

Simulated Exam 8

Sergeant Candidates

Questions 1 through 5 pertain to the below information:

The Anytown Board of Education runs on a very limited budget. Luckily, they have two excellent mechanics on staff that can work wonders keeping their school buses running. This year, eight used school buses were donated by a philanthropist. Two of these buses are year 1994 models, two are year 1995 models, one is a 2005 model and three are 2010 models. None of the buses are equipped with a crossing control arm and all are designed to carry more than 10 passengers. These buses will eventually replace the existing fleet of buses the school board owns. The mechanics numbered the buses as follows:

1994 models – Bus #1 and Bus #2

1995 models – Bus #3 and Bus #4

2005 model – Bus #5

2010 models – Bus #6, Bus #7, and Bus #8

Considering N.J.S. 39:3B-1.1 and N.J.S. 39:3B-1.2 (below), answer Questions #1 through #5.

39:3B-1.1. School buses to be equipped with crossing control arm

Every school bus as defined under R.S.39:1-1, which was originally designed to carry 10 or more passengers and which is in operation on, or after, August 6, 1996, transporting public and nonpublic school pupils and every new or used such school bus acquired on or after that date to transport public and nonpublic school pupils shall be equipped with a crossing control arm at the right front corner of the bus. In each year after August 6, 1996, 50 percent of all school bus fleets in operation on that date owned by any agency, a board of education, a nonpublic school or a school bus contractor not already equipped with a crossing control arm shall be so equipped, provided that each vehicle used to transport elementary school students shall be given priority to be equipped with a crossing control arm in the first year following August 6, 1996. The arm shall open and extend out from the front of the bus at least 5 ½ feet each time the bus door is opened.

39:3B-1.2. Reimbursement for retrofitting school buses with crossing control arm

Each agency, school district and nonpublic school that owns and operates its own school buses and each school bus contractor that operates school buses, as defined in section 1 of P.L.1996, c.96 (C.39:3B-1.1), shall receive reimbursement from the Department of Education in an amount up to, but not to exceed, \$300 per bus for retrofitting those school buses in operation before August 6, 1996, and an amount up to, but not to exceed, \$200 per bus for buses put into operation after that date for the cost of including the crossing control arm on those buses. If any agency, school district, nonpublic school or school bus contractor chooses to equip more than 50 percent of its school buses in any one year, it shall receive a maximum reimbursement for 50 percent of its school buses for that year. Reimbursement for retrofitting more than 50 percent of its school buses will be paid in the subsequent year based on a schedule to be determined by the commissioner, not to exceed two years.

1. Which of the school buses need to be retrofitted with crossing control arms?
 - A. All the buses need to be retrofitted with crossing control arms.
 - B. The two 1994 model buses.
 - C. The two 1995 model buses.
 - D. At least two of the pre-1996 model buses.

2. The school district has four schools, three are elementary and one is a high school. They plan on evenly distributing the buses equally to each school. As the mechanics complete retrofitting the crossing control arms in the bus number order, they intend on placing the buses into service immediately. In what order should the buses be distributed?
 - A. The elementary schools shall receive Buses #1, #2, #3, #5, #6, and #7. The high school shall receive Buses #4 and #8.
 - B. The elementary schools shall receive Buses #1, #2, #3, #4, #5, and #6. The high school shall receive Buses #7 and #8.
 - C. The high school shall get Buses #1 and #5. The elementary schools shall receive Buses #2, #3, #4, #6, #7, #8.
 - D. The elementary schools shall receive Buses #3, #4, #5, #6, #7, and #8. The high school shall receive Buses #1 and #2.

3. What is the maximum amount of reimbursement that the Anytown Board of Education can expect to receive from the Department of Education for the retrofitting of the bus crossing control arms?
 - A. \$200
 - B. \$300
 - C. \$1600
 - D. \$2400

4. How many buses must be retrofitted with crossing control arms within the first year of receiving them?
 - A. Eight
 - B. Six
 - C. Four
 - D. Two

5. If the mechanics retrofit the necessary buses with crossing control arms within the time limitations set forth in N.J.S. 39:3B-1.1, how many years do they have to retrofit the mandatory number of buses?
- A. Three
 - B. Four
 - C. Five
 - D. Six
6. According to 2C:39-7: Certain Persons Not to Have Weapons or Ammunition, those convicted of which of the below are prohibited from purchasing, owning, possessing or controlling a firearm?
- I. Aggravated Assault
 - II. Burglary
 - III. Extortion
 - IV. Aggravated Criminal Sexual Contact
- A. I and II only
 - B. I, II and III only
 - C. I, II and IV only
 - D. All of the above
7. Joe Moocher is getting evicted and must vacate his apartment by tomorrow. He becomes upset and breaks the kitchen cabinets, punches holes in the walls, kicks the doors off the hinges, and throws a chair through the bay window. Which of the below offense(s), if any, could he be charged with?
- A. Criminal Mischief
 - B. Burglary
 - C. Burglary and Criminal Mischief
 - D. No charge. This is a civil matter
8. During his campaign for the office of Mayor, Mr. Riggs agreed to accept \$10,000 in cash from an attorney in exchange for becoming the town's tax attorney once Riggs was elected. Riggs lost the election and because he never took office, was never able to perform his part of this alleged corrupt bargain. What can Mr. Riggs be charged with?
- A. Bribery in Official and Political Matters
 - B. Official Misconduct
 - C. Speculating or Wagering on Official Action or Information
 - D. False Representation

9. Two officers were on patrol in a “high-crime area” known for shootings and drug dealing. While approaching a vacant house, the officers noticed two individuals standing in front of it. When the officers exited their unmarked vehicle, the two individuals walked away. At the same time, a third person, Larry Beltron, exited the walkway that led to the rear of the house. Although the officers were not in uniform, they were wearing tactical vests marked with the word “police” on the front and back. Based on his training, 20 years of experience, and his belief that the vacant house was used for the sale of drugs and weapons, the first officer found it suspicious that Larry was on the walkway next to the vacant house and believed Larry was engaged in drug dealing activity. So, the officers approached Larry, blocked his path at the end of the walkway, and began questioning him, asking for his name and for an explanation of his presence on that walkway. Larry became nervous and looked up and down the street; he started sweating, and his hands began to shake. Larry provided a name and informed the officers that his identification was in his jacket pocket. Because Larry’s demeanor made him nervous, the officer told Larry that he would retrieve the identification from his pocket. At that point, Larry stated, “I appreciate if you guys didn’t pat me down,” arousing the officer’s suspicions even further. Nonetheless, the officer conducted a pat down for weapons. The officer felt a weapon in Larry’s jacket pocket and retrieved a handgun. Larry was arrested, and police later recovered currency and drugs from his person. A search of the walkway revealed drugs in baggies that were the same color as the baggies of drugs found in Larry’s pockets during a search incident to arrest. Which of the below statements is true regarding this scenario?

