

## **SIMULATED EXAM #7 (SGTS) – ANSWER KEY**

1. A – A.G. Guideline on Bias Incident Investigation Standards, 4. Requirement to Report All Bias Incidents: (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
  
2. D – A.G. Directive 2010-3 Revised Amber Alert Plan, AMBER Alerts are only one part of a comprehensive law enforcement response to reports of abducted/missing children. Even when the circumstances of an abduction or missing child case do not meet the criteria for activation of an AMBER Alert, the law enforcement agency responding to the incident should immediately contact the New Jersey State Police Missing Persons Unit for assistance, and must conduct the missing child investigation in accordance with guidelines, protocols, and/or best practices disseminated by the State Police pursuant to Attorney General Law Enforcement Directive No. 2008-4. The decision not to activate an AMBER Alert to interrupt radio and television programs with an emergency broadcast should in no way preclude a law enforcement agency from preparing and distributing flyers or using other means to enlist public assistance in locating the missing child. Nor does the statewide AMBER Alert Plan in any way preclude a law enforcement agency from entering into an agreement with local media to publicize missing persons reports. The AMBER Alert program is intended to supplement, not supplant, other techniques and methods for soliciting the public’s assistance in locating missing persons.
  
3. C – A.G. Directive 2020-12, Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform, Section I. Curbside Warnings, C. Other curbside warnings
  
4. C – 2C:14-2b. An actor is guilty of sexual assault if the actor 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.
  
5. B – A.G. Directive 2020-12, Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform, Section II. Stationhouse Adjustments, H. Stationhouse Adjustment Agreements, 1.

6. C – A.G. Directive 2020-12, Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform, Section II. Stationhouse Adjustments, B. Presumption in Favor of Stationhouse Adjustments for Certain Unlawful Conduct, G. Conditions, 6., H. Stationhouse Adjustment Agreements, 3.d.
7. C – State v. Privott (Supreme Court of NJ, 2010)
8. A – A.G. Guideline on Bias Incident Investigation Standards, 7. Initial Law Enforcement Response to a Bias Incident, Responding Officer
9. C – New Jersey Domestic Violence Procedures Manual, V. Law Enforcement, D. Discretionary Arrest
10. D – A.G. Body Worn Camera Policy, 3.2 Officers Required to Wear BWCs, 3.3 Officers Not Required to Wear BWCs
11. B – NJ Attorney General’s Internal Affairs Policy and Procedures, 2.2. Rules and Regulations, 2.2.2
12. D – A.G. Use of Force Policy, Definitions
13. B – A.G. Use of Force Policy, Core Principle Two – Force as a Last Resort and Duty to De-Escalate, 2.5 De-escalation
14. C – K-9 Training Standards and Qualification Requirements, In-Service Training and Re-Evaluation
15. A – State v. Bey (Supreme Court of NJ, 1988)
16. B – A.G. Property and Evidence Function, Disposition of Property
17. C – 2C:12-1.a.(2), Negligently causes bodily injury to another with a deadly weapon.
18. A – 2C:20-3
19. D – 2C:12-1.b.(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm . . . at or in the direction of another, whether or not the actor believes it to be loaded
20. A – State v. Matthews (Appellate Division NJ, 2008)

21. A – A.G. Use of Force Policy, Core Principle Three, Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force, 3.4 Display of Firearms, (a) Pointing a firearm and (b) Reporting the pointing of a firearm
22. D – State v. Domicz (Sup. Ct NJ, 2006), State v. Mosner (NJ App. Div., 2009), Carroll v. Carman (US Sup. Ct., 2014)
23. B – 2C:20-11.b. Shoplifting. Shoplifting shall consist of any one or more of the following acts: (5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.
24. B – A.G. Internal Affairs Policy and Procedures, 2. Fundamentals of the Disciplinary Process, 2.2. Rules and Regulations, 2.2.3
25. C – A.G. Protocols Regarding Pregnant Officers – I. General Principles – C. Response to notification of pregnancy.
26. C – A.G. Drug Testing Policy – II. Applicability – B. Employment Status
27. D – A.G. Directive 2023 Procedures and Guidelines for Law Enforcement Testing, Tracking, Storage, Retention, and Destruction of Sexual Assault Forensic Examination (SAFE) Kits – C. SAFE and DFSA Kit Retention Policy
28. B – A.G. Directive 2023-4 Guidance and Notification Requirement Relating to Strict Liability or Injury Resulting from a Firearm-Trafficking Violation – I. Guidance Regarding L. 2023, c.
29. C – A.G. Directive 2023-4 Guidance and Notification Requirement Relating to Strict Liability or Injury Resulting from a Firearm-Trafficking Violation – I. Guidance Regarding L. 2023, c. – As defined in the Act, a “firearm trafficking violation” means a violation of: (6) Enumerated federal firearms statute – 18 U.S.C. § 922(a) by importing, manufacturing, or dealing firearms without license; **transporting or receiving firearms across state lines**; transporting destructive device, machinegun, short-barreled shotgun or rifle; transferring, selling, trading, giving, transporting, or delivering firearm to out-of-state resident; straw purchases; manufacturing or importing armor-piercing ammunition; selling or delivering armor-piercing ammunition; or **receiving firearm by out-of-state resident**;

30.B – A.G. Directive 2023-03, *Establishing Breathing/Blood flow Restriction Event: Advocacy, Treatment, Help, and Empowerment (BREATHE) Team* – II. Policy: **anyone** who **survives** a strangulation or smothering **assault** will be afforded access to BREATHE Team services, to include a forensic medical exam performed by a qualified FNE (Forensic Nurse Examiner).

