



BCJ240 Rev. 02/2021

Final Exam

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1. _____ refers to police departments investigating complaints against their officers by themselves.
 - a. Civilian review
 - b. Internal review
 - c. Mediation
 - d. Civilian monitor
2. Criminal defendants have a constitutional right to represent themselves. This is known as what type of defense?
 - a. Pro bono
 - b. Pro se
 - c. Inter alia
 - d. Mens rea
3. Once a person has been formally charged, he or she will be _____.
 - a. released prior to trial
 - b. arraigned
 - c. scheduled for a probable cause hearing
 - d. sent to jail
4. Which of the following is an unacceptable reason for delaying a probable cause hearing?
 - a. Unavailability of a magistrate.
 - b. Unavoidable delays in transporting the suspect.
 - c. Waiting for the presence of the arresting officer.
 - d. Gathering additional evidence against the accused.
5. A warrant that permits interception of electronic communications is known as a _____ warrant.
 - a. Section 1983
 - b. Title III

c. Title IX

d. Section 242

6. The MOST significant remedy in criminal procedure is _____.

a. civil liability

b. mediation

c. the criminal law

d. the exclusionary rule

7. Which of the following can be considered impermissible inducements by the prosecution?

a. Prosecutor threatens the defendant with increased charges against a third party.

b. Prosecutor threatens the defendant with decreased charges against a third party.

c. Prosecutor flagrantly deceives the defendant.

d. All of the above.

8. Which of the following can be considered characteristics of drug couriers?

a. Arrival from or departure to an identified source city.

b. Unusual itinerary and use of an alias.

c. Carrying little or no luggage.

d. All of the above.

9. For an item to be lawfully seized under the plain view doctrine, it must be “immediately apparent” to the officer that the item is subject to seizure. This means that the officer must _____.

a. be absolutely certain the item is contraband

b. be reasonably certain that the item is contraband

c. have probable cause that the item is contraband

d. have a hunch that the item is contraband

10. The execution of search warrants is subject to _____ constraints.

a. time

b. scope

c. manner

d. All of the above.

11. Which term is used to describe the defendant's explanation to the judge concerning his or her guilty plea?
- a. allocution
 - b. narrative
 - c. supporting statement
 - d. None of the above.
12. In which landmark case did the Supreme Court create the standard of "reasonable suspicion"?
- a. Franks v. Delaware
 - b. Adams v. Williams
 - c. United States v. Hensley
 - d. Terry v. Ohio
13. The Supreme Court has sanctioned school disciplinary searches for grades _____.
- a. K-6
 - b. K-9
 - c. K-12
 - d. all grades and public colleges
14. A search occurs when government actors engage in activity that infringes on one's _____.
- a. privacy
 - b. subjective expectation of privacy
 - c. reasonable expectation of privacy
 - d. property interests
15. Which of the following is a common time constraint with regard to the service of search warrants?
- a. The service of the warrant should take place promptly after its issuance.
 - b. The warrant may need to be served during daytime hours.
 - c. The search cannot last indefinitely.
 - d. All of the above.
16. The _____ clause of the Fourth Amendment proscribes unreasonable searches and seizures.
- a. warrant

- b. probable cause
- c. reasonableness
- d. search and seizure

17. The Fourth Amendment protects against _____.

- a. self-incrimination
- b. due process violations
- c. unreasonable searches and seizures
- d. cruel and unusual punishments

18. With regard to the right to confrontation, the defendant must be physically present and _____.

- a. remorseful
- b. respectful
- c. mentally competent
- d. represented by counsel

19. Which of the following can be considered a separate sovereign for double jeopardy purposes?

- a. cities
- b. counties
- c. states
- d. different state appellate court districts

20. With regard to a search, when does justification need to be in place?

- a. After the search.
- b. Before the search.
- c. During the search.
- d. Never.

21. The constitutionally guaranteed protection against _____ is designed to ensure that a person who has been convicted or acquitted of a crime is not tried or punished for the same offense more than once.

- a. entrapment
- b. self-incrimination
- c. double jeopardy

d. none of the above

22. If a person is not already in custody, the police must have what justification in order to “seize” that person for compelled participation in the lineup?

a. probable cause

b. reasonable suspicion

c. proof beyond a reasonable doubt

d. none of the above

23. A “bright-line” decision may be helpful because _____.

a. it is subject to very little interpretation

b. it promotes clarity and predictability

c. it promotes consistency

d. All of the above.

24. For Fourth Amendment purposes, a hotel room is considered a(n) _____.

a. person

b. house

c. paper

d. effect

25. Which of the following help ensure a reliable lineup?

a. at least five people appear in the lineup

b. all persons in the lineup have the same physical characteristics

c. the suspect should be permitted to choose his or her place in line

d. All of the above.

