

1. As a general rule a warrantless search requires that there be some exigency. When an automobile is halted by police on a public road and there is probable cause to believe it contains evidence, the exigency requirement is satisfied
 - a. by the vehicle's mobility and the location
 - b. by the officer's probable cause
 - c. not at all
 - d. Only if the officer is alone.
2. Incident to arrest which of the following would an officer not be allowed to seize without additional justification?
 - a. hair sample pulled from the head
 - b. items of clothing worn by arrestee
 - c. fingerprints
 - d. blood sample
3. Officers arrested Wright for robbery and took him to the police station but Wright refused to discuss the robbery. The next day, without a search warrant, an undercover officer went to Wright's residence where he falsely introduced himself to Wright's wife as her husband's accomplice in the robbery and told her that he was there to collect his share, one-half, of the loot. The woman admitted the officer and went into the bedroom where she retrieved half the money and gave it to the officer. The court should hold
 - a. the money is inadmissible because her consent was based on deception by the police
 - b. The money is inadmissible because the wife lacks authority to consent for her husband.
 - c. The money is admissible because the wife was a witness to the crime.
 - d. The money is admissible because the wife's consent is voluntary.
4. An officer has made a lawful arrest and is making a search incident to arrest when she observes a marijuana bong on a couch about 15 feet from the suspect. The officer
 - a. May seize the bong under plain view because she is lawfully in the place from which she viewed it.

- b. May seize the bong under plain view because she has articulable suspicion that the object is seizable.
- c. May not seize the bong because it has nothing to do with the arrest.
- d. May not seize the bong under the plain view because she cannot see if there is any marijuana in it from where she is standing.

5. An officer, outside a known crack house, has made a lawful stop and is making a lawful frisk. The officer felt no weapons but did feel a small lump in the suspect's jacket. The officer squeezed the object, slid it around and felt it from various angles with both hands. Believing it to be crack cocaine in a cellophane bag, the officer retrieved it and it was in fact crack. Under the plain touch variation of the plain view doctrine, the officer's actions

- a. Were lawful because the officer had a right to be in the place at the time.
- b. Were lawful because the officer had probable cause that the item was contraband.
- c. Were not lawful because the incriminating nature of the item was not immediately apparent to the officer.
- d. Were not lawful because the object was not in plain sight at the time of the frisk.

6. A warrantless examination of the exterior of a car is reasonable under the Fourth Amendment

- a. Because there is no reasonable expectation of property in the readily visible areas.
- b. Only if the Carroll doctrine applies.
- c. Only if the department has a written policy regarding impoundment.
- d. Because of the vehicle's mobility

7. The Fourth Amendment's protection does not extend to abandoned property

- a. Because abandonment ends all right to privacy in the property.
- b. If the abandonment occurs on private property
- c. If the officer lacks probable cause.
- d. Because the property will be in plain view.

8. Which of the following is not a factor to be considered when determining whether property to be searched falls within the curtilage?

- A. the proximity to the home
- B. whether the property is within an enclosure
- C. the nature of the use of the property
- D. the existence of no trespass signs
- E. Steps taken by the resident to prevent observation from passersby.

9. If a person consents to a search, he

- a. May not withdraw the consent during the search.
- b. May not limit the consent.
- c. May limit the consent beforehand but not once the search begins.
- d. May withdraw the consent at anytime.

10. If a person gives police permission to look in the trunk of his car for stolen tires and police see drug paraphernalia in an uncovered box, what is the legal justification for seizing that evidence?

- a. consent to search
- b. plain view doctrine
- c. exigent circumstances
- d. open fields

11. An officer acting under the plain view doctrine is not searching because

- a. the officer is not trespassing
- b. the officer could get a warrant
- c. there is no infringement of a reasonable expectation of privacy
- d. there is no suspect at the time of the search

12. A police officer has arrested a person for rape. The officer may search the arrestee

- a. Only for weapons.
- b. For weapons only if the officer has additional justifications that the arrestee is armed.
- c. including his clothing and his body but no containers found within the clothing.
- d. completely including seizing hair samples from the pubic region without a warrant.

13. The requirements of the plain view doctrine do not include which of the following:

- a. The officer, as a result of a prior valid intrusion, must be in a position in which he or she has a legal right to be.
- b. The officer must not unreasonably intrude on any person's reasonable expectation of privacy.
- c. The officer may build probable cause to believe that the item is subject to seizure by handling and thoroughly examining the item.
- d. The discovery of the item of evidence by the officer need not be inadvertent.

14. Prior to Chimel v. California, officers were allowed to search incident to arrest
- The arrestee but only for weapons.
 - The arrestee and his residence but only for weapons.
 - The arrestee and his entire residence without additional justification.
 - The arrestee, his family and his residence without additional justification.
15. The essential ingredient for valid consent to search is
- reasonableness
 - reasonable suspicion
 - probable cause
 - voluntariness
16. When an officer is applying the plain view doctrine, he is
- Observing but not actually searching.
 - Searching but not invading privacy.
 - Searching but with consent of the possessor.
 - Searching for evidence, weapons or means of escape.
17. The open fields doctrine applies
- to the curtilage
 - to dwellings
 - to attached garages
 - to forests
18. The significant change which Chimel v. California made in search incident to arrest practices was expressed when the Court stated that there was ample justification for a search of the arrestee's person and the
- Area within his constructive possession.
 - Arrestee's clothing
 - Area within his immediate control
 - Passenger compartment of his vehicle.
19. The law of criminal procedure can best be described as:
- tactics for search and seizure
 - rules which balance government's duty to maintain peace versus citizens' rights to freedom from governmental interference
 - rules which restrict the police in their attempts to strictly enforce the law of the land
 - rules which balance the civil rights of one citizen against another.

