Sex Crimes, Family Offenses, Related Offenses

Classroom Hours: 2 hrs.

Instructional Goals:

The focus of this course is to familiarize both returning officers and officers who have been certified in states other than Oregon with:

1. Sex offenses involving minors, according to ORS.
2. Offenses involving the well-being of minors and the differing degrees of those offenses, according to ORS.

Learning Outcomes:

Upon completion of this course, students will be able to:

1. Define sex offenses involving minors.
2. Determine offenses committed involving the well-being of minors and the degree of the offense.

Applicable Job Task Analysis Tasks (From 2009 Police JTA)

55 – Administrative Rules
56 – Civil Violations
58 – Criminal Law
63 – Juvenile Law
64 - Legal Updates/Evolving Law
70 – Stops, Detentions and Arrests
100 – Complete ongoing training

There are 11 test questions involving Sex Crimes, Family Offenses, Related Offenses.
Kidnapping and Related Offenses

1. Kidnapping II – ORS 163.225
   a. Case law discussion
      - As to the “intent requirement,” the court in State v. Wolleat, 338 Or.469 (2005),
        considered whether there is some minimum distance a defendant must intend to move the
        victim before a reasonable juror can say defendant intended to interfere substantially with
        the victim’s personal liberty. It concluded that for a defendant to act with intent to
        interfere “substantially” with another's personal liberty, defendant need not move the
        victim a substantial distance or confine the victim for a substantial period of time, but
        rather “must intend either to move the victim a ‘substantial distance’ or to confine the
        victim for a ‘substantial period of time.’”
      - In contrast, the history and wording of the “asportation element” in ORS 163.225(1)(a)
        indicate that the legislature did not intend to incorporate a “substantial distance”
        requirement into the statute when they used the phrase “from one place to another.” The
        state is not required to prove that defendant actually took a victim a “substantial
        distance,” in order to prove that defendant took the victim “from one place to another.”
        State v. Sierra, 349 Or 506 (2010). However, a defendant can be said to have moved a
        victim from “one place” to “another” only when the defendant changes the position of the
        victim such that, as a matter of situation and context, the victim’s ending place is
        qualitatively different from the victim’s starting place.
      - Case law has also identified an additional requirement contained within the “act”
        element. The taking of the victim must not be only “incidental” to another crime.
   b. Examples:
      - Child under age of 16, who is taken without consent of lawful guardian. See ORS
        163.215 (1)
      - Intended rape
   c. Note: If the suspect has the purpose of forcibly raping the victim, he has the purpose of causing
      physical injury. Therefore, correct charge may be Kidnap I. See State v. Strickland, 36 Or. App.
      119 (1978)

2. Kidnapping I – ORS 163.235 Custodial Interference II – ORS 163.245

3. Custodial Interference I – ORS 163.257

Sexual Offenses

1. Rape III – ORS 163.355
   a. Sexual intercourse definition ORS 163.305 (7)
   b. Example: Twenty-year old suspect has consensual sexual intercourse with a 15-year old victim.

2. Rape II – ORS 163.365
   Example: Suspect has sexual intercourse with his family’s 13-year old babysitter.

3. Rape I – ORS 163.375
   a. Forcible compulsion definition ORS 163.305 (2)
   b. Examples:
      - Suspect has sexual intercourse with victim by threatening to kill her if she refuses
      - Suspect has sexual intercourse with an 11-year old.
      - Suspect has sexual intercourse with 15-year old stepchild.
      - Suspect has sexual intercourse with the victim, who is comatose and a resident of a
        nursing facility.

4. Sodomy III – ORS 163.385
   a. Deviate sexual intercourse definition ORS 163.305 (1)
   b. Example: Twenty-year suspect has consensual anal intercourse with a 15-year old victim.

5. Sodomy II – ORS 163.395
   Example: Suspect convinces a 13-year old to orally copulate suspect.

6. Sodomy I – ORS 163.405