26. The exclusionary rule was made applicable to the states in _____.

a. *Boyd v. United States*

b. *Weeks v. United States*

c. *Elkins v. United States*

d. *Mapp v. Ohio*

27. Evanescent evidence refers to evidence that is likely to _____.

- a. be hidden
- b. spoil
- c. disappear
- d. be transferred to another location

28. Which of the following is NOT a reason for grand jury secrecy?

- a. To prevent the escape of those whose indictment may be contemplated.
- b. To insure the utmost freedom to the grand jury in its deliberations.
- c. To protect powerful people from damaging public prosecution.
- d. To protect the innocent accused.

29. The Supreme Court has _____ the validity of plea bargaining.

- a. declined to decide on
- b. upheld
- c. challenged
- d. none of the above

30. Which of the following is NOT an argument against plea bargaining?

- a. gives too much discretion to prosecutors
- b. undermines the integrity of the judicial system
- c. saves judicial resources
- d. Most defendants plead guilty anyway.

31. In response to many defendants' inability to post bail, professional _____ have stepped in.

- a. bankers
- b. loan officers
- c. bail bonds agents
- d. skip tracers

32. _____ contain(s) criminal procedure guidelines that federal criminal justice practitioners are required to abide by.

- a. State constitutions
- b. State statutes

c. The Federal Rules of Criminal Procedure

d. The federal Constitution

33. Discovery that “works both ways” is known as _____.

a. work product

b. nonreciprocal discovery

c. reciprocal discovery

d. none of the above

34. Which of the following is a method of pretrial release where the defendant promises to show up when required, without having to pay money?

a. bail

b. preventive detention

c. release on own recognizance

d. absentee trial

35. Which of the following can be considered administrative searches?

a. inspections

b. stop-and-frisks

c. consent searches

d. stationhouse detentions

36. Double jeopardy protection applies _____.

a. in criminal proceedings

b. in all types of cases

c. in civil proceedings

d. in administrative hearings

37. Which of the following are requirements for a valid guilty plea?

a. It must be voluntary.

b. It must be intelligent.

c. It must be based in fact.

d. All of the above.

38. In which case did the Supreme Court declare that protection against double jeopardy is a fundamental right?
- a. Benton v. Maryland
 - b. Gideon v. Wainwright
 - c. Kansas v. Hendricks
 - d. Blockburger v. United States
39. When a prosecutor charges an individual simply because the individual is exercising his or her constitutional rights, it is known as _____ prosecution.
- a. selective
 - b. vindictive
 - c. aggressive
 - d. zealous
40. The Supreme Court in Hayes v. Florida ruled that stationhouse detentions for the purpose of fingerprinting are permissible when _____.
- a. there is reasonable suspicion to believe the suspect has committed a crime
 - b. there is a reasonable belief that the fingerprints will inculcate or exculpate the suspect
 - c. the procedure is carried out promptly
 - d. all of the above
41. Particularity is concerned with which of the following?
- a. The particular person to be arrested.
 - b. The description of the person to be arrested.
 - c. Where a search is to be conducted.
 - d. All of the above.
42. The _____ incorporation perspective favors incorporation of certain protections enumerated in the Bill of Rights, not all of them.
- a. total
 - b. selective
 - c. fundamental rights
 - d. total incorporation plus
43. The initial appearance is sometimes called a(n) _____.

- a. arraignment
- b. preliminary hearing
- c. presentment
- d. indictment

44. In which case did the Supreme Court hold that police officers, with reasonable suspicion, can order drivers out of their cars?

- a. Terry v. Ohio
- b. Pennsylvania v. Mimms
- c. Delaware v. Prouse
- d. Maryland v. Buie

45. A warrantless search based on a hot pursuit exigency will be upheld if _____.

- a. the police have probable cause to believe the person they are chasing committed a crime
- b. the pursuit originates at a lawful point
- c. the underlying offense is "serious"
- d. all of the above

46. A frisk must be supported by reasonable suspicion that the suspect is _____.

- a. likely to escape
- b. armed and dangerous
- c. engaged in criminal activity
- d. All of the above.

47. Regarding interrogations and confessions, which Constitutional amendment is MOST applicable to them?

- a. the Sixth
- b. the Fifth
- c. the Fourteenth
- d. the Eighth

48. The question of whether joinder is appropriate is usually best resolved _____ trial.

- a. after
- b. prior to

- c. during
- d. only at certain points during the

49. Which constitutional amendment contains the double jeopardy clause?

- a. the Fourth
- b. the Fifth
- c. the Sixth
- d. the Fourteenth

50. If a prosecutor's decision to bring charges is discriminatory in nature, this is known as _____.

- a. discriminatory prosecution
- b. selective prosecution
- c. inappropriate prosecution
- d. criminal prosecution

51. A criticism of plea bargaining is that the prosecutor may _____.

- a. overcharge
- b. undercharge
- c. decide not to charge
- d. Turn the case back to police for further investigation.