20. A law enforcement officer observes an individual walking in a residential neighborhood at night with a crowbar and flashlight. The officer briefly detains the person to ask a few questions to determine what the individual is doing. This is

- A. A formal arrest.
- B. An investigative stop.
- C. An informal arrest.
- D. A seizure tantamount to arrest.

21. To obtain a search warrant an officer must provide two additional items of information which she would not have to provide for an arrest warrant. One of them is

- A. First hand knowledge of the facts.
- B. Application of *Aguilar/Spinelli*.
- C. Particularity regarding place and items.
- D. An affidavit.

22. Probable cause is

- A. Suspicion of criminal activity.
- B. Proof beyond a reasonable doubt of criminal activity.
- C. Proof by a preponderance of the evidence of criminal activity.
- D. The fair probability of criminal activity.

23. For an officer to justify an investigative stop of a citizen, the officer

- A. Must have many years of police experience.
- B. Must have articulable facts to support her suspicions.
- C. Must have a strong hunch of criminal activity afoot.
- D. Needs to be on-duty.

24. How did the Supreme Court make the fundamental rights contained in the Bill of Rights applicable to the states?

- A. through habeas corpus
- B. through the 14th Amendment
- C. by the Civil War
- D. by Executive decree

25. Arrests with warrants are preferred over arrests without warrants because

- A. Magistrates have the legal training to determine probable cause.
- B. The officer is then able to arrest outside the venue.
- C. The department is free from responsibility.

D. Police officers are sometimes not neutral and objective.

26. To qualify to issue a warrant, the judicial officer must be

- A. neural and attached
- B. neutered and dethached
- C. neutral and semi-detached
- D. neutral and detached

27. Which of the following factors is sufficient, by itself, to amount to probable cause?

- A. fleeing at the sight of police
- B. fraternizing with known criminals
- C. furtive conduct
- D. admitting to some of the elements of an offense

28. An investigative stop is

- A. The same as search tantamount to arrest.
- B. The same as a formal arrest.
- C. More limited in scope and duration than an arrest.
- D. More broad in scope and duration than an arrest.

29. A formal arrest occurs when a person is

- A. Detained, however briefly, for any reason.
- B. Taken into custody to answer for a criminal charge.
- C. Stopped and frisked.
- D. Booked.

30. The execution of a search warrant must normally be

- A. terminated when the items on the warrant are found
- B. Terminated when it gets dark
- C. Done in the presence of the occupants
- D. Done as soon as possible after issuance

31. In justifying a stop the officer must be able to point to specific and _____ facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.

- A. true
- B. articulable
- C. reasonable
- D. appropriate

32. Currently, for Fourth Amendment purposes a search occurs when there is an

- A. infringement of a reasonable expectation of privacy
- B. invasion of any place the suspect expects privacy
- C. interference with an individual's possessory interest in that property
- D. invasion of constitutionally protected place

33. If an officer approaches a citizen in a public place and in a non-hostile manner asks if the citizen is willing to answer some questions, this is

- A. an investigative stop
- B. a stop and frisk
- C. a seizure tantamount to arrest
- D. not a 4th Amendment seizure

34. Which doctrine allows the Supreme Court to determine if a law violates the Constitution?

- A. Habeas corpus
- B. Posse comitatus
- C. Certiorari
- D. Judicial review
- E. Selective incorporation

35. Drug enforcement agents in Miami airport observe an individual who is traveling from Bogota, Columbia, under an assumed name, appears nervous, and paid cash for his ticket with \$20 bills. The agents approach him, identify themselves, ask him for identification, request to see his ticket, ask him why he is sweating profusely, and ask if he minds accompanying them to the police room. To this point the agents have conducted

- A. An investigative stop.
- B. A seizure tantamount to arrest.
- C. A formal arrest.
- D. No seizure for Fourth Amendment purposes.

36. Which description does not satisfy the particularity requirement of a search warrant?

- A. VHS videotape, labeled: 349, titled: XXX Pretty Pet.
- B. RCA television set, stolen from 35 Main St., Canton, NY.
- C. Manufacturer unknown, .357 Magnum revolver, stainless steel, name "Lisa" engraved on stock.
- D. All cannabis plants.

37. Probable cause must always be based on

- A. facts
- B. rumor
- C. firsthand knowledge
- D. Experience.

38. To satisfy the Fourth Amendment, an investigative stop must be based on

- A. Mere suspicion.
- B. Reasonable suspicion.
- C. Probable cause.
- D. Proof beyond a reasonable doubt.

