

Simulated Exam # 5 Answer Key Sergeant Candidates

1. C – 2C:13-1b
2. A – 2C:33-3a
3. D – 2C:37-1c
4. B – 39:4-130
5. A – 2C:18-3a (4th degree) only. You do not have a burglary (2C:18-2a1) as the actor is merely “standing next to the stereo”. Here there is no inference that the actor entered the dwelling to commit an offense therein, nor does the body vest statute (2C:39-13) make any implications that the mere act of wearing it would make any inference to further offenses/crimes being committed.
6. C – Although Choice A looked good also, the words “no offense” makes it false
7. B – 39:4-100
8. C – 2C:11-3a3 and 2C:17-1a1 / State v. Arenas (App. Div. 2003)
9. A – 2C:12-1f, there are two incidents of 4th degree simple assault, the other is an employee of an institution assaulting an institutionalized elderly person, 2C:12-1d
10. A – 2C:29-2 – only charge one count of Resisting Arrest regardless of how many officers encounter the resistance.
11. A – 2C:39-6i – I and II only (III and IV are made up and V is wrong as it is a disorderly persons offense)
12. C – 2C:24-4b(5)(b) – Possession makes it a 4th Degree (no distribution)
13. D – 2C:14-3b / State v. Triestman (App. Div. 2010)
14. B – 2C:18-3a
15. D – 2C:14-2b / State v. Ridgeway (App. Div. 1992)
16. D – 2C:12-10, To stalk you need repeatedly, meaning 2 or more occasions.
17. D – 2C:5-2, Need 2 or more persons for conspiracy
18. B – 2C:38-2c
19. D – 2C:20-25
20. D – 2C:22-1c, Human remains includes a dead body and a dismembered part of a living person, not cremated remains
21. C – 2C:24-4
22. C – I, II and IV only, 2A:4A-34f
23. D – State v. Spivey (2004) – Spivey was convicted of, among other charges, Possession of a Controlled Dangerous Substance (CDS), third-degree in violation of 2C:35-10a(1); Possession of a CDS with Intent to Distribute, second-degree in violation of 2C:35-5a(1), b(2); Possession of a CDS with Intent to Distribute within 500 feet of a Public Park, second-degree in violation of 2C:35-7.1; Possession of a CDS, fourth-degree in violation of 2C:35-10a(3); Possession of a CDS with Intent to Distribute, third-degree in violation of 2C:35-5a(1), b(11); Possession of a CDS with Intent to Distribute within 500 feet of a Public Park, third-degree in violation of 2C:35-7.1; Possession of a Firearm while in the Course of Committing a Drug Offense, second-degree in violation of 2C:39-4.1a

24. A – 39:4-50a.1.ii

25. A – 2C:5-1. Criminal attempt

- a. Definition of attempt. A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he: (1) Purposely engages in conduct which would constitute the crime if the attendant circumstances were as a reasonable person would believe them to be;

2C:17-2. Causing or Risking Widespread Injury or Damage. a. (1) A person who, purposely or knowingly, unlawfully causes an explosion, flood, avalanche, collapse of a building, release or abandonment of poison gas, radioactive material or any other harmful or destructive substance commits a crime of the second degree. A person who, purposely or knowingly, unlawfully causes widespread injury or damage in any manner commits a crime of the second degree.

e. For purposes of this section, widespread injury or damage means serious bodily injury to five or more people or damage to five or more habitations or to a building which would normally have contained 25 or more persons at the time of the offense.

26. A - **2C:17-1. Arson**

b. Arson. A person is guilty of arson, a crime of the third degree, if he purposely starts a fire or causes an explosion, whether on his own property or another's:

- Thereby recklessly placing another person in danger of death or bodily injury;

2C:12-3. Terroristic Threats

b. A person is guilty of a crime of the third degree if he threatens to kill another with the purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out.

27. C – Not I and II. Roman numeral I statement, to be a true statement, should be “Under no circumstances shall a juvenile under the age of 12 be used as an informant” thereby making Roman numeral II false also.

28. C – Attorney General Directive on the Amber Alert Plan

Roman numeral I: An evaluation of the scenario reveals very little benefit that would have been derived from the broadcast of this case, other than a description of the girl and the clothing she was last seen wearing. There was no suspect description, no vehicle description and direction of travel. There was no sign of foul play, and the girl was certainly old enough to have gone somewhere of her own volition. This case **would NOT** qualify for an AMBER alert.