- A. The officers had reasonable and articulable suspicion to detain Larry to initiate an investigatory detention as well as performing the pat down for weapons.
- B. The officers did not have reasonable and articulable suspicion to detain Larry to initiate an investigatory detention however they were justified in performing the pat down for weapons.
- C. The officers did not have reasonable and articulable suspicion to detain Larry to initiate an investigatory detention.
- D. The officers had reasonable and articulable suspicion to detain Larry to initiate an investigatory detention however were not justified in performing the pat down for weapons.

10. Police had received an anonymous tip that Rita Grissom was selling heroin from her home at 6 Parker Pass as well as out of her older burgundy Chevy Lumina. The caller stated that Rita was making trips in the Lumina to drop off and pick up heroin from an address in Jackson Township. A few days later at 11:30 p.m., Officer Hanson, while on patrol, turned onto Parker Pass and his attention was drawn to a moving silhouette in a parked burgundy Chevy Lumina. The officer pulled up and parked his patrol car seven to ten feet behind Rita's vehicle and at a perpendicular angle. The Lumina was parked, front-end forward, in a space facing a curved curb. As a result, the cruiser's positioning blocked Rita's car. Because it was dark and neither the lights nor the engine of the Lumina was activated, he turned on the patrol car's rooftop, right alley light aimed at the parked vehicle. He did not turn on the siren or emergency lights. The alley light revealed a woman sitting in the driver's seat of the Lumina. Rita looked back at him and then leaned toward the passenger's seat and was scuffling around with something there. Rita's movement in the dark vehicle made the officer suspicious. He exited his car and approached her vehicle, going directly to the driver's-side door. Finding the driver's window half-open, he addressed Rita by asking for identification and driver's license. After she produced them, he recognized her as the subject of the anonymous tip and recalled that he had arrested Rita on drug-related charges approximately six months earlier. Hanson asked Rita what she was doing, and she replied that she was smoking a cigarette. The officer asked her why she began to scuffle around the passenger-seat area when he pulled his car up behind hers and she replied that she had been applying makeup and was putting it away in her purse. When Hanson asked how she could apply makeup in the dark, she did not reply. The officer did not think her story made sense and asked Rita whether there was anything he should know about in the vehicle. Rita responded by stating "yes ... it's the same thing you arrested me for before in the past." Then Rita, unprompted, reached over to the passenger seat and pulled out a mitten from which she produced an eyeglass case. She opened the eyeglass case and Hanson observed a white powdery substance that he identified as drugs—either cocaine or heroin—and drug paraphernalia. Hanson ordered Rita out of the vehicle and placed her under arrest. Which of the below statements is true regarding this scenario?

- A. An investigative detention occurred when the officer blocked in Rita's vehicle, directed the patrol car's alley light to shine into her car, and then approached her driver's side window to address her.
- B. The officer had a reasonable articulable suspicion to support the investigative detention.
- C. Rita, being an objectively reasonable person, would have felt free to leave, at least up until the point when she was asked directly whether she had anything in her vehicle that the officer should know about.
- D. All of the above statements are true.

11. The police arrested Mike for committing certain offenses and brought him to police headquarters where he gave a statement to an investigating detective. The police permitted Mike to make a telephone call from one of the stationhouse's landlines but did not tell him his conversation would be recorded or accessible to law enforcement without his consent or a warrant. Mike called and spoke with Gina. The next day, a detective retrieved the recording and listened to their private conversation. Based, in part, on the contents of that conversation, Gina was charged with various crimes. Which of the below statements is true regarding this scenario?

- A. Mike did not have a reasonable expectation of privacy in a call made from a police station.
- B. New Jersey's residents have a widespread understanding that all outgoing telephone calls from a police station are recorded and, as such, being common knowledge, said conversations are not subject to right to privacy expectations.
- C. For recorded telephone conversations to be legally introduced as evidence a sign, notifying parties that their conversations are recorded along with the *Miranda* warnings, must be prominently displayed by telephones to be used for such purposes.
- D. Mike's custodial status in the stationhouse did not strip him of all constitutional protections.

12. After two controlled buys from Carla Foster from her apartment, a search warrant was issued for her and the apartment. The apartment was located on the edge of a high crime area known for illegal drug activity. Before executing the warrant, the police had observed a few people enter and leave the garden apartment building within a brief period. Eight police officers, some in uniform and some in plainclothes, entered the apartment to execute the warrant. They secured four persons inside, including Carla Foster. One of Foster's daughters, who lived in the apartment, arrived after the search began. Detective Panarese let her in and patted her down for weapons. No weapons had been found on any of the people in the apartment. Dexter Hall, who was unknown to Detective Panarese, arrived during the search with another male who was known to the Detective from a previous drug situation. When Hall and his companion saw what was happening, they tried to leave but were stopped and brought inside by the Detective. Detective Panarese immediately patted down Hall and his companion. The pat-down revealed no weapons (or other contraband) on Hall's companion and he was told he could leave. As Detective Panarese was patting Hall down, he asked him if he had anything on him. Hall answered that he had some cocaine for personal use and produced, from his pocket, a dollar bill containing a small amount of cocaine. He was promptly arrested for possession of CDS. At trial, what would most likely be the result of the seizure of the drugs found on Hall?

- A. The drugs will be allowed as the product of a search incident to arrest.
- B. The drugs will be suppressed because Hall was not advised of his *Miranda* rights.
- C. The drugs will be suppressed because Hall was not mentioned in the search warrant.
- D. The drugs will be allowed as the product of a lawful pat-down search and voluntarily turned over by Hall.

