Test Bank for Introduction to Law Enforcement and Criminal Justice 12th Hess

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TRUE/FALSE

1 : The Declaration of Independence established how the United States should be structured and governed.
A : true
B : false

Correct Answer : B

2 : The Supreme Court has ruled that the First Amendment does not protect all forms of expression.
A : true
B : false

Correct Answer : A

3 : The Supreme Court has ruled that the Fourth Amendment prohibits, under any circumstance, police officers from stopping and frisking a suspicious person.
A : true
B : false

Correct Answer : B

4 : The grand jurys duty is to determine guilt or innocence in cases involving a capital offense.
A : true
B : false

Correct Answer : B

5 : Discretion is the freedom to make judgments that affect not only individuals but also the entire criminal justice system.
A : true
B : false

Correct Answer : A

6 : Consensus theory holds that individuals within a society agree on basic values.
A : true
B : false

Correct Answer : A

7 : The Fifth Amendment guarantees due process.
A : true
B : false

Correct Answer : A

8 : The Fourteenth Amendment guarantees freedom of religion.
A : true
B : false

Access Complete Test Bank for Introduction to Law Enforcement and Criminal Justice 12th Hess

Correct Answer : B

9 : When a king or ruler took on the responsibility for those who broke the rules, this was called retributive justice.
A : true
B : false

Correct Answer : B

10 : Retributive justice and restorative justice offer two similar ways to view justice.
A : true
B : false

Correct Answer : B

MULTIPLE CHOICE

11 : A body of beliefs about individual freedom that most Americans hold is known as
A : an order of authority.
B : the Magna Carta.
C : the American creed.
D : national treaties.
E : the U.S. Code.

Correct Answer : C

12 : A term applied to precedents set by the judges in the royal courts of England is law.
A : statutory
B : moral
C : ecclesiastical
D : common
E : customary

Correct Answer : D

13 : Case law refers to
A : judicial precedents.
B : moral law.
C : religious law.
D : customary law.
E : all of these choices.

Correct Answer : A

14 : Statutory law may be
A : passed at the federal level.
B : civil.
C : criminal.
D : passed at the state level.
E : all of the other choices.

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Correct Answer : E

15 : The basic instrument of the government and the supreme law of the United States is the
A : Declaration of Independence.
B : Constitution.
C : Magna Carta.
D : Freedom of Information Act.
E : American creed.

Correct Answer : B

16 : The fundamental document describing the liberties of the people and forbidding the government to violate these rights is known as the
A : Declaration of Independence.
B : Bill of Rights.
C : collective state statute.
D : petitionary order.
E : Congressional Constitution.

Correct Answer : B

17 : The First Amendment
A : separates church from state.
B : guarantees freedom of the press.
C : protects freedom of petition.
D : all of these choices.

Correct Answer : D

18 : The first ten amendments to the Constitution are referred to as the
A : primary amendment.
B : civil rights amendments.
C : civil liberties amendments.
D : Bill of Rights.
E : Primary Liberties Bill.

Correct Answer : D

19 : The Sixth Amendment establishes
A : due process requirements.
B : freedom of speech.
C : criminal trial rights.
D : due process requirements, freedom of speech, and criminal trial requirements.
E : none of these choices.

Correct Answer : C

20 : The duty of a grand jury is to
A : see that the punishment fits the crime.
B : sentence a defendant.
C : assure that there is probable cause to believe a person is guilty of a crime.
D : see that the punishment fits the crime, sentence a defendant, and assure that there is probable cause to believe a person is guilty of a crime.

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E : none of these choices.

Correct Answer : C

21 : The _____ Amendment requires a person to be presumed innocent until proven guilty.
A : First
B : Second
C : Fourth
D : Fifth
E : Sixth

Correct Answer : D

22 : The Fourth Amendment forbids
A : limited searches.
B : unreasonable searches and seizures.
C : excessive bail.
D : double jeopardy.
E : self-incrimination.

Correct Answer : B

23 : The Amendment guarantees the right to keep and bear arms.
A : First
B : Second
C : Fifth
D : Sixth
E : Eighth

Correct Answer : B

24 : The landmark case that applied due process to juveniles was
A : In re Windship.
B : In re Gault.
C : Watson v. Ohio.
D : Smith v. Pennsylvania.

Correct Answer : B

25 : The legal document ordering a person to testify in a court of law as a witness is known as a
A : subpoena.
B : writ of habeas corpus.
C : writ of appearance.
D : writ of certiorari.
E : coercive document.

Correct Answer : A

26 : A mala prohibita crime is
A : bad because it is forbidden.
B : so offensive it is obviously criminal.
C : one that violates a specific regulatory statute.
D : both bad because it is forbidden and because it violates a specific regulatory statute.

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E : none of these choices.

Correct Answer : B

27 : An example of a mala in se crime is
A : murder.
B : rape.
C : speeding.
D : both murder and rape.
E : none of these choices.

Correct Answer : D

28 : The is literally the guilty act.
A : mens rea
B : corpus delicti
C : mala in se
D : scienter
E : actus reus

Correct Answer : E

29 : Considering the spirit of the law rather than the letter of the law is the foundation of
A : equity.
B : customary law.
C : moral law.
D : social law.
E : the American creed.

Correct Answer : A

30 : Intent and are not to be confused.
A : mens rea
B : corpus delicti
C : scienter
D : strict liability
E : motive

Correct Answer : E

31 : Civil law refers to noncriminal restrictions placed on individuals and seeks to obtain
A : punishment.
B : retribution.
C : incapacitation.
D : restitution.
E : punishment, retribution, and incapacitation.