Roman numeral II: Due to the age of the child and the mother’s ability to provide a description of the child and suspect vehicle, this scenario **WOULD** qualify for an AMBER alert. The ongoing investigation should, of course, include extensive area searches in the event the child had wandered a relatively far distance.

Roman numeral III: This scenario **would NOT** qualify for an AMBER alert. Although there is sufficient descriptive information available of the victims and the suspect, the suspect’s actions place him in violation of a custody order, and the children may be taken out of the country, there is no reason to believe the children are in imminent danger of serious bodily harm or death.

Roman numeral IV: This scenario **WOULD** qualify for an AMBER alert. Although this is a custodial situation, the father’s history of abuse against the child, his mental and physical condition, and the threats he has made lead the police to believe the girl is in imminent danger of serious bodily harm or death.

29. D – Domestic Violence – Definitions, 1.8 “Emancipated Minor”

30. C – Bias Incidents. Part 4. Requirement to Report All Bias Incidents - Local law enforcement agencies shall report all confirmed or suspected bias incidents through the eUCR system as soon as is practicable, but not more than 24 hours from the initial law enforcement response. In cases of suspected or confirmed bias incidents involving: (1) homicide, aggravated sexual assault, sexual assault, aggravated assault, or arson; (2) a law enforcement officer as the alleged perpetrator; (3) an organized hate group as the perpetrator; or (4) a potential to generate large-scale public unrest, the local law enforcement agency shall also immediately notify the Bias Crimes Unit at DCJ. The local law enforcement agency also must immediately notify the appropriate County Prosecutor of such an incident.

31. D – A.G. Directive 2000-3 Procedure for the Seizure of Weapons from from Municipal and County Law Enforcement Officers Involved in Domestic Violence. Part II Guidelines for the Seizure of Weapons from a Law Enforcement Officers Involved in a Domestic Violence Incident. C. Where weapons have been seized from an officer, a report shall immediately be made to the arresting officer’s departmental supervisor who must notify the prosecutor’s office in the county where the charge had been filed.

- 32. A – A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials – 7.3.4. Use of Undercover Officers as School Employees.
- 33. B – Drug Testing Guideline – II. Applicability, C. Types of Testing – 1. Random Testing – 4th Paragraph
- 34. D – Firearms Qualification – Section 9. Non-Qualifying Participants
- 35. D – Domestic Violence – The Prevention of Domestic Violence Act incorporates the following criminal statutes:
 - (1) Homicide.....2C:11-1, *et seq.*
 - (2) Assault2C:12-1
 - (3) Terroristic threats2C:12-3
 - (4) Kidnapping2C:13-1
 - (5) Criminal restraint2C:13-2
 - (6) False imprisonment2C:13-3
 - (7) Sexual assault2C:14-2
 - (8) Criminal sexual contact2C:14-3
 - (9) Lewdness2C:14-4
 - (10) Criminal mischief.....2C:17-3
 - (11) Burglary.....2C:18-2
 - (12) Criminal trespass2C:18-3
 - (13) Harassment.....2C:33-4
 - (14) Stalking2C:12-10
 - (15) Criminal coercion.....2C:13-5
 - (16) Robbery2C:15-1
 - (17) Contempt of a domestic violence order pursuant to subsection b. of 2C:29-9 that constitutes a crime or disorderly persons offense.
 - (18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991" (2C:25-17 *et al.*)
 - (19) Cyber harassment2C:33-4.1
- 36. D – State v. Best (NJ Sup. 2010)
- 37. A – State v. Stanton (NJ App. 1993)
- 38. D – Property and Evidence Function – Model Policy, Part 3.0
- 39. A – Juvenile Matters – II. Station House Adjustments – I. Quarterly Reporting and Data Collection
- 40. B – Internal Affairs Policy and Procedures – 8. Interviewing Members of the Agency – 8.2. When the Investigation is Criminal and the Officer Is a Subject, 8.2.5
- 41. C – State v. Villar (1997)
- 42. C – I, II and III only - Drug Testing Policy – Part VIII. Consequences of a positive test result. – Section C. When a sworn law enforcement officer tests positive for illegal drug use. Roman numeral IV. should be “The officer shall be permanently barred from future law enforcement employment in New Jersey.”
- 43. C – II, III, IV, and V only – Attorney General Medical Marijuana Enforcement Guidelines for Police – Part 4.3 Standardized Packaging and Dispensing Labels
- 44. B – A.G. Dir. 2022-12 Automated License Plate Readers (ALPRs), 6. Storage, records, and retention, 6.4 Retention
- 45. B – A.G. Dir. 2022-12 Automated License Plate Readers (ALPRs), 7. Discovery, 7.1.1