13. Plainclothes officers received an anonymous tip that drugs were being sold out of 50 Oraton Street and immediately went to the scene and placed the house under surveillance. Officer Restro observed a male approach the house and enter a screened vestibule-porch. A door to the interior of the house opened for approximately one minute. At trial, the officer testified: "I observed a black male entering the house, apparently going into his pocket, taking apparently what appeared to be some currency out. Went through the first door, knocked on the second door like a transaction or something transpired. He just turned and walked back out." Subsequently, Restro also observed a couple, a male and a female, enter the house and leave shortly thereafter. Nothing else was observed regarding that couple. After the couple left the house, the police decided to investigate more closely. They walked up to the house and knocked on the door. When the door was opened, they announced they were the police. According to Restro, he heard scurrying inside the house and someone shout "police." A person inside attempted to push the door closed. Restro and his partners pushed the door open, entered the house, found drugs in an upstairs sewing room and made arrests. Which of the below statements is true regarding this scenario?
- A. The officers had probable cause to believe that drugs were being sold from 50 Oraton Street when they approached the house and knocked on the door.
 - B. The occupants' reaction of scurrying to the announced police presence ripened reasonable suspicion into probable cause.
 - C. The occupants' attempt to bar the police by closing the door provided the missing ingredient to convert suspicion into probable cause.
 - D. None of the above statements are true.
14. Jones was stopped by the state police for changing lanes without signaling on the New Jersey Turnpike. During the stop, the trooper detected an odor of alcohol on Jones' breath and asked him if he had been drinking. Jones nervously replied, "I'm not going to lie to you because I had a bottle of Heineken." Thereafter, the trooper conducted a search of Jones' vehicle for open containers of alcohol. In the vehicle's passenger compartment, the trooper found over six ounces of cocaine. Which of the below statements is true regarding this scenario?
- A. The search was unlawful because there were no facts to establish the probable cause necessary to conduct a search of the interior of the vehicle.
 - B. The odor of alcohol the Trooper detected on Jones' breath, together with his nervousness and admission concerning the consumption of one beer established a well-grounded suspicion that Jones had open containers of alcohol in the vehicle in violation of *N.J.S. 39:4-51a*.
 - C. The smell of alcohol and admission of consumption does not warrant a sobriety test, let alone a search of the vehicle for open containers.
 - D. The smell of alcohol and admission of consumption does not, by itself, warrant a sobriety test, however it does justify a search of the vehicle for open containers.

15. Kevin Franklin and four of his other friends rented a home located in a residential neighborhood. One evening, a large party was held at their home, resulting in a noise complaint to the police. This was the second such complaint in the month. Five officers responded at 2:15 a.m. Hearing loud noise emanating from the home, one of the officers knocked on the front door. A male opened the door to allow the officers entry, but walked away before the officers could speak with him. The home was packed with people drinking beer and talking loudly with beer cans and plastic cups thrown about. While some were clearly intoxicated, none appeared to need medical assistance or any emergency aid. To locate responsible residents, the officers repeatedly shouted, "who lives here?" but none of the partygoers responded. The officers looked throughout the home to identify and locate the residents, clear out the party, abate the noise and ensure that no one needed medical assistance, even though there were no reports of anyone in need of assistance or in physical distress. On the third floor, an officer found Kevin's bedroom door open. As the officer looked into the bedroom from the hallway, he observed atop of a small table two green, star-shaped pills (later identified as ecstasy), a prescription pill bottle, empty plastic bags, and a black digital scale covered with white powder residue. The officer then entered the bedroom where he located additional pills inside the pill bottle with Kevin's name on the label, along with Kevin's identification cards sitting on the table near the pills. The officer seized these items and returned downstairs to find the other officers. The other officers had already located three residents, none of whom was Kevin. The officers issued summonses to those residents for violating the city's noise ordinance. One of the residents called Kevin, who returned home, where he was arrested and charged with possession of a controlled dangerous substance. Which of the below statements is true regarding this scenario?

- A. By hosting a loud party, Kevin had no expectation of privacy in his home so that the police conduct therein did not constitute a search
- B. Because he was not present at the party, Kevin did not have a legitimate expectation of privacy in his home, and even more so, in his third-floor bedroom.
- C. The police entry into the dwelling was justified and their subsequent action in fanning out and conducting a full-blown search of the home was improper.
- D. The police acted reasonably in their community caretaking function to abate the ongoing noise nuisance.

16. Aaron, a juvenile, was brought to the police station in connection with a shooting incident. The police contacted Aaron's mother, who arrived about thirty minutes later along with his aunt. Both women were taken to an interview room where the investigating detective advised them of the incident and why Aaron was in custody. Aaron's mother became very emotional and asked to speak with her son. The officer permitted Aaron to speak to his mother from a room opposite the holding cell. The officer remained about ten-to-twelve feet away from the holding cell and overheard Aaron's mother ask him certain questions that prompted an incriminating response. Prior to that interaction, the officer did not advise Aaron or his mother of the *Miranda* warnings. Which of the below statements is true regarding this scenario?

- A. The officer's actions were improper. They were the functional equivalent of police interrogation without the benefit of the *Miranda* warnings.
- B. The officer's actions were proper. There was no way of knowing that it was reasonably likely that Aaron's mother would elicit incriminating responses from him.
- C. The officer's actions were improper. The police exerted pressure on Aaron and used invasive means to listen in on the conversation.
- D. The officer's actions were proper. He was allowed to monitor Aaron and his mother as a safety precaution.

17. Under the "plain view" doctrine, a warrantless seizure of an object is lawful if the following requirements are met (select the correct answer choice):

- I. the officer must be lawfully in the viewing area
- II. the item's incriminating character is immediately apparent
- III. the officer must have a lawful right of access to the evidence
- IV. the discovery of the evidence is inadvertent

- A. I and II only
- B. I, II and III only
- C. I and III only
- D. All of the above

18. The hallmark of a competent criminal investigator is the ability to clearly and thoroughly document in an affidavit:

- I. the credibility of his or her informant
- II. an informant's availability for future testimony
- III. the reliability of the information relayed
- IV. an informant's basis of knowledge

- A. I and III only
- B. I, II, and III only
- C. I, III and IV only
- D. All of the above

19. Ms. Karen Grissom reports to the desk Sergeant that she was stopped two hours earlier by Officer Betty King. She states that during the motor vehicle stop, Officer King used offensive and vulgar language. A later review of the officer's body-worn camera shows that the officer was professional and cordial during the entire time she dealt with Ms. Grissom. What would be the final resolution to this complaint?
- A. Not sustained
 - B. Unfounded
 - C. Sustained
 - D. Exonerated
20. Regarding the scenario in Question #19, what type of complaint would this be considered?
- A. Differential treatment
 - B. Serious rule infraction
 - C. Minor rule infraction
 - D. Demeanor
21. According to NJ Attorney General's Internal Affairs Policy and Procedures, what is considered a minor rule infraction?
- I. Faulty driving
 - II. Untidiness
 - III. Failure to follow procedure
 - IV. Sleeping on duty
 - V. Tardiness
- A. II and V only
 - B. I, II and V only
 - C. I, II, III and V only
 - D. All of the above
22. An agency's internal affairs function shall receive notice of any incidents involving all of the below except:
- A. Officer Huntz discharged his firearm at a person.
 - B. Officer Unger discharged her firearm putting an extremely injured deer, which was hit by a truck, out of its misery.
 - C. Officer Platos accidentally discharged his firearm while cleaning it after returning from semi-annual qualification.
 - D. Officer Olaf's friend, Greg, was firing the officer's agency-owned firearm at the range.