52. Which of the following usually takes place after a pretrial release decision has been made?

- a. initial appearance
- b. bail
- c. preliminary hearing
- d. arrest

53. The right to speedy trial applies once the suspect has been _____.

- a. arrested
- b. charged
- c. acquitted
- d. accused

54. Which of the following is NOT a separate sovereign for double jeopardy purposes?

- a. states
- b. federal government
- c. federal judicial circuits
- d. Native American tribes

55. Grand jury indictments will be the charging mechanism of choice when _____.

- a. the case is of great political significance
- b. the grand jury's investigative powers are useful
- c. one or more witnesses is/are hesitant to speak in open court
- d. All of the above.

56. Which two important factors need to be considered in order to define when a search takes place?

- a. government action and probable cause.
- b. government action and objective reasonableness.
- c. Whether the police activity in question involves a person or a house.
- d. government action and reasonable expectation of privacy.

57. With regard to discovery, prosecution or defense "strategy" is also referred to as _____.

- a. preparation
- b. work product
- c. perspective
- d. hearsay

58. Plea bargaining was addressed by the courts as early as _____.

- a. 1804
- b. 1860
- c. 1899
- d. 1960

59. In which case did the Supreme Court hold that the Fourth Amendment "protects people, not places"?

- a. People v. Boettner
- b. United States v. Jacobsen

- c. Mapp v. Ohio
- d. Katz v. United States

60. Which is NOT an example of an available legal remedy?

- a. law(s)
- b. court decision(s)
- c. police agency policy or procedure(s)
- d. seeking physical revenge

61. The courts consider which of the following in deciding whether a prosecution is selective?

- a. Whether or not similarly situated individuals are prosecuted.
- b. Whether or not the prosecutor intended for the charge to be selective.
- c. Whether or not the prosecutor's decision to prosecute was arbitrary.
- d. All of the above.

62. The right to a grand jury can be found in which constitutional amendment?

- a. the Fourth
- b. the Fifth
- c. the Sixth
- d. the Fourteenth

63. When a person is already in custody, what justification is necessary in order to compel that person to participate in a lineup?

- a. no justification is necessary
- b. probable cause
- c. reasonable suspicion
- d. proof beyond a reasonable doubt

64. Plea bargaining can have which of the following effects on the defendant?

- a. The defendant can face a reduced sentence.
- b. The defendant can be forced to waive certain rights.
- c. The defendant may be required to testify against a co-defendant.
- d. All of the above.

65. For Miranda purposes, which of the following can be considered interrogation?
- a. formal questioning
 - b. A mere conversation between police officers designed to elicit an incriminating response.
 - c. Asking a question that is reasonably likely to elicit an incriminating response.
 - d. All of the above.
66. Which of the following is NOT a valid plea that can be entered at arraignment?
- a. guilty
 - b. not guilty
 - c. nolo prosequi
 - d. nolo contendere
67. In O'Connor v. Ortega the Supreme Court ruled that searches of government employees' offices are acceptable if they are limited to detecting _____.
- a. evidence of criminal activity
 - b. evidence of work-related misfeasance
 - c. work-related documents
 - d. personal effects
68. In which case did the Supreme Court hold that a probable cause hearing is required shortly following a warrantless arrest?
- a. Tennessee v. Garner
 - b. Gerstein v. Pugh
 - c. Riverside County v. McLaughlin
 - d. Stack v. Boyle
69. Which of the following is NOT a type of exigency recognized by the courts that authorizes the police to act without a warrant?
- a. hot pursuit
 - b. likelihood of escape
 - c. "evanescent" evidence
 - d. inconvenient to obtain a warrant
70. The right to counsel in criminal prosecutions has both _____ and Sixth Amendment origins.

- a. First Amendment
- b. Fourth Amendment
- c. Seventh Amendment
- d. due process

71. _____ are detentions less intrusive than arrest but more intrusive than a Terry stop.

- a. Nonstops
- b. Searches
- c. Investigative detentions
- d. Frisks

72. The Sixth Amendment provides for _____.

- a. freedom of speech
- b. the right to remain silent
- c. the assistance of counsel
- d. the right to bear arms

73. For a waiver of a jury trial to be valid, it must be _____.

- a. express
- b. intelligent
- c. voluntary and free of coercion
- d. all of the above

74. A photographic array consisting of one picture may be sanctioned if _____.

- a. the witness had ample time to view the suspect
- b. the witness paid special attention to the suspect
- c. the witness's description is accurate
- d. All of the above.

75. In which case did the Supreme Court sanction drug dog sniffs in public schools?

- a. Carroll v. United States
- b. Michigan Dept. of State Police v. Sitz
- c. Delaware v. Prouse

d. The U.S. Supreme Court has not provided an opinion on drug dog sniffs in public schools.

