

DATE RELEASED TO SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan.

II. 13-2501 DEFINITIONS

- A. Contraband – means any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive, wireless communication device, including multimedia storage device or any article whose use or possession would endanger the safety, security or preservation of order in a correctional facility or of any person therein.
- B. Correctional facility – means any place used for the confinement or control of a person:
 - 1. Charged with or convicted of an offense; or
 - 2. Held for extradition; or
 - 3. Pursuant to an order of the court for law enforcement purposes.
- C. Custody – means the imposition of actual or constructive restraint pursuant to an on-site arrest or court order but does not include detention in a correctional facility, juvenile detention center or state hospital.
- D. Escape – means departure from custody or a correctional facility with knowledge that such departure is unpermitted or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.
 - 1. NOTE: A person "escapes" if he/she is on a work-release program and fails to return to the correctional facility.

III. 13-2502 – ESCAPE IN THE THIRD (3RD) DEGREE

P. O. 2.11.25.1B

- A. A person commits escape in the third (3rd) degree if (having been arrested for, charged with or found guilty of a misdemeanor or petty offense) such person knowingly escapes or attempts to escape from custody.
- B. Escape in the third (3rd) degree is a felony.

IV. 13-2503 – ESCAPE IN THE SECOND (2ND) DEGREE

P. O. 2.11.25.1B

- A. A person commits escape in the second (2nd) degree by knowingly:
 - 1. Escaping, or attempting to escape, from a juvenile secure-care facility, a juvenile

detention facility or an adult correctional facility; or

2. Escaping, or attempting to escape, from custody after having been arrested for, charged with or found guilty of a felony.
 3. Escaping, or attempting to escape, from the Arizona State Hospital if the person was committed pursuant to § 8-291.09, 13-502, 13-3994, 13-4507, 13-4512 or 31-226 or rule 11 of the Arizona rules of criminal procedure.
 4. Escaping or attempting to escape from the Arizona state hospital if the person was committed to the hospital for treatment pursuant to Title 36, Chapter 37. Chapter 37.
- B. Escape in the second (2nd) degree is a felony under sections A. 1, A.2, and A.4. It is a misdemeanor under section A.3.

V. 13-2504 – ESCAPE IN THE FIRST (1ST) DEGREE

P. O. 2.11.25.1B

- A. A person commits this crime by knowingly escaping or attempting to escape from custody or a juvenile secure care facility, juvenile detention facility or an adult correctional facility by:
1. Using, or threatening to use, physical force against another person; or
 2. Using, or threatening to use, a deadly weapon or dangerous instrument against another person.
- B. Escape in the first (1st) degree is a felony.

VI. 13-2506 – FAILURE TO APPEAR – SECOND (2ND) DEGREE (L16, CH. 95, SEC. 1. EFF. 1/1/17)

P. O. 2.11.25.1C

- A. A person commits failure to appear in the second (2nd) degree if, having either:
1. Been required by law to appear in connection with any misdemeanor or petty offense, the person knowingly fails to appear as required, regardless of the disposition of the charge requiring the appearance.
 2. Given a written promise to appear in court or been personally served with a written notice to appear on a designated date pursuant to section 13-3903, the person thereafter fails to appear, personally or by counsel.
- B. This is a misdemeanor.

VII. 13-2507 – FAILURE TO APPEAR – FIRST (1ST) DEGREE

P. O. 2.11.25.1C

- A. A person commits failure to appear in the first (1st) degree if, having been required to appear in connection with a felony, such person knowingly fails to appear.

- B. This is a felony.

VIII. 13-2508 – RESISTING ARREST

P. O. 2.11.25.1D

- A. A person commits resisting arrest by intentionally preventing, or attempting to prevent, a person reasonably known to him/her to be a peace officer, acting under color of his/her official authority, from effecting an arrest by: **INSTRUCTOR NOTE:** *The officer does not have to announce that the person is under arrest for the person to be convicted of resisting arrest.*
 - 1. Using, or threatening to use, physical force against the peace officer or another; or
 - 2. Using any other means creating a substantial risk of causing physical injury to the peace officer or another.
 - 3. Engaging in passive resistance.
- B. A.1 and A.2 are felonies. A.3 resisting arrest is a misdemeanor. (State v. Baker, 227 Ariz. 89 (CA1 2011))
- C. For the purposes of this section, "passive resistance" means a nonviolent physical act or failure to act that is intended to impede, hinder or delay the effecting of an arrest.