Correct Answer : D

32 : Police power is derived from
A : U.S. Supreme Court decisions.
B : the U.S. Constitution.
C : state statutes.

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D : U.S. Supreme Court decisions, the U.S. Constitution, and state statutes.
E : none of these choices.

Correct Answer : D

33 : Common examples of civil issues that police officers may encounter include
A : custody exchanges.
B : neighbor disputes.
C : renter/landlord disputes.
D : all of these choices.

Correct Answer : D

FILL IN THE BLANK

34 : The branch of government makes the laws; the branch, of which law enforcement is a part, enforces the laws; and the branch determines when laws have been violated.

Correct Answer : legislative, executive, judicial

35 : The exclusionary rule is most closely associated with the Amendment.

Correct Answer : Fourth

36 : The Fifth Amendment also guarantees that citizens will not be placed in _____ _____.

Correct Answer : double jeopardy

37 : The Amendment does not specifically provide that all citizens have a right to bail, but only that bail will not be excessive.

Correct Answer : Eighth

38 : describes the ability of federal, state, or municipal governments to enforce the laws they pass by granting government agents at each level the authority to use force against those who fail to comply with the laws.

Correct Answer : Police power

39 : The Amendment protects Americans right to assemble peaceably for any political, religious, or social activity.

Correct Answer : First

40 : The asserts that all citizens are created equal and are entitled to the unalienable rights of life, liberty, and the pursuit of happiness.

Correct Answer : Declaration of Independence

41 : Section of U.S. Code, Title 42, stipulates that anyone acting under the authority of local or

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state law who violates another persons Constitutional rightseven though he or she is upholding a lawcan be sued.

Correct Answer : 1983

42 : A is a civil wrong for which the court will seek a remedy in the form of damages to be paid.

Correct Answer : tort

43 : Crimes where criminal intent is not an element are known as crimes.

Correct Answer : strict liability

44 : law defines crimes and fixes punishments for them.

Correct Answer : Criminal

45 : A is a judicial ruling that significantly alters or affects existing law.

Correct Answer : landmark decision

46 : Explain the case of Gideon v. Wainwright, the issue it dealt with, and how the court ruled.

Correct Answer :

ESSAY

47 : Critical Thinking QuestionBriefly describe the following: a. Social (or moral) lawb. Common lawc. Case lawd. Statutory law

Correct Answer : Student responses will vary.

48 : Critical Thinking QuestionWhat are civil rights and civil liberties? The text states that they are recurring themes in Americas development. . . . How would you explain this statement and what are some examples you would provide to someone who is not familiar with the history and social structure of the United States?

Correct Answer : Student responses will vary.

49 : Critical Thinking QuestionBriefly discuss the history of the U.S. Constitution and how it helped to lay the foundation for the criminal justice system. What is the Bill of Rights and why was it created?

Correct Answer : Student responses will vary.

50 : Critical Thinking QuestionDescribe the guarantees and/or requirements of the following:a. The First Amendmentb. The Second Amendmentc. The Fourth Amendmentd. The Fifth Amendmente. The Sixth Amendmentf. The Eighth Amendmentg. The Fourteenth Amendment

Correct Answer : The First Amendment guarantees freedom of religion, freedom of speech, freedom of the press, freedom of peaceable assembly, and freedom of petition. The Second

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Amendment protects an individual's right to possess firearms for traditional lawful purposes. The Fourth Amendment requires probable cause and forbids unreasonable searches and seizures. The Fifth Amendment guarantees due process and requires indictment. The Sixth Amendment establishes requirements for criminal trials. The Eighth Amendment prevents excessive bail and cruel and unusual punishment. The Fourteenth Amendment requires the states to abide by the constitution, guarantees due process and equal protection under the law.

51 : Critical Thinking QuestionWhat are the levels of intent for criminal law? Discuss each level in detail and provide an example that is not already given in the text. When is intent not an element of a crime? Provide examples. What are motive and scienter?

Correct Answer : The levels of intent for criminal law are intentionally, knowingly, recklessly, and negligently. Student examples will vary. Motive is a reason for doing something, and scienter is a degree of knowledge that makes an individual legally responsible for the consequences of his or her acts.

52 : Explain the differences between strict liability, intentional wrongs, and negligence. Which of these is most frequently used in lawsuits against the police?

Correct Answer : With strict liability, the wrongdoer is liable even if no harm was intended. In the case of an intentional wrong, the person knows the act was unlawful but did it anyway. If a person is negligent, she did not set out to do harm but acted carelessly. Intentional wrong and negligence are most frequently used against the police.?

53 : Discuss the basic differences between a crime and a tort.

Correct Answer : A crime is a public wrong prosecuted by the state (which seeks to punish). Criminal intent is required.A tort is a private wrong prosecuted by an individual (who seeks redress for injury). Intent is unnecessary.?

54 : Discuss the differences between conservative and liberal crime control policies.

Correct Answer : Conservative crime control frames policy as an "us against them" war with criminals. Liberal crime control emphasizes correctional policies and broader social reforms to help people that are locked out of the American Dream.?

55 : Discuss the specific rights guaranteed by the First, Second, Fourth, Fifth, Sixth, Eighth, andFourteenth Amendments and how they affect the justice process.

Correct Answer : See answer to Q. 50.?

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