31.B – A.G. Directive 2023-03, *Establishing Breathing/Blood flow Restriction Event: Advocacy, Treatment, Help, and Empowerment (BREATHE) Team* – IV. BREATHE Team Activation Procedures: The BREATHE Team FNE can respond to any reported cases of strangulation and/or smothering which meets the following criteria:

1. The victim describes being strangled and/or smothered;
2. The victim consents to the forensic medical examination; and
3. The incident occurred within the **past five (5) days** and/or the victim exhibits continued visible signs of strangulation and/or smothering injury, or reports experiencing continued symptoms of strangulation and/or smothering.

32.B – Attorney General’s Law Enforcement Drug Testing Policy. Refer to Section II. Applicability, B. Employment Status and Section VI. Analysis of Specimens, B. Marijuana/Cannabis (**only** to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver’s license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion sections II.C.2 and II.C.3)

33.D – NJ Attorney General’s Civilian Carry Assessment and Range Evaluation (CCARE) Protocol: **As law enforcement**, we are responsible for the safety of all of those who live in New Jersey. And that includes providing meaningful training to those who choose to apply for a permit to carry a handgun. Carrying a weapon that can take the life of another comes with an incredible amount of responsibility. It is **our duty** to ensure that those who choose to carry are equipped with the knowledge and training necessary to safely carry a firearm.

- 34.A – 52:17B-216. Determination of designation as high-risk missing person.
- a. (1) Upon the initial receipt of a missing person report, a law enforcement agency shall seek to determine whether the person reported missing is to be designated a high-risk missing person.
  - (2) If a law enforcement agency has reason to believe that a person reported missing is a high-risk missing person pursuant to section 1 of P.L.2007, c.279 (C.52:17B-212), the agency shall contact the appropriate county prosecutor who shall determine whether the person reported missing is a high-risk missing person.
- 35.B – NJ Attorney General Directive 2008-1 (revised June 2023) on Submission and Analysis of Information Relating to Seized and Recovered Firearms; 3. National Integrated Ballistics Identification Network (NIBIN) Data Entry: When a law enforcement agency on or after the effective date of this Directive seizes or recovers a firearm that was unlawfully possessed or used, or that was recovered from a crime scene or that is otherwise reasonably believed to have been involved in the commission of a crime, or that was found property (e.g., abandoned or discarded), the agency shall make arrangements to have any such weapon that is suitable for NIBIN examination submitted to a forensic laboratory that has NIBIN capabilities **within two business days** to determine whether the weapon is related to any other criminal episode or person.
- 36.C – Refer to *State v. Ingram* (App. Div. 2023), *Collins v. Virginia* (US Sup. Ct 2018), *Florida v. Jardines* (US Sup. Ct. 2013), *State v. Drew Johnson* (2002), *State v. Ford* (App.Div. 1995), and *State v. Wilson* (App.Div. 2015), *rev'd on other grounds* (2017),
- 37.D – Refer to *State v. Williams* (2023), *Kansas v. Glover*, 589 (U.S. Sup. Ct 2020), *State v. Donis* (1998)
38. A – Refer to *State v. Bookman* (2022), *State v. Jones* (1995), *State v. Evans* (2018), *Payton v. New York* (U.S. Sup. Ct. 1980), *Lange v. California* (U.S. Sup. Ct. 2021)
- 39.B – N.J.S. 2A:156A-12(f), *Facebook, Inc. v. State* (2023)
- 40.A – N.J.S. 2A:156A-12(f), *Facebook, Inc. v. State* (2023)
- 41.A – *State v. Nieves* (App. Div. 2023), *State v. Johnson*, 168 N.J. 608 (2001)
- 42.C – *State v. Missak* (App. Div. 2023)

43.C – *State v. Vanderee* (App. Div. 2023)

44.D – *State v. Miranda* (2023)

45.D – *State v. Smart* (2023)

46.A – *State v. T. Johnson* (App.Div. 2023)

47.B – *State v. Washington* (App.Div. 2023)

48.A – *State v. Ingram* (App. Div. 2023)

49.A – *State v. Scott* (App.Div. 2023)

50.B – *State v. Tiwana* (2023)

51.C – 2C:12-1.b.(11): A person is guilty of aggravated assault if the person: Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of the officer’s duties while in uniform or exhibiting evidence of the officer’s authority. As used in this paragraph, “laser sighting system or device” means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm

52.D – *State in Interest of M.P.* (App. Div. 2023)

53.D – *State v. Erazo* (2023)

54.A – *State v. Bullock* (2023)

55.D – *State v. Watson* (2023)

56.B – *State v. Martinez-Mejia* (App Div. 2023)

57.C – 2C:27-2. Bribery in Official and Political Matters. A person is guilty of bribery if he directly or indirectly **offers**, confers or agrees to confer upon another, or solicits, **accepts** or agrees to accept from another: d. Any benefit as consideration for the performance of official duties.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because **he had not yet assumed office**, or lacked jurisdiction, or for any other reason.