IX. 13-2509 – RESISTING AN ORDER DIRECTING, REGULATING OR CONTROLLING MOTOR VEHICLE; CLASSIFICATION

- A. A person commits resisting an order directing, regulating or controlling a motor vehicle by knowingly failing to obey an order of a person reasonably known to him to be a peace officer, acting under color of such officer's official authority, directing, regulating or controlling his vehicle.
- B. Resisting an order directing, regulating or controlling a motor vehicle is a misdemeanor.

X. 13-2510 – HINDERING PROSECUTION – DEFINITIONS

P. O. 2.11.25.1A

- A. For the purposes of A.R.S. §§13-2511 and 13-2512, a person renders assistance to another by knowingly:
 - B. Harboring or concealing such person; or
 - C. Warning such a person of impending discovery, apprehension, prosecution or conviction. (This does not apply to a warning given with an effort to bring the offender into compliance); or
 - D. Providing such person with money, transportation, weapons, disguises, etc; or
 - E. Preventing or obstructing by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of

such person; or suppressing by an act of concealment, alteration or destruction any physical evidence that might aid in the discovery, apprehension, etc., of such person.

XI. 13-2511 – HINDERING PROSECUTION – SECOND (2ND) DEGREE

P. O. 2.11.25.1A

- A. A person commits this offense if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for any misdemeanor or petty offense, such person renders assistance to such person.
- B. This crime is a misdemeanor.

XII. 13-2512 – HINDERING PROSECUTION – FIRST (1ST) DEGREE

P. O. 2.11.25.1A

- A. The same as A.R.S. §13-2511, except for a felony offense.
- B. Hindering prosecution in the first degree is a felony, except that it is a felony if either:
 - 1. The person knows or has reason to know that the offense involves terrorism or murder.
 - 2. The person commits the offense with the intent to promote, further or assist a criminal street gang.

XIII. 13-2513 – FAILURE TO DISCHARGE DUTIES

- A. A person who has custodial responsibility and who intentionally fails to discharge those duties is guilty of a misdemeanor if that failure results in any of the following:
 - 1. The escape of a prisoner.
 - 2. Serious physical injury to, or the death of, any other person or prisoner.
- B. For the purposes of this section, "custodial responsibility" means having responsibility for the care, management or control of a prisoner who is committed to the state Department of Corrections.

XIV. 13-2514 – PROMOTING SECURE CARE FACILITY CONTRABAND

- A. A person, not otherwise authorized by law, commits promoting secure-care facility contraband by knowingly doing any of the following:
 - 1. Taking contraband into the grounds of or into a secure-care facility under the jurisdiction of the Department of Juvenile Corrections.
 - 2. Conveying contraband to any person confined in a secure-care facility under the jurisdiction of the Department of Juvenile Corrections.

3. Making, obtaining or possessing contraband while being confined in a secure-care facility under the jurisdiction of the Department of Juvenile Corrections.
 - B. Except for information protected under attorney/client privilege, any person who has reasonable grounds to believe there has been a violation, or attempted violation, of this section shall immediately report the violation, or attempted violation, to the official in charge of the facility or to a peace officer.
 - C. Promoting secure-care facility contraband if the contraband is a deadly weapon, dangerous instrument or explosive is a felony.
 - D. Promoting secure-care facility contraband if the contraband is a dangerous drug, narcotic drug or marijuana is a felony.
 - E. In all other cases, promoting secure-care facility contraband is a felony.
 - F. Failure to report a violation, or attempted violation, of this section is a felony.
 - G. Notwithstanding any law to the contrary, any person convicted of a violation of this section shall be prohibited from employment by this state, or any of its agencies, or political subdivisions until the person's civil rights have been restored pursuant to Chapter 9 of this title.

XV. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).