23. An agency's rules and regulations should set forth a schedule of possible penalties an officer might receive when discipline is imposed. The rules and regulations may incorporate a system of progressive discipline. In lieu of discipline, what can be used as instructional or remedial devices to address deficiencies or inadequate performance?

- I. counseling
 - II. enhanced supervision
 - III. oral reprimands
 - IV. written reprimands
 - V. performance notices
- A. II, III and IV only
 - B. I, II and III only
 - C. I, II, III and V only
 - D. All of the above

24. Officer Weirs has witnessed Officer Brutus use excessive force against Joe Blow. By the time Officer Weirs decided to intervene, the incident was over and Joe Blow was arrested and in hand cuffs. What action, if any, must Officer Weirs take?

- A. Notify a supervisor as soon as possible.
- B. Submit an individual written report to a supervisor before reporting off duty.
- C. Both A and B
- D. None of the above. Officer Brutus is responsible for notifying his supervisor of the use of necessary force against Joe Blow.

25. A vehicular pursuit shall not be automatically undertaken. An officer must still consider the following factors:

- I. degree of risk created by pursuit
 - II. likelihood of successful apprehension
 - III. violator's characteristics
 - IV. whether the identity of the violator is known so that later apprehension is possible
 - V. police officer's characteristics
- A. I, IV and V only
 - B. I, II and IV only
 - C. I, II, IV and V only
 - D. All of the above

26. Pursuant to *N.J.S.A. 2A:4A-32(a)*, under no circumstances shall any juvenile taken into short-term custody be held for more than ____ hours.
- A. four
 - B. six
 - C. eight
 - D. twelve
27. John Q. Citizen is video recording at the scene of a six-car motor vehicle collision that police are investigating. Mr. Citizen is not a witness to the wreck and was merely passing by when he came across the scene. Officer Strands knows that Mr. Citizen has a right to record the police if the recording takes place while Mr. Citizen has a legal right to be present and does not interfere with an officer's safety or lawful duties. The officer is also aware that police may not deliberately obstruct actions taken in public from the view of people who are recording. The officer determines that the driver of one of the vehicles is intoxicated and another passenger was killed in the collision. The scene must be secured in a manner which would move onlookers away to the point at which they cannot view police action. All of the below statements are true except:
- A. Officers may establish an appropriately sized crime scene perimeter for the purposes of evidence preservation.
 - B. Officers may prevent people from recording where it protects the privacy of people seeking medical assistance.
 - C. Officers are required to position themselves in a manner that gives individuals better angles or views while recording.
 - D. Officers may not order to cease, or otherwise discourage, a bystander from remaining in the proximity of or recording of the officers' official activities.
28. What are the requirements and procedures for an agency reviewing an individual's application for a permit to carry a firearm in public?
- I. The applicant has demonstrated a justifiable need to carry a handgun.
 - II. The application must be endorsed by three reputable persons who have known the applicant for at least three years preceding the date of application.
 - III. The applicant must demonstrate that they are thoroughly familiar with the safe handling and use of handguns.
- A. II and III only
 - B. I and II only
 - C. I and III only
 - D. All of the above

29. What offenses does the Overdose Protection Act not cover?

- A. Unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed.
- B. Using, obtaining, attempting to obtain, or possessing any prescription legend drug.
- C. Having under control or possessing a hypodermic syringe or other instrument for using a controlled dangerous substance.
- D. Driving while under the influence of an intoxicating substance.

30. Officer Sniffles has just submitted a urine sample as part of the department's random drug testing program. The officer knows he will fail this test as he will test positive for cocaine. What process can he expect?

- I. The officer shall be immediately suspended from all duties.
- II. The officer shall be administratively charged.
- III. Upon final disciplinary action, terminated from employment as a law enforcement officer.
- IV. The officer shall be reported by the department to the Central Drug Registry.
- V. The officer shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.

- A. I, II, IV and V only
- B. I, II, III, and IV only
- C. II, III and IV only
- D. All of the above

31. Officer Justice sees Frank Minnow walking on Main Street. The officer knows there is a municipal warrant for Frank and detains him. Headquarters advises the officer that there is, in fact, a municipal warrant for Frank and the bail has been set at \$550. What should Officer Justice do at this time?

- A. The officers should complete a N.J. bail recognizance form with copies issued to the individual and the relevant court.
- B. The officer should set a new court appearance date at least four weeks from his encounter with Frank. -
- C. The officer shall execute the warrant in the municipal courts' electronic Automated Complaint System (ACS) within 24 hours.
- D. Frank shall be arrested and processed in the ordinary course.

32. Officer Hanson responded to 551 Main Street on a report of a bias incident. Upon his arrival he observed a swastika painted on the garage door. The homeowner, Mr. Kesselman, is obviously upset and tells the officer that the school bus will be dropping his young son off soon and he doesn't want his son to see the painting. Mr. Kesselman wants to wash it off immediately. What should Officer Hanson do at this point?
- A. Preserve the image by covering it up and wait for the investigator to arrive.
 - B. Make sure to record the image on his body-worn camera and then ensure that the footage is passed along to the investigator.
 - C. Make a contemporaneous note and specify the location of the image and a drawing of same and pass it along to the investigator.
 - D. Allow Mr. Kesselman to wash it off and document this in his report.
33. An individual at Newark Penn Station reported to Officers Justino and Malvese that he had been punched by Brian Delto. As officers spoke to Delto, there was a blue rolling suitcase near him. The officers ran a search for outstanding warrants and while waiting for the results of the record check, Delto had several phone conversations with a person he referred to as "Spoon" and "bro," who Delto claimed was coming to pick him up. Meanwhile, the results of the record check revealed an active warrant for Delto. Officers informed Delto that they intended to place him under arrest. Delto asked the officers whether he could first give his luggage -- the blue suitcase -- to "Spoon," but they declined the request, stating they would first take him into custody. Delto called out, "'Spoon,' will you get my clothes, bro," and turned as if preparing to be handcuffed; he then fled from the officers on foot, leaving the blue suitcase unattended on the sidewalk. The officers apprehended Delto after a brief foot chase. Another officer secured and searched the suitcase at the entrance of the station, revealing handguns, ammunition, illegal narcotics, and cash. Which of the below statements is true regarding this scenario?
- A. The suitcase was not considered abandoned however the search of the suitcase was valid based on the search incident to arrest exception to the search warrant requirement.
 - B. The suitcase was not considered abandoned because Delto's desire was to turn possession of the suitcase over to "Spoon."
 - C. The suitcase was considered abandoned when Delto ran from the police and the search was justified based on the abandonment exception to the search warrant.
 - D. The suitcase was considered abandoned. The police had the legitimate right to secure the suitcase, however they needed a search warrant to search it.

