Test Bank for Criminal Procedure From First Contact to Appeal 6th Worrall

Access Complete Test Bank for Criminal Procedure From First Contact to Appeal 6th Worrall

***Criminal Procedure: From First Contact to Appeal, 6e* (Worrall)**
Chapter 2 Remedies

2.1 Multiple Choice Questions

1) Which rule provides that evidence obtained in violation of the Constitution cannot be used in a criminal trial to prove guilt?
A) The exclusionary rule
B) The fair examination rule
C) The indoctrination rule
D) The prior criminal procedure rule
Answer: A
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

2) There are two types of remedies:
A) Extralegal and legal
B) Illegal and interlegal
C) Legal and intralegal
D) Extralegal and illegal
Answer: A
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

3) Extralegal remedies are:
A) Remedies made available by the law, by court decisions, or by a police policy or procedure
B) Remedies made through government action
C) Remedies conducted outside the legal process
D) Remedies that follow a formal process
Answer: C
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

4) Which of the following is the most frequently discussed remedy in criminal procedure?
A) Constitutional law
B) Exclusionary rule
C) Criminal law
D) Legal remedies
Answer: B
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

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5) Which of the following is a criticism of the exclusionary rule?
A) The rule excludes reliable evidence.
B) The rule does very little to deter police misconduct.
C) The rule creates public cynicism towards the judicial system.
D) The rule deters police misconduct.
Answer: B
Page Ref: 36
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

6) Which of the following is an argument in support of the exclusionary rule?
A) The rule is beneficial because it helps innocent people.
B) Innocent people have been subjected to more unconstitutional searches.
C) The exclusionary rule is disproportionate in terms of its consequences.
D) The exclusionary rule fails to serve as a general deterrent.
Answer: A
Page Ref: 37
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

7) The exclusionary rule does NOT apply in:
A) *Habeas corpus* proceedings
B) Parole revocation hearings
C) Grand jury investigations
D) All of the above
Answer: D
Page Ref: 37
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

8) Which exception to the exclusionary rule provides that when an honest mistake is made during the course of a search or a seizure, any subsequently obtained evidence will be considered admissible?
A) Parole
B) Revocation
C) Good faith
D) Impeachment
Answer: C
Page Ref: 38
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

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9) Which rule excludes additional evidence later obtained in an investigation that was the result of an initial illegal search?
A) Bad faith rule
B) Silver platter rule
C) Purged taint
D) Fruit of the poisonous tree
Answer: D
Page Ref: 40
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

10) Exceptions to the fruit of the poisonous tree doctrine include:
A) Purged taint
B) Independent source
C) Inevitable discovery
D) All of the above
Answer: D
Page Ref: 41-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

11) Which exception to the fruit of poisonous tree doctrine permits the introduction of evidence if it has become attenuated to the extent that it dissipated the taint of the initial unconstitutional act?
A) Independent source exception
B) Purged taint exception
C) Inevitable exception
D) Questionable procedure exception
Answer: B
Page Ref: 41
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

12) Which exception to the fruit of the poisonous tree doctrine permits the introduction of evidence if it has arrived via an independent source, such as a party disconnected from the case at hand?
A) Independent source exception
B) Purged taint exception
C) Inevitable exception
D) Questionable procedure exception
Answer: A
Page Ref: 43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

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13) Which exception to the fruit of the poisonous tree doctrine permits the introduction of evidence if it would have been discovered anyway?
A) Independent source exception
B) Purged taint exception
C) Inevitable exception
D) Questionable procedure exception
Answer: C
Page Ref: 43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

14) At the federal level, the most common statute for holding police officers criminally liable is:
A) 18 U.S.C. Section 242
B) 18 U.S.C. Section 1983
C) 18 U.S.C. Section 1982
D) 18 U.S.C. Section 243
Answer: A
Page Ref: 44
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

15) To be held liable under Section 242, a law enforcement officer must:
A) Negate a person's rights without forethought
B) Unintentionally deny an individual his or her rights
C) Act with specific intent to deprive a person of important constitutional (or other federal) rights
D) Inadvertently impose restrictions on a person's constitutional rights
Answer: C
Page Ref: 44
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

16) In order for criminal liability to be imposed under Section 242, a(n) _____ right must be clearly established.
A) Constitutional
B) Inalienable
C) Legal
D) Ethical
Answer: A
Page Ref: 44
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

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17) 42 U.S.C Section 1983 is used for:
A) Criminal liability
B) Civil liability
C) Misdemeanor charges
D) None of the above
Answer: B
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

18) A defense that shields police officers from criminal liability when performing certain official functions, such as using deadly force, is referred to as:
A) Public duty defense
B) Immunity defense
C) Injunctive relief defense
D) Exception defense
Answer: A
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

