

Criminal Responsibility

by Sophia Tutorial



WHAT'S COVERED

In this lesson, you will learn about the factors that determine whether someone can be held responsible for a crime. Specifically, this lesson will cover:

1. Responsibility in General
2. Defenses to Responsibility
 - a. Mistake of Fact and Mistake of Law
 - b. Entrapment
 - c. Lack of Capacity
 - d. Other Excuses

1. Responsibility in General

The *mens rea* requirement for a crime to take place depends on the nature of the crime and all the circumstances surrounding the act. In general, though, the requirement means that the accused must in some way have intended the criminal consequences of his act.

IN CONTEXT

Suppose that Charlie gives Gabrielle a poison capsule to swallow. That is the act. If Gabrielle dies, is Charlie guilty of murder? The answer depends on what his state of mind was. Obviously, if he gave it to her intending to kill her, the act was murder.

What if he gave it to her knowing that the capsule was poison but believing that it would only make her mildly ill? The act is still murder, because we are all liable for the consequences of any intentional act that may cause harm to others.

But now suppose instead that Gabrielle had asked Charlie for aspirin, and he handed her two pills that he reasonably believed to be aspirin (they came from the aspirin bottle and looked like aspirin) but that turned out to be poison. The act would not be murder, because Charlie had neither intent nor a state of knowledge from which intent could be inferred.

Not every criminal law requires criminal intent as an ingredient of the crime. Many regulatory codes dealing

with public health and safety impose strict requirements. Failure to adhere to such requirements is a violation, whether or not the violator had *mens rea*.

IN CONTEXT

In *United States v. Park*, a manager of a corporation was prosecuted under the Food, Drug, and Cosmetic Act for rodent infestation in a grocery store.

This was considered a **strict liability crime** that does not require *mens rea*. Other examples of strict liability crimes that do not require *mens rea* are statutory rape, selling alcohol to minors, and traffic offenses.



TERM TO KNOW

Strict Liability Crimes

Crimes that do not require the element of mens rea (criminal intent). Examples: statutory rape, selling alcohol to minors, some traffic offenses.

2. Defenses to Responsibility

Certain excuses or defenses may limit or overcome criminal responsibility, depending on the circumstances.

2a. Mistake of Fact and Mistake of Law

Ordinarily, ignorance of the law is not an excuse.

➞ **EXAMPLE** If you believe that it is permissible to turn right on a red light, but the city ordinance prohibits it, your belief, even if reasonable, does not excuse your violation of the law.

Under certain circumstances, however, ignorance of the law will be excused.

➞ **EXAMPLE** If a statute imposes criminal penalties for an action taken without a license, and if the government official responsible for issuing the license formally tells you that you do not need one (though in fact you do), a conviction for violating the statute cannot stand.

In rare cases, a lawyer's advice, contrary to the statute, will be held to excuse the client, but usually the client is responsible for his attorney's mistakes. Otherwise, as it is said, the lawyer would be superior to the law.

Ignorance or mistake of fact more frequently will serve as an excuse.

➞ **EXAMPLE** If you take a coat from a restaurant, believing it to be yours, you cannot be convicted of larceny if it is not. Your honest mistake of fact negates the requisite intent.

In general, the rule is that a mistaken belief of fact will excuse criminal responsibility in the event that:

1. The belief is honestly held,
2. it is reasonable to hold it, and

3. the act would not have been criminal if the facts were as the accused thought them to be.

2b. Entrapment

One common technique of criminal investigation is the use of an undercover agent or decoy— the police officer who poses as a buyer of drugs from a street dealer or the elaborate “sting” operations in which ostensibly stolen goods are “sold” to underworld “fences.”

Sometimes these methods are the only way by which certain kinds of crime can be rooted out and convictions secured. But a rule against **entrapment** limits the legal ability of the police to play the role of criminals.

The police are permitted to use such techniques to detect criminal activity; they are not permitted to do so to instigate crime. The distinction is usually made between a person who intends to commit a crime and one who does not.

IN CONTEXT

If the police provide a suspect with an opportunity to commit a criminal act, such as the sale of drugs to an undercover agent, there is no defense of entrapment.

But if the police knock on the door of one not known to be a drug user and persist in demanding that he purchase drugs from them, finally overcoming his will to resist, a conviction for purchase and possession of drugs can be overturned on the ground of entrapment.



TERM TO KNOW

Entrapment

The act of government agents to induce a person to commit a crime when the idea originates with the government and the person was not disposed to commit the crime, constituting a defense to the crime.

Elements are: 1. government inducement of the crime, and 2. the defendant's lack of predisposition to engage in the criminal conduct.

2c. Lack of Capacity

A further defense to criminal prosecution is the lack of mental **capacity** to commit the crime.

Infants and children are considered incapable of committing a crime; under common law, any child under the age of seven could not be prosecuted for any act. The age of incapacity now varies from state to state and is usually defined by statutes.

Likewise, insanity or mental disease or defect can be a complete defense. Intoxication can be a defense to certain crimes, but the mere fact of drunkenness is not ordinarily sufficient.



TERM TO KNOW

Capacity

In criminal law, the legal qualification or competency to commit a crime. Capacity can be lacking in children and infants as well as in mentally infirm individuals.

2d. Other Excuses

Other circumstances that can limit or excuse criminal liability include:

1. Compulsion

➞ **EXAMPLE** A gun pointed is pointed at someone's head by a masked man who apparently is unafraid to use the weapon and who demands that the person help him rob a store.

2. True consent of the “victim”

➞ **EXAMPLE** A quarterback is injured after being tackled during a football game.

3. Compliance with legitimate public authority lawfully exercised

➞ **EXAMPLE** A policeman directs a towing company to remove a car parked in a tow-away zone.

4. Defense of self, others, property, and habitation

Each of these excuses is a complex subject in itself.



TERM TO KNOW

Compulsion

A defense to a criminal act that states the actor was physically forced to commit the act.



SUMMARY

In this lesson, you learned that *mens rea* (criminal intent) is a required element of criminal **responsibility in general**, although exceptions for strict liability crimes involving health, safety, or environmental regulations exist. The law does provide certain **defenses to responsibility** that excuse individuals from criminal liability, such as **mistakes of fact and mistakes of law, entrapment, and lack of capacity**. **Other excuses** include circumstances involving compulsion, consent, compliance, and defense.

Best of luck in your learning!

Source: This content has been adapted from Lumen Learning's "Responsibility" tutorial.



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