34. To be most effective in sexual assault investigations, County Prosecutor's Offices must be involved in the investigation from the very beginning. Doing so ensures that all the participating agencies are communicating regularly and following the best legal practices. Whenever a state, county, or local law enforcement agency receives a report or complaint of a sexual assault (or otherwise learns about such an incident in its jurisdiction), that agency must notify the relevant County Prosecutor's Office:
- A. immediately.
 - B. within 24 hours.
 - C. within 48 hours.
 - D. within 72 hours.
35. Under NJ Attorney General Law Enforcement Directive No. 2018-5: Directive Implementing Procedures and Protocols for Sexual Assault Response and Referrals, victims may seek the assistance of a Sexual Assault Response Team (SART) within ____ days of an incident.
- A. two
 - B. five
 - C. seven
 - D. ten
36. Victims of sexual assault may seek the assistance of a Sexual Assault Response Team (SART), which is available to any victim ____ years or older.
- A. 13
 - B. 15
 - C. 17
 - D. 18
37. Under New Jersey's Newborn Screening Program every baby born in the State must have a bloodspot screen taken within 48 hours of birth to test for various conditions that can cause serious health problems or even death, unless a parent or guardian objects on religious grounds. To bolster his investigation into an unidentified infant found dead in a pond, Detective Vivo wishes to obtain documentary records and physical bloodspots maintained by the Newborn Screening Program. The detective's agency must seek this approval from the:
- A. agency's legal counsel.
 - B. County Prosecutor.
 - C. Director of the Division of Criminal Justice.
 - D. NJ Attorney General.

38. Referring to Question # 37, what is required for Detective Vivo to obtain the records and bloodspots from the Newborn Screening Program?

- I. a court-issued *Dyal* subpoena
 - II. a search warrant
 - III. an administrative subpoena
 - IV. a grand jury subpoena
-
- A. II only
 - B. III only
 - C. IV only
 - D. I, II or III only

39. Rita left a tavern around 10:30 p.m. Around 10:44 p.m., Police received a 9-1-1 call reporting an erratic driver in a community development. The caller reported that the driver was swerving and going over curbs and described the car as a black Jeep SUV. The caller provided the Jeep's license plate number. An officer was dispatched to the Jeep's registration address to locate the erratic driver. Upon his arrival, the officer observed a Jeep in the driveway matching the description from the 9-1-1 call. The Jeep's brake lights were illuminated. The officer activated his overhead lights to effectuate a stop. The Jeep moved forward into the attached garage and stopped after the officer heard a bang. He surmised the Jeep struck a refrigerator located in the one-car garage. The officer entered the garage and saw Rita sitting in the driver's seat. The officer asked Rita "what she was doing, why she didn't stop when he activated his lights and why she crashed into her fridge." He noticed Rita's movements were fumbled and slow and that her eyes were watery and bloodshot red. The officer smelled alcohol emanating from the vehicle. The officer instructed Rita to turn off her engine and exit the vehicle so he could administer field sobriety tests. While performing the "walk and turn" test, Rita lost her balance and took an incorrect number of steps. She was also unable to perform the "one-leg stand" test. Rita was taken into custody and transported to the police station. She was charged with DWI, *N.J.S.A. 39:4-50* and Careless Driving, *N.J.S.A. 39:4-97*. Which of the following statements is true regarding this scenario?

- A. The officer had reasonable and articulable suspicion to initiate a DWI stop, as well as justification to enter the garage under the "community caretaking" function of police.
- B. The officer had reasonable and articulable suspicion to initiate a DWI stop based on a 9-1-1 call reporting Rita's erratic driving, however, the officer unlawfully entered Rita's garage to detain her.
- C. There were insufficient grounds to initiate a DWI stop because the officer had not personally observed her alleged erratic driving. The arrest was unlawful.
- D. The officer did not have reasonable and articulable suspicion to initiate a DWI stop, however, he was justified in entering the garage under the "community caretaking" function of police.

40. Paul entered the Smith's residence at 2:45 a.m. while the Smiths were asleep. Paul was armed with a gun. While he was filling a pillowcase with silverware, he saw the Smith's Rottweiler dog he fled leaving the pillowcase behind. What crime can Paul be charged with?
- A. Home Invasion Burglary
 - B. Criminal Trespass
 - C. Robbery
 - D. Residential Burglary
41. Mike was evicted from his apartment on January 15th. On January 30th Mike returned, entered his previous residence by smashing a kitchen window and proceeded to punch holes in the walls. Realizing he was making a lot of noise, he left within two minutes. Unbeknownst to Mike, James and Gwen Unger had moved into the apartment on January 20th and were in the bedroom sleeping. They awoke when they heard the ruckus. By the time James grabbed a bat and exited their bedroom, Mike was gone. Officer Henshaw was on patrol when he observed Mike exiting the smashed kitchen window and detained him. Upon questioning, Mike admitted he broke into the apartment to cause damage as revenge for his eviction and believed the apartment to be empty. What can Mike be charged with?
- A. Home Invasion Burglary
 - B. Criminal Trespass
 - C. Defiant Trespass
 - D. Residential Burglary
42. Brian (age 68) observes his neighbor's daughter, Stephanie (age 17), throwing a party while her parents were out of town. He takes pictures from his window of the partygoers. The next day, he approaches Stephanie and threatens to show the pictures to her parents upon their return. He tells her he will delete the pictures if she agrees to show him her breasts. Little did Brian know that Stephanie had permission to have a party, and she reports Brian's actions to her parents and in turn to the police. What can Brian be charged with?
- A. Criminal Coercion
 - B. Aggravated Sexual Extortion
 - C. Sexual Assault
 - D. Sexual Extortion
43. Greg broke into Sally's car, hot-wired it, and drove off. What crime has Greg committed?
- A. Theft by Unlawful Taking
 - B. Receiving a Stolen Motor Vehicle
 - C. Theft of a Motor Vehicle
 - D. Unlawful Taking of Means of Conveyance