19) Police officers act under color of law when they:
A) Fail to file official documents
B) Wear plain clothes during off-duty hours
C) Identify themselves as officers
D) Settle a personal vendetta
Answer: C
Page Ref: 47
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

20) In the Section 1983 context, the requirement that the plaintiff (i.e., the party suing) generally has to prove that the defendant officer intended for the violation to occur is referred to as:
A) Liability
B) Credibility
C) Accountability
D) Culpability
Answer: D
Page Ref: 48
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

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21) In the Section 1983 context, the theory that the officer who allegedly committed the constitutional rights violation should be held liable is referred to as:
A) Individual liability
B) Criminal liability
C) Culpability
D) Civil liability
Answer: A
Page Ref: 49
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

22) There are three nonjudicial remedies available for police misconduct. Which are of the following is/are NOT one of them?
A) Internal review
B) Civilian review
C) Mediation
D) All of the above
Answer: D
Page Ref: 51
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

23) A nonjudicial remedy in which the police investigate on their own complaints against officers is:
A) Internal review
B) Civilian review
C) Mediation
D) Judicial review
Answer: A
Page Ref: 51
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

24) Which is the strongest method of citizen input in which a civilian panel investigates, adjudicates, and recommends punishment to the police chief?
A) Internal review
B) Civilian review
C) Mediation
D) Judicial review
Answer: B
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

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25) A method of alternative dispute resolution in which a neutral third party renders disciplinary decisions is referred to as:
A) Internal review
B) Civilian review
C) Mediation
D) Judicial review
Answer: C
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

26) William A. Geller has argued which of the following points regarding civilian input into the process of investigating complaints against police?
A) It is difficult for people that are disconnected from the police department to have an adequate understanding of the internal operations of a civilian review board.
B) It is beneficial for an objective look at the internal workings of police departments.
C) It is crucial in the use of existing resources at citizen's disposal.
D) It is effective in investigating civilian complaints.
Answer: A
Page Ref: 53
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

27) _____ in the complaint process will produce (1) more objective and more thorough investigations, (2) a higher rate of sustained complaints and more disciplinary actions against guilty officers, (3) greater deterrence of police misconduct (through both general and specific deterrence), and (4) higher levels of satisfaction on the part of both individual complainants and the general public.
A) Citizen involvement
B) Internal review involvement
C) Mediation
D) Government review involvement
Answer: A
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

28) During mediation, a neutral third party is often referred to as a(n):
A) Ombudsman
B) Mediator
C) Arbitrator
D) All of the above
Answer: D
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

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29) Which of the following is a key characteristic of the ombudsman system?
A) It is independent of the complaint and the person being complained against.
B) The ombudsman should be a person to whom people may feel comfortable bringing grievances connected with the government.
C) The ombudsman stands between the citizen and the government, acting as something of an intermediary.
D) All of the above
Answer: D
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

30) This remedy involves a neutral third party rendering decisions and is the most desirable approach to address problems of police misconduct?
A) Internal review
B) Civilian review
C) Mediation
D) Nonjudicial review
Answer: C
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

2.2 True/False Questions

1) The most significant remedy in criminal procedure is the exclusionary rule because it requires that evidence obtained in violation of the Constitution cannot be used in a criminal trial to prove guilt.
Answer: TRUE
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

2) Whenever law enforcement violates one or more of the Fourth, Fifth, Sixth, and Fourteenth Amendments, the evidence resulting from such a violation will not be admissible in a court of law.
Answer: TRUE
Page Ref: 35
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

3) In *Elkins vs. United States* the United States Supreme Court decided that the exclusionary rule applied to the states in cases involving Fourth Amendment violations.
Answer: FALSE
Page Ref: 36
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

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4) Extralegal remedies are considered effective alternatives to legal remedies.
Answer: FALSE
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

5) The exclusionary rule does not apply in *habeas corpus* proceedings.
Answer: TRUE
Page Ref: 37
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

6) The exclusionary rule applies not only to evidence obtained as a direct result of a constitutional rights violation, but also to evidence indirectly derived from a constitutional rights violation.
Answer: TRUE
Page Ref: 41
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Intermediate

7) The Supreme Court has carved out three important exceptions to the fruit of the poisonous tree doctrine: purged taint, dependent source, and inevitable discovery.
Answer: FALSE
Page Ref: 41
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

8) In making an attenuation analysis, the court must decide whether the derivative evidence was obtained by exploiting the initial unconstitutional act, or by other means that purged the taint of the unconstitutional act.
Answer: TRUE
Page Ref: 55
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Intermediate

9) In the fruit of the poisonous tree doctrine, the "poisonous tree" is the initial unconstitutional search or seizure. Anything obtained from the tree is considered "forbidden fruit" that should be included.
Answer: FALSE
Page Ref: 40
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