39. The landmark case which established the standard for stop and frisk situations is

- A. Terry v. Ohio
- B. Sibron v. New York
- C. Weeks v. U.S.
- D. Terry v. U.S.

40. Which branch of the government has the greatest role in protection of individual liberties?

- A. Judicial
- B. Executive
- C. President
- D. Legislative
- E. Congress

41. Which is the least intrusive?

- A. arrest
- B. seizure tantamount to arrest
- C. investigative stop and frisk
- D. arrest for constitutional purposes

42. Which of the following items is not required to be stated on a search warrant form?

- A. name of officer/department to conduct the search
- B. date of issuance
- C. magistrate's signature
- D. probable cause for the search

43. If a Terry stop exceeds its lawful limits in duration, intensity and invasiveness, it becomes

- A. An investigative stop.
- B. A stop and frisk situation.
- C. A seizure tantamount to arrest.
- D. A formal arrest.

44. Which of the following is properly based on reasonable suspicion rather than probable cause?

- A. Arrest
- B. Seizure tantamount to arrest
- C. Informal arrest
- D. Terry stop

45. Complete the following definition: Probable cause to arrest exists where the "facts and circumstances within their (the arresting officers') knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that" an offense _____ (by the person to be arrested).

- A. Has been committed.
- B. Has been or is now being committed.
- C. Has been, is now or will be committed in the near future.
- D. Has been, is now, or ever will be committed.

46. The justification for a frisk during a stop is

- A. Reasonable suspicion the suspect is the perpetrator
- B. Probable cause the suspect is the perpetrator.
- C. Reasonable suspicion the suspect is armed or presents a danger.
- D. Probable cause the suspect is armed or presents a danger.

47. An officer has made a justifiable investigative stop and has justification for a frisk. The officer may pat the outer clothing of the citizen and

- A. If the officer feels an object which reasonably could be a weapon he may reach for it.
- B. If the officer feels any hard object, he may reach in for it.
- C. If the officer feels anything which could be evidence, he may reach for it.
- D. If the officer feels afraid he may reach into the clothing.

48. In *Katz v. U.S.* the Supreme Court

- A. Affirmed the traditional view of privacy.

- B. Interpreted privacy to exist wherever there is a constitutionally protected area.
- C. Interpreted privacy to exist wherever a person has a subjective expectation of privacy.
- D. Interpreted privacy to exist wherever a person has a reasonable expectation of privacy.

49. Both officers and citizens must know _____ to decide if they have the authority to arrest without a warrant.

- A. if they have probable cause
- B. the complainant's name
- C. the offender's name
- D. whether the offense is a felony or misdemeanor

50. Officers about to execute a search warrant for narcotics in a dwelling

- A. May break in without notice.
- B. May enter through unlocked windows or doors then announce their presence.
- C. May disregard knock and announce since the warrant is for narcotics.
- D. Must follow knock and announce requirements.

ANSWER THE FOLLOWING FOR EXTRA CREDIT (1 POINT EACH)

1. The main problem with using information from informants is

- A. Determining whether or not they should be believed.
- B. Determining their basis of knowledge
- C. Determining their good faith
- D. Determining their track record

2. If, in the course of a lawful frisk, an officer observes or feels an object whose incriminating nature is immediately apparent but which is not a weapon, the officer

- A. Must ignore the object.
- B. Must leave the object but could go obtain a warrant.
- C. Must leave the object but would lack probable cause for a warrant.
- D. May seize the object as evidence.

3. Amendment 4 prohibits " _____ " search and seizures.

- A. unlawful
- B. surreptitious
- C. unreasonable

D. unwarranted

4. Officers have a search warrant to search a dwelling for a weapon used in a homicide. Upon arrival they see the dwelling, a car belonging to the resident, and a garage nearby on the property unattached to the house. The officers may search

- A. the house only
- B. the house and the car only
- C. the house, the car and the garage, not the resident
- D. the house, the car, the garage and the resident

5. For an officer to make a warrantless arrest for a misdemeanor,

- A. the officer must have a warrant
- B. the offense must have been committed in the officer's presence
- C. the offense must in fact have been committed and involve a breach of the peace
- D. the officer needs only probable cause that the offense was committed.

6. After knocking and announcing their presence and purpose and waiting a few moments, officers executing a search warrant for stolen property hear no sound. The officers

- A. may break in without further process
- B. must wait for a supervisor
- C. must make a further investigation to insure no one is home
- D. must return when someone is home

7. Which of the following issues arrest warrants?

- A. a magistrate
- B. a prosecuting attorney
- C. a bailiff
- D. a sheriff

8. Absent consent or exigency, an officer needs _____ to enter a suspect's dwelling to search for him and arrest him.

- A. an arrest warrant
- B. a search warrant
- C. reasonable suspicion
- D. probable cause

9. Which Amendment has been used to make many of the provisions of the Bill of Rights applicable to the states?

- A. 14
- B. 13
- C. 6
- D. 5

10. Which of the following is insufficient by itself to allow an officer to enter a suspect's dwelling to arrest her:

- A. arrest warrant
- B. consent of the suspect
- C. exigent circumstances
- D. probable cause that the arrestee is present