44. 100-year-old David was just admitted to a nursing home. He needs constant care. While visiting David, his son, Justin, warns several staff members there that if they neglect his father he will “beat all their asses.” On another occasion, after observing a small bruise on David’s arm, Justin yelled at an orderly and threatened to return with a bat and smash the head of the person who bruised his father. Justin leaves the facility and the police are called. What can Justin be charged with?
- A. Terroristic Threats
 - B. Aggravated Assault
 - C. Threat to a Health Care Professional, Health Care Facility Volunteer, Employee
 - D. Menacing
45. Dispatched to a residence where an axe murder had taken place, Detective Mancini learned that the victim and his stepson, Tony, were the only two people believed to have been in the house the previous night. In the bedroom, the mattress was soaked in blood and there was a significant amount of blood on the wall and ceiling. At 3:55 p.m. officers located Tony, placed him under arrest on an outstanding warrant, and transported him to the police station. At the station, detectives interviewed Tony until he invoked his right to counsel. Tony made incriminating admissions during the interview that provided probable cause to arrest him for murder. During the interview, Detective Mancini observed that Tony had possible biological evidence on his sweatshirt and was picking at his hands and rubbing his fingers. An assistant prosecutor advised the detective to seize Tony’s clothing and conduct swabs of his hands in anticipation of approval of a court authorized search warrant for same. Sergeant Newman began processing Tony at 6:42 p.m. He photographed Tony from multiple angles; collected his sweatshirt; took more photographs; had Tony remove all but his underwear; took more photographs; swabbed and inspected Tony’s fingernails, ears, and beard; and then had him remove his underwear and put on a plastic suit. Once Tony had changed, he was informed he was being charged with hindering and resisting at that point. Officers and the assistant prosecutor eventually reached the emergent duty Superior Court judge at 8:03 p.m. and the warrant to take swabs from Tony and to seize his clothing was ultimately granted. The laboratory analysis of Tony’s sweatshirt identified traces of the victim’s blood. Tony was charged in a twenty-count indictment with murder, disturbing human remains, and several other offenses. Which of the statements below is true regarding this scenario?
- A. The clothing seized was improper as a result of an unlawful, warrantless strip search.
 - B. The warrantless search and seizure of the clothing was improper as it was neither contemporaneous with the arrest nor credibly done to preserve evidence.
 - C. The clothing was properly seized under the authority of the search warrant.
 - D. The officers’ seizure of the clothing was justified under the search-incident-to-arrest exception to the warrant requirement.

46. Rudy was a suspect in his wife Karla's disappearance (and murder). Rudy reported to the police that his wife went missing and soon came under suspicion when his explanations about her disappearance began to fall apart. After telling the police, during one of his interviews, that he left his young child at home alone while searching for his wife, he was charged with child endangerment. While in jail, he attempted suicide and was thereafter hospitalized and placed under police guard. In the hospital, three detectives interrogated Rudy for nearly six hours. After reading Rudy his *Miranda* rights, the detectives had him read each right aloud and then asked him if he understood those rights. Rudy answered yes, but repeatedly asked the detectives about his right to an attorney. He began by stating, "Ah a lawyer, I need time to find a lawyer. I need to see how much they charge." Over the next thirty minutes, the detectives engaged Rudy in casual conversation. Afterwards, Rudy raised the subject of getting a lawyer again, asking "Do you think that I need a lawyer? Because how you say innocent?" The detectives told Rudy that he had to decide that issue for himself. Rudy stated, "In the beginning, I say I don't want a lawyer, and then I want a lawyer so." Rudy later asked the detectives "if you know some lawyer." Rather than trying to clarify Rudy's statements the detectives continued the interrogation for roughly another five hours. During the continued interrogation, Rudy ultimately confessed to killing Karla, admitting that he punched her and struck her over the head with a meat tenderizer. He stated that he stuffed her body into a suitcase and drove to a vacant home, where he abandoned Karla's body. The next day, Rudy, after again being read his *Miranda* rights and waiving them, he was interrogated in the prosecutor's office where, in two separate statements, he again admitted to the details of the killing. Which of the below statements is true regarding this scenario?

- A. Rudy voluntarily initiated further communications with the detectives at the first interrogation. The confession on this day was properly obtained and there was no need to secure an additional confession on the next day.
- B. The confession obtained at the first interrogation was invalid, however the second day's interrogation was properly performed as those statements sufficiently attenuated the unlawfully secured confession from the day before.
- C. Both days' confessions were properly secured. Rudy knowingly, intelligently, and voluntarily waived his *Miranda* warnings and spoke to the detectives.
- D. The confessions were improperly obtained. Once Rudy invoked his right to counsel the detectives were required to clarify the ambiguity or cease questioning. Even the next day's confession was unlawfully secured.

47. Will's grandmother heard Will calling for help outside her home. She found her grandson had sustained twelve bullet wounds and was bleeding. She asked Will "who did this to you," and he responded, "Sal Ripkin." Days later, at the hospital, Will gave detectives a recorded statement identifying Sal as the shooter from a photograph. The detectives were aware that Sal Ripkin was on parole. The next day, prior to the issuance of any complaint or warrant or the filing of formal charges against Sal, detectives arrested Sal. The detectives advised Sal that he was being placed under arrest, handcuffed him, and told him that they would transport him to the prosecutor's office. Sal asked, "what's going on and why am I being placed under arrest," and was told that they would get into the details when they reached the prosecutor's office. Once there, detectives conducted a videorecorded interview. Using a *Miranda* waiver form, Sal was read *Miranda* rights. Sal asked, "so I'm under arrest or something?" and was told "you are under arrest yes and I'm sure you have a ton of questions. I'll be happy to get into all that, okay, in just a few minutes. Let's just finish this form. Okay?" Sal then acknowledged and waived his *Miranda* rights. During the two-hour interview, Sal gave a statement in which he said that he knew Will, that he was aware of the shooting, and that his girlfriend owned a blue Ford Explorer, a vehicle that matched the description of a vehicle observed near the scene of Will's shooting but denied that he was involved in the shooting. Will was later indicted for the murder of Sal's brother and refused to testify at Sal's trial. Which of the below statements is true regarding this scenario?

- A. Because the detectives were aware that he was on parole on the date of his arrest, they should have refrained from questioning him until they determined whether he had an attorney. The confession was improperly obtained.
- B. The detectives had probable cause to arrest Sal although they did not know exactly what offense(s) he would eventually be charged with. Sal properly waived his *Miranda* rights, and the confession was properly secured.
- C. The confession was improperly obtained because Sal was not informed before his interrogation of the reason for his arrest or the charges that he would later face.
- D. When Will refused to testify at Sal's trial, all of Sal's charges would be dismissed because Sal would not have the opportunity to face his accuser.