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10) The inevitable discovery exception states that if evidence would be found regardless of unconstitutional police conduct, then it is admissible.
Answer: TRUE
Page Ref: 43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

11) Police officers may be held criminally liable under 18 U.S.C. Section 242.
Answer: TRUE
Page Ref: 44
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

12) Police officers enjoy immunity from criminal liability if the actions are committed as part of their official duties.
Answer: FALSE
Page Ref: 44
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

13) The term "theory of liability" refers to who the plaintiff is.
Answer: FALSE
Page Ref: 48
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

14) "Injunctive relief" generally means the plaintiff in a civil lawsuit wants the court to bring the injurious or offensive action to a halt.
Answer: TRUE
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

15) Qualified immunity is a judicially created defense to a Section 1983 suit, much like the exclusionary rule has been created through judicial decisions.
Answer: TRUE
Page Ref: 50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

16) There are three nonjudicial remedies available for police misconduct: internal review, civilian review, and mediation.
Answer: TRUE
Page Ref: 51
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

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17) Many police agencies have resisted the use of internal review mechanisms as a form of nonjudicial remedy.
Answer: FALSE
Page Ref: 53
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

18) Due to the demand for external input in the investigation of police, there has been a marked increase in the number of cities involving citizens at some stage of the complaint review process.
Answer: TRUE
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

19) A key characteristic of the ombudsman system is that it is part of the system so they truly understand the nature of the job.
Answer: FALSE
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

20) The most common method of rectifying constitutional rights violations is mediation, in which a neutral third party decides on the issues in dispute.
Answer: FALSE
Page Ref: 54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

2.3 Fill in the Blank Questions

1) A(n) _____ is a method of rectifying wrongdoing.
Answer: Remedy
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

2) As a general rule, when a(n) _____ mistake is made during the course of a search or seizure, any subsequently obtained evidence will be considered admissible and is known as the "good faith" exception.
Answer: Honest
Page Ref: 38
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

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3) The exclusionary rule requires that evidence obtained in violation of certain constitutional amendments be _____ from the criminal trial.
Answer: Excluded
Page Ref: 33
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

4) Evidence that would have been discovered despite an illegal search through other investigative means is admissible under the rule known as _____ discovery.
Answer: Inevitable
Page Ref: 43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

5) The exceptions to the fruits of the poisonous tree doctrine include independent source, _____, and inevitable discovery.
Answer: Attenuation
Page Ref: 42
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

6) In the fruit of the poisonous tree doctrine, the "poisonous tree" is the initial _____ search or seizure.
Answer: Unconstitutional
Page Ref: 40
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Intermediate

7) A judge has _____ immunity from being sued in civil court for making judicial decisions.
Answer: Absolute
Page Ref: 50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

8) Government officials performing discretionary functions have _____ immunity from civil lawsuits for official conduct that does not violate clearly established rights which a reasonable person would have known.
Answer: Qualified
Page Ref: 50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Basic

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9) The process of police department reviewing alleged constitutional violations by themselves is known as _____ review.
Answer: Internal
Page Ref: 51
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

10) Nonjudicial remedies include internal review, civilian review, and _____.
Answer: Mediation
Page Ref: 51
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

2.4 Matching Questions

2-1. Match the term listed in Column 1 to the correct definition in Column 2.

A) An exception to the exclusionary rule providing that evidence considered inadmissible at one trial can be used in later trial to impeach (i.e., cast doubt on the credibility of) the defendant
B) An exception to the exclusionary rule providing that when an honest mistake is made during the course of a search or seizure, any subsequently obtained evidence will be considered admissible
C) A practice prior to *Elkins v. United States* (364 U.S. 206 [1960]) that permitted the use of evidence in federal court that had been obtained illegally by state officials

1) Silver platter doctrine
Page Ref: 34-40
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

2) Good faith exception
Page Ref: 34-40
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

3) Impeachment exception
Page Ref: 34-40
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Basic

Answers: 1) C 2) B 3) A

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2-2. Match the term listed in Column 1 to the correct definition in Column 2.

A) An exception to the fruit of the poisonous tree doctrine that permits the introduction of evidence if it would have been discovered anyway
B) An exception to the exclusionary rule providing that evidence considered inadmissible at one trial can be used in later trial to impeach (i.e., cast doubt on the credibility of) the defendant
C) An exception to the fruit of poisonous tree doctrine that permits the introduction of evidence if it has become attenuated to the extent that it dissipated the taint of the initial unconstitutional act
D) An exception to the fruit of the poisonous tree doctrine that permits the introduction of evidence if it has arrived via an independent source, such as a party disconnected from the case at hand

4) Independent source
Page Ref: 40-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

5) Impeachment exception
Page Ref: 40-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

6) Purged taint exception
Page Ref: 40-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

7) Inevitable discovery
Page Ref: 40-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Basic

Answers: 4) D 5) B 6) C 7) A

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2-3. Match the term listed in Column 1 to the correct definition in Column 2.