58. C – 2C:12-3.1

a. A person commits a disorderly persons offense if the person orally or in **writing**:

- (1) **knowingly and willfully makes a threat against any** health care professional, volunteer working for a health care professional or working at a health care facility, supportive services staff member working for a health care professional or working at a health care facility, or **employee of a health care professional or health care facility, with the intent to intimidate, interfere with, or impede the** health care professional, volunteer, supportive services staff member, or **employee in the performance of the** health care professional's, volunteer's, supportive services staff member's, or **employee's official duties** or;
- (2) **knowingly sends, delivers, or makes for the purpose of sending or delivering a threat prohibited pursuant to paragraph (1) of this subsection.**

59. A – 39:3-69.1 Motor vehicle violation, sound system, noise standards; fines, points.

1. a. A person commits a motor vehicle violation pursuant to this section if the person operates or amplifies a sound system, connected to or located within a motor vehicle, that violates the noise standards and any rules and regulations adopted pursuant to the "Noise Control Act," P.L.1971, c.418 (C.13:1G-1 et seq.).

Hank cannot be charged with both Title 39 and Municipal Ordinance violations for the same offense. Refer to *State v. Felder* (NJ App. Div. 2000), the court dismissed charges brought under, and struck down, a Jersey City municipal ordinance that prohibited a person from knowingly loitering in a public place where a controlled dangerous substance is being unlawfully distributed. According to the court, this ordinance, as written, is preempted by the specific provisions of Title 2C which relate to persons who obtain or possess controlled dangerous substances, 2C:35-10a., and persons who wander, remain or prowl in a public place with the purpose of unlawfully obtaining or distributing a controlled dangerous substance, 2C:33-2.1b. Because of Title 2C's treatment of this subject and the express prohibition against loitering related to obtaining or distributing drugs, the court held that the Legislature has "preempt[ed] any local ordinance that deals with the same subject matter." *Id.* at 475.

60. B – 2C:14-9.1 Sexual extortion, crime, parameters.

1. An actor commits the crime of sexual extortion if:

a. with the purpose to coerce another person to: engage in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, the actor communicates by any means a threat:

(1) to the person, property, or reputation of the victim or any other person; or

(2) to disclose an image, video, or other recording of the victim or any other person engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of the victim's or any other person's intimate parts;

61. C – State v. Linton (NJ App. Div. 2002) Although the police were looking for narcotics on the first floor of this abandoned house, their activity did not constitute a “search” under the Fourth Amendment. “A search, in that sense, only ‘occurs when an expectation of privacy that society is prepared to consider reasonable is infringed.’ ” Id. at 258. [Citation omitted.] t court cases holding that “squatters” have no reasonable expectation of privacy where they have no legal right to enter or occupy the land and building structures on it. The court held, therefore, that “a defendant who hides drugs in someone else’s vacant property has no constitutionally reasonable expectation of privacy.” Id. at 259. In this case, defendant was no more than “a transient squatter,” with no constitutionally reasonable expectation of privacy at the premises. Id. at 256. Therefore, the police actions in this case did not violate the Fourth Amendment.

62. B – State v. Navarro (NJ App. Div. 1998) The action of the police in accompanying Aguilar to her apartment constituted a reasonable exercise of their community caretaking responsibilities.” Id. at 109. The officers had “a justifiable concern that Aguilar could injure herself or others if the object turned out to be a gun. The police also could have a legitimate concern that Aguilar’s discovery of a gun among defendant’s personal belongings could precipitate a violent confrontation with defendant upon his return from work. Moreover, Aguilar’s possession of the gun while removing it from her apartment could have constituted a violation of *N.J.S.[] 2C:39-5b*, which prohibits possession of a handgun without a permit. Thus, by acceding to Aguilar’s request to inspect the apparent gun, the police not only avoided the potential safety hazard of Aguilar handling and carrying a gun but also may have prevented her from committing a crime.”

63. A – 2C:15-2a(1) / State v. Matarama (NJ App. Div. 1997) The vehicle was the expressed object of her attackers.

64. A – 2C:18-3b / State v. Brennan (NJ App. Div. 2001) A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor.

65. A – 2C:21-6.c Credit card theft.

(1) A person who takes or obtains a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been so taken, receives the credit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder is guilty of a crime of the fourth degree. Taking a credit card without consent includes obtaining it by any conduct defined and prescribed in Chapter 20 of this title, Theft and Related Offenses.

A person who has in his possession or under his control (a) credit cards issued in the names of two or more other persons or, (b) two or more stolen credit cards is presumed to have violated this paragraph.