48. David was intoxicated and riding his pedal-type bicycle. He was stopped by Officer Mosley. What can David be charged with?

- A. Driving While Intoxicated
- B. Disorderly Conduct
- C. Driving While Intoxicated and Disorderly Conduct
- D. None of the above

49. Raul was selling jewelry in a tavern without a permit. Police had been summoned to the scene by a patron who, upon inquiring, was told by Raul that the jewelry was “hot,” thus accounting for his asking prices which were much lower than the amounts stated on price tags attached to the items. Raul represented that the items were made of real gold. It was subsequently determined that the jewelry was neither stolen nor genuine, and that the actual value of all the jewelry in his possession was less than \$200.00. Two detectives responded to the police call. They asked Raul for identification. Raul reached into his pocket for his identification, and as he withdrew his hand a folded \$20.00 bill fell to the floor. When unfolded, the bill was found to contain a white powder which turned out to be cocaine. Raul was placed under arrest, handcuffed and escorted to a police car. Once in the car, alone with the detectives, Raul offered them some of the jewelry if they would forget about the drug charge and simply issue a summons for peddling without a permit. What can Raul be charged with?

- A. One count Possession of a Controlled Dangerous Substance
- B. One count Bribery
- C. Possession of a Controlled Dangerous Substance and one count Bribery
- D. Possession of a Controlled Dangerous Substance and two counts Bribery

50. Before issuing a warrant to search for weapons under the Domestic Violence Act, there must be:

- I. probable cause to believe that an act of domestic violence has been committed by the defendant
- II. reasonable and articulate suspicion to believe that an act of domestic violence has been committed by the defendant
- III. probable cause to believe that a search for and seizure of weapons is necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought
- IV. reasonable and articulate suspicion to believe that a search for and seizure of weapons is necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought
- V. probable cause to believe that the weapons are located in the place to be searched
- VI. reasonable and articulate suspicion to believe that the weapons are located in the place to be searched

- A. I, II, and VI
- B. I, III, and V
- C. II, IV, and VI
- D. I, IV, and VI

51. Officers Jones and Winslow observed Kevin standing by the front porch of 27 Christopher Street, a duplex. The property looked abandoned; the exterior was in disrepair, the front porch was dilapidated; the lawn was overgrown, there were no lights on, and the windows were broken. Adjacent to the house was a grassy area, which could have been utilized as a driveway at one time, and there was a garage in the rear, directly behind it. The officers saw Kevin looking down at a cigarette box he was holding. As the officers drove closer, they also saw a glass vial with a yellow tinted liquid in it which they believed to be phencyclidine (PCP). Kevin looked up, turned his back to the approaching vehicle, and blocked the officers' view of the vial. He then started moving his arms and when he turned back around, the officers did not see the cigarette box or vial. Kevin then walked away from the porch towards the sidewalk. The officers stopped, exited their car, and ordered him to stop. One officer walked over to Kevin, while the other officer walked to where Kevin had been standing on the driveway, near the porch. The officer walked approximately five steps off the sidewalk and stood on a section of the concrete that was part of the driveway. From that vantage point on the driveway, the officer saw, directly in his line of sight, a softball-size hole on the top of the porch, right by its edge. Inside the hole the officer saw the cigarette box and glass vial. He reached into the hole, retrieved the items. Kevin was placed under arrest for possession of narcotics. A search, incident to arrest, produced \$441 in cash on Kevin. Which of the below statements is true regarding this scenario?

- A. The seizure of the evidence was unlawful. The officer, who walked onto the driveway of the home without permission or a warrant, was not lawfully there when he observed illegal narcotics in a hole in the home's front porch.
- B. The seizure of the evidence was lawful. The officers were justified, based on their observation, to retrieve the items under "community caretaking function" of the police.
- C. The seizure of the evidence was unlawful. Kevin should have been charged with trespassing.
- D. The seizure of the evidence was lawful. Kevin's privacy expectations were diminished in the curtilage of abandoned property.

52. Officer Mullins has stopped pedestrian, Larry Stiles. A warrant check shows that Stiles has four outstanding municipal bench warrants. All the warrants are for traffic offenses, and each has a bail amount set at \$150. What is the officer's proper course of action after being advised of this matter?

- A. Arrest Stiles simply because the total amount of the bail for the warrants exceeds \$500.
- B. Have headquarters check for domestic violence involvement. If none found, then release Stiles on his own recognizance.
- C. Release Stiles after completing a NJ Bail Recognizance Form, setting a new appearance date, and obtaining proper identification and a signature from Stiles.
- D. Ask Stiles if he can make bail on the scene. If so, reschedule an appearance for a later date after accepting the bail.

53. Victor attended a wedding reception at a restaurant. At approximately 1:50 a.m., Victor left the reception intoxicated and entered the restaurant parking lot. A friend had previously agreed to drive him home after the reception. However, in the parking lot, his friend and his friend's brother began arguing over who would drive Victor's truck. The brothers' argument soon escalated into a brawl. A police officer who noticed the altercation immediately radioed for backup assistance. Approximately six officers reported to the parking lot to control the crowd that had gathered around the fight. The police used physical force to restrain one of the brothers as he resisted arrest. Victor did not participate in the fight. However, on observing how the police were treating the arrested brother, Victor told the arresting officers to treat Leonard less roughly. One unnamed officer ordered Victor to leave the parking lot. Victor ignored that order. Seeing that Victor had not left the scene of the altercation, the officer repeated his order and added, "get in the truck and get out of here or you're going too." Victor understood the order to mean that he would be taken to the police station if he did not comply. The officer allegedly walked Victor over to his truck. Victor did not inform the officer that he had been drinking earlier that evening. The truck's engine was already running. Victor entered the truck, put it in reverse, and proceeded to back into a parked police car. Victor was arrested and charged with DWI. The police administered two breathalyzer tests revealing a .12% blood-alcohol level. Which of the following statements is true regarding this scenario?

- A. Victor would not have driven but for the order of the police. This is considered by the courts to be "quasi-entrapment", and Victor should not have been arrested.
- B. The officer's actions of ordering Victor to drive from the scene was considered entrapment.
- C. All actions of the police were lawful. Victor drove his car when his blood-alcohol level was .12%, thereby being guilty of DWI.
- D. The officer coerced Victor by threatening to arrest him if he did not drive from the scene.