46. A – “Overdose Prevention Act” – Directive No. 2013-1 – 2. Specific Crimes and Offenses That Are Subject to Immunity from Arrest and Prosecution
47. D – I. Definitions, A.
48. C – I and III only – Domestic Violence – 3.4. Domestic violence arrests – 3.4.1. The agency shall specify those domestic violence incidents which require mandatory arrests
49. D – Strip Search and Body Cavity Search Requirements – V. Reporting requirements
50. B – Vehicle Pursuit Policy – 3.2 Deciding Whether to Pursue, 3.2.
51. C – Seizure of Weapons from Municipal and County Law Enforcement Officers Involved in Domestic Violence Incidents – II. Guidelines for the Seizure of Weapons from a Law Enforcement Officer Involved in a Domestic Violence Incident – C. Where weapons have been seized from an officer, a report shall immediately be made to the arresting officer’s departmental supervisor who must notify the prosecutor’s office in the county where the charge had been filed.
52. B – Seizure of Weapons from Municipal and County Law Enforcement Officers Involved in Domestic Violence Incidents
53. D – Seizure of Weapons from Municipal and County Law Enforcement Officers Involved in Domestic Violence Incidents
54. D – 2C:21-36 a.(1), c. and d.
55. B – 2C:16-1 (See 2C:16-1h which states “it shall not be a defense to a prosecution for a crime under this section that the defendant was mistaken as to the race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity of the victim.”)
56. A – A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials – 3.3. Exceptions to Mandatory Reports of Offenses Involving Controlled Substances – 3.3.2. Voluntary Self-Report
57. A – 2C:15-1 (1st degree) because of the weapon, even if it was a fake
58. A – I, III and IV only. 2C:39-4e (4th degree), 2C:20-11 (DP), 2C:12-3a (3rd degree)
59. C – Not III: 18 is wrong, should be 21 – Patricia’s Law
60. D – Preparing and Conducting Out-Of-Court Eyewitness Identifications – I. Composing the Identification Procedure, A. Photo Arrays and Live Lineups
5. Additional Composition Recommendations Specific to Photo Arrays
61. C – State v. Nyhammer (2009) – Answer choice D is not a true statement as per State v. A.G.D. (2003) which determined police must inform the suspect if they have a complaint and/or warrant in hand.
62. C – 2C:14-2c4 – victim is at least 13 but less than 16, actor is at least 4 years older
63. C – 2C:1-6. Time limitations

a. (1) A prosecution for any offense set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, **N.J.S.2C:14-2 Sexual Assault (THIS SCENARIO: 2C:14-2b. *An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim*)** or sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5) **may be commenced at any time.**

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

(1) A prosecution for a crime must be commenced within five years after it is committed;

(4) A prosecution for an offense set forth in **N.J.S.2C:14-3** or N.J.S.2C:24-4, when the victim at the time of the offense is below the age of 18 years, must be commenced within five years of the victim's attaining the age of 18 or within two years of the discovery of the offense by the victim, whichever is later;

2C:14-1. Definitions

d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;

64. A – 2C:16-1 (4th degree) and 2C:17-3 (DP)

65. D – Terroristic Threats 2C:12-3 – a person is guilty of a crime of the third degree if he threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

Answer choice C is incorrect (according to NJ CSC) because Terrorism 2C:38-2 is to cause, by an act of terror, the impairment or interruption of public communications, public transportation, public or private buildings, common carriers, public utilities or other public services. "Terror" means the menace or fear of death or serious bodily injury by words or actions.

66. B – Melissa is not a victim as per the statutory definition set forth in 2C:25-19d for Domestic Violence victims.

67. D – Internal Affairs Policy – Accepting Reports of Officer Misconduct

68. B – Law Enforcement Interactions with Transgender Individuals – II. Interactions Based on Gender, A. Conducting Searches

69. B – Statewide Handle with Care – I. Definitions, D. Traumatic Events. Careful with the wording: A neighborhood mostly refers to the adjoining area or the surrounding area of a city. Community is used more in the sense of groups of people living in a particular area or district. The directive specifically states, “community violence.”
70. A – 2C:13-4 (3rd degree)
71. C – Restrictions on the Use of Polygraph Examinations – I. Law Enforcement Agencies, A.
72. A – Heroin and Opiate Investigations / Prosecutions Directive – Part 2a: Reporting Narcan Deployments to the ROIC
73. B – State v. Maltese (2015)
74. D – State v Hreha (2014)
75. A – State v. Hreha (2014)