A) A court-ordered prohibition against a certain act or condition
B) A federal statute that provides a remedy in federal court for the "deprivation of any rights . . . secured by the Constitution and laws" of the United States. Also called "Section 1983."
C) A defense that shields police officers from criminal liability when performing certain official functions, such as using deadly force
D) The same as a lawsuit

8) Public duty defense
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

9) 42 U.S.C. Section 1983
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

10) Civil litigation
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

11) Injunctive relief
Page Ref: 45
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

Answers: 8) C 9) B 10) D 11) A

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2-4. Match the term listed in Column 1 to the correct definition in Column 2.

A) In the Section 1983 context, the theory that a supervisor (such as a sergeant or captain) should be held liable
B) In the Section 1983 context, the theory that a municipality or county should be held liable for the actions of one of its officers, such as for failure to train
C) A Section 1983 lawsuit against a federal official
D) The logic offered for who should be held accountable—and why

12) Theory of liability
Page Ref: 48-50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

13) Supervisory liability
Page Ref: 48-50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

14) Municipal/county liability
Page Ref: 48-50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

15) Bivens claim
Page Ref: 48-50
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

Answers: 12) D 13) A 14) B 15) C

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2-5. Match the term listed in Column 1 to the correct definition in Column 2.

A) A method of citizen input into the complaint review process in which a civilian panel receives and investigates a complaint, leaving adjudication and discipline with the department itself
B) The strongest method of citizen input in which a civilian panel investigates, adjudicates, and recommends punishment to the police chief
C) The neutral third party who conducts mediation
D) The weakest method of citizen input that leaves investigation, adjudication, and discipline inside the department. A civilian is allowed to review the adequacy and impartiality of the process.
E) A nonjudicial remedy in which the police investigate on their own complaints against officers
F) A method of alternative dispute resolution in which a neutral third party renders disciplinary decisions

16) Internal review
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

17) Civilian review
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

18) Mediation
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

19) Civilian monitor
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

20) Civilian input
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

21) Ombudsman
Page Ref: 53-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Basic

Answers: 16) E 17) B 18) F 19) D 20) A 21) C

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2.5 Essay Questions

1) Define the exclusionary rule and the arguments for and against it.
Answer: Answers should explain the court-created history of the rule and its purpose of punishing police misconduct. The answer should focus on (1) whether the rule deters police misconduct, (2) whether the rule imposes unnecessary costs on society, and (3) whether alternative remedies would be effective and should be pursued.
Page Ref: 33-38
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Intermediate

2) Identify and define the "fruit of the poisonous tree" doctrine and the exceptions to it.
Answer: Answers should discuss independent source, purged taint, and inevitable discovery. A discussion of the various U.S. Supreme Court cases on the issue adds depth to the answers.
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Page Ref: 40-43
Objective: Summarize the "fruit of the poisonous tree" doctrine and the exceptions to it.
Level: Intermediate

3) Describe how the criminal law and civil litigation act as remedies for constitutional rights violations.
Answer: Answers should include Section 242 and key court cases associated. Public duty defense should be discussed. Civil remedies should include a discussion about damages, injunctive relief, and Section 1983.
Page Ref: 44-48
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Intermediate

4) Define the three types of nonjudicial remedies.
Answer: Nonjudicial remedies include internal review, civilian review, and mediation. Internal review, the most common of these remedies, refers to a police agency investigating its own for allegations of misconduct. Internal affairs divisions engage in this sort of activity. Civilian review occurs when citizens get involved in the investigation process. Numerous forms of citizen review are in place around the United States. A less common method of rectifying constitutional rights violations is mediation, in which a neutral third party decides on the issues in dispute.
Page Ref: 51-54
Objective: Describe nonjudicial remedies for constitutional rights violations.
Level: Intermediate

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2.6 Critical Thinking Questions

1) Should the good faith exception to search and seizure violations be eliminated? Does it matter that the good faith exception allows for constitutional violations to go unpunished?
Answer: Answers will cover the definitions of the good faith exception and then analyze whether it matters that the exception allows the use of evidence that is illegally obtained. This question requires taking a position on the arguments for or against the exclusionary rule and defending the position.
Page Ref: 38-39
Objective: Summarize the exclusionary rule and the issues associated with it.
Level: Difficult

2) Is civil liability a meaningful deterrent against police misconduct? Why or why not?
Answer: Answers should explain the various civil remedies available to address constitutional violations including 18 U.S.C. 1983 and state tort actions. The position taken and defended is the crux of this question.
Page Ref: 45-51
Objective: Describe criminal prosecution and civil remedies for constitutional rights violations.
Level: Difficult

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