76. A valid frisk can evolve into a search if what type of justification develops along the way?

- a. probable cause
- b. reasonable suspicion
- c. administrative justification
- d. proof beyond a reasonable doubt

77. A criminal charge filed by a grand jury is known as a(n) _____.

- a. formation
- b. charge
- c. arraignment
- d. indictment

78. Reasons for a defendant's decision to contest a guilty plea include _____.

- a. the plea was a product of coercion
- b. the prosecution fails to fulfill its obligations
- c. law enforcement officials acted in an unconstitutional fashion
- d. all of the above

79. Which of the following statements is TRUE concerning the right to counsel during the habeas corpus process?

- a. Prisoners can help each other in preparing petitions.
- b. Counsel is provided if the petitioner cannot afford it.
- c. Petitioners must have counsel to assist in filing legal documents.
- d. All of the above.

80. Besides interrogation, which of the following is/are central elements of the Miranda approach to confessions and interrogations?

- a. custody
- b. general questioning
- c. formal criminal proceedings
- d. police focus on a suspect

81. The U.S. Supreme Court has stated that someone acts under _____ when he or she acts in an

official capacity.

- a. legal authority
- b. judicial order
- c. color of law
- d. None of the above.

82. In deciding on whether pretrial release should be granted, which of the following criteria can be considered?

- a. dangerousness
- b. ability to pay
- c. flight risk
- d. All of the above.

83. With preliminary hearings, the appropriate standard of proof associated with the hearing is _____.

- a. probable cause
- b. reasonable suspicion
- c. preponderance of evidence
- d. proof beyond a reasonable doubt

84. The exclusionary rule does NOT apply in _____.

- a. grand jury investigations
- b. habeas corpus proceedings
- c. parole revocation hearings
- d. All of the above.

85. When may the police use deadly force while serving an arrest warrant?

- a. With any felony warrant in which the magistrate has authorized deadly force.
- b. When the suspect resists arrest and is verbally abusive to the arresting officers.
- c. When the suspect attempts to flee after being ordered to stop.
- d. When the suspect attempts to flee and will likely inflict harm on other people or police officers.

86. A guilty plea is "understood" if the defendant understands _____.

- a. the nature of the charge

- b. the possible sentence
- c. the possible rights waived
- d. all of the above

87. Plea bargaining was _____ by the second half of the nineteenth century.

- a. rare
- b. banned
- c. commonplace
- d. excessive

88. Which of the following can be considered a formal criminal proceeding with respect to the Sixth Amendment approach to confessions and interrogations?

- a. indictment
- b. arraignment
- c. preliminary hearing
- d. All of the above.

89. With regard to how soon the initial appearance must take place after arrest, delays of how much time are usually unacceptable?

- a. one hour
- b. two hours
- c. more than six hours
- d. There are no limits.

90. In which case did the Supreme Court hold that warrantless searches of probationers are permissible not only for probation-related purposes, but for investigative purposes as well?

- a. Veronia School District 47J v. Acton
- b. Griffin v. Wisconsin
- c. Pennsylvania Board of Probation and Parole v. Scott
- d. United States v. Knights

91. Appeals are MOST commonly filed by the _____.

- a. defense
- b. prosecution

c. trial judge

d. victim

92. The list of potential jury members is known as the _____.

a. jury pool

b. master jury wheel

c. jury list

d. all of the above

93. The Fifth Amendment protects against _____.

a. unreasonable searches and seizures

b. violations of the right to counsel

c. self-incrimination

d. cruel and unusual punishment

94. The Sixth Amendment right to counsel was incorporated in _____.

a. Powell v. Alabama

b. Johnson v. Zerbst

c. Gideon v. Wainwright

d. Betts v. Brady

95. Identifications resulting from illegal searches and seizures are _____.

a. never admissible

b. rarely admissible

c. sometimes admissible

d. always admissible

96. _____ is any unoccupied or undeveloped real property falling outside the curtilage of a home.

a. Abandoned property

b. An open field

c. Vacant land

d. Unsecured private land

97. In the wake of Terry v. Ohio, the Supreme Court has handed down a number of decisions that have

_____.

- a. restricted stops-and-frisks
- b. expanded stops-and-frisks
- c. neither restricted nor expanded stops-and- frisks
- d. restricted stops-and-frisks under certain circumstances

98. The _____ Amendment states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

- a. Fourth
- b. Fifth
- c. Sixth
- d. Eighth

99. The term "automobile" includes which of the following?

- a. trucks
- b. boats
- c. automobiles
- d. All of the above.

100. According to the Federal Rules of Evidence, the defense may discover which of the following from the prosecution?

- a. transcriptions of oral statements made by the defendant
- b. the defendant's prior criminal record
- c. results from physical and/or mental evaluations
- d. All of the above.