54. Upon receipt of any complaint from a victim or witness, or upon receipt of any information indicating the reasonable probability of witness intimidation, an officer shall be assigned to conduct a threat assessment and an investigation into the allegations of any wrongful conduct. The assessment and investigation should include a comprehensive review of the alleged actor's criminal history, including all pending charges and gang affiliation. If, based on the nature of the offense and/or the background of the defendant, a police officer making an arrest or participating in an investigation _____ warranting a concern that the defendant or others associated with the defendant might attempt to threaten or otherwise intimidate a victim or witnesses, the officer shall promptly communicate those concerns to the prosecutor responsible for the case.

- A. has established probable cause
- B. has reasonable articulable suspicion
- C. is aware of specific and articulable facts
- D. can prove by a preponderance of the evidence

55. During a narcotics arrest inside Jose Chavez's apartment, Chavez shot and killed a narcotics officer. After the shooting, other narcotics officers, thinking that other persons in the apartment might have been injured, looked about quickly for other victims. They found a young woman wounded in the bedroom closet and Chavez apparently unconscious in the bedroom, as well as his three acquaintances in the living room. Homicide detectives arrived on the scene within ten minutes and took charge of the investigation. They supervised the removal of all the apartment's occupants, and then proceeded to gather evidence without a search warrant. Their search lasted four days, during which period the entire apartment was searched, photographed, and diagrammed. The officers opened drawers, closets, and cupboards, and inspected their contents; they emptied clothing pockets; they dug bullet fragments out of the walls and floors; they pulled up sections of the carpet and removed them for examination. Anywhere from 200 to 300 objects were seized. Which of the below statements is true regarding this scenario?
- A. The seriousness of the offense under investigation itself creates exigent circumstances of the kind that under the Fourth Amendment justify a warrantless search.
 - B. The "murder scene exception" is inconsistent with the Fourth and Fourteenth Amendments. The warrantless search of Chavez's apartment was not constitutionally permissible.
 - C. The warrantless search of the premises was initially justified on the day of the homicide however detectives should have secured a search warrant to continue into the following days.
 - D. After finding the wounded woman and Chavez unconscious at the scene of a narcotics arrest warrant it was urgently necessary to retrieve the type of narcotics which pose a danger to persons. This urgency outweighs the need to apply for a search warrant under the "community caretaking" function.
56. Fred moved into an existing home which was served with natural gas by the New Jersey Natural Gas Company. Although there was a meter on the premises, Fred was not billed for the use of gas due to the Gas Company's mistaken recording of the location of the property when it installed gas service to the previous property owner. The utility had no record of an account at Fred's address, and therefore unknowingly continued to supply gas without charge. Fred knew that one normally pays for gas, and that he was not doing so. Indeed, after a few years in the house he converted from oil heat to gas heat, apparently as an economic measure. Fred tried unsuccessfully to establish an account with the utility company. What can Fred be charged with?
- A. Theft of Services
 - B. Receiving Stolen Property
 - C. Theft by Deception
 - D. None of the above

57. Police were told by an informant that a black male named Bob, dressed in blue, was selling heroin from a certain address. Two officers, in plainclothes, proceeded to the address to attempt an undercover drug buy. Bob, a black male wearing a blue jogging suit, answered the door but did not respond to the officers' attempted solicitation of a sale of drugs. Observing that Bob's right fist was clenched in a manner suggesting possible concealment of narcotics, the officers identified themselves. Bob turned around and fled into the house. The police pursued Bob into the house, apprehending him and recovering ten glassine envelopes containing heroin from his right hand. Bob later accused the officers of planting the heroin on him. which of the following is the most likely ruling regarding the legality of the police officers' actions in entering Bob's house without a warrant?

- A. The entry was lawful because the officers had reasonable suspicion to believe Bob was engaged in criminal activity.
- B. The entry was lawful because Bob's flight created exigent circumstances, allowing warrantless entry.
- C. The entry was unlawful because the officers lacked probable cause, and a warrant is always required for entry into a home.
- D. The entry was unlawful because the informant's tip alone did not justify pursuit into the house.

58. In order to access the exigent-circumstances exception to justify a warrantless search, the State must prove by a preponderance of the evidence that (1) the search was premised on probable cause and (2) law enforcement acted in an objectively reasonable manner to meet an exigency that did not permit time to secure a warrant. In this regard, courts will consider which of the following exclusive factors:

- I. the seriousness of the crime under investigation
- II. the urgency of the situation faced by the officers
- III. the time it would have taken to secure a warrant
- IV. the threat that evidence would be destroyed or lost, or people would be endangered unless immediate action was taken
- V. information that the suspect was armed and posed an imminent danger
- VI. the strength or weakness of the probable cause relating to the item to be searched or seized.

- A. II, III, IV, and V
- B. I, II, III, and V
- C. II, III, V, and VI
- D. All of the above

59. Christie, a prostitute, joined her friend, Denise, and two men, Shane and Daniel, on the porch of an abandoned house. Christie gave her friend money to buy drugs, which the women later consumed. Shane then gave her friend more money to buy drugs, but when the friend didn't return, Christie tried to leave. Shane demanded repayment, punched her, and stole money from her. Over several hours, Shane held Christie at knifepoint, physically and sexually assaulted her despite her resistance. He terrorized her, claiming he would become her "pimp," while Daniel mostly watched but also participated in the abuse at Shane's invitation. Four hours later, a passing woman's shout allowed Christie to escape to a gas station, where police were called and the men arrested. What can Shane be charged with?

- I. Aggravated Sexual Assault
- II. Kidnapping
- III. Distribution of a Controlled Dangerous Substance
- IV. Possession of a Weapon for an Unlawful Purpose
- V. Robbery

- A. I and IV
- B. I, II, and IV
- C. I, II, IV, and V
- D. All of the above

60. Hank is a mattress factory employee who desperately wants to be a firefighter. He even applied to be a city fire fighter. He thought of a scheme to gain recognition with his co-workers and responding fire fighters. On two separate occasions within two weeks of each other, Hank set a bale of material on fire and helped other workers quickly put the fires out. Eventually, Hank confessed to his boss. What, if anything, can Hank be charged with?

- A. Arson
- B. Causing Widespread Injury or Damage
- C. Criminal Mischief
- D. None of the above

61. Green County has a serious drug problem in its towns of Underhill and Overhill. The Underhill Police Department's Narcotics Investigations Unit (NIU) has received information on a large-scale drug distribution network led by Andrew Higgins who lives in their town. Among other things, the information claims Andrew drives back and forth from his home with various drugs in his car and has "runners" in both Underhill and Overhill. Sgt. Hanson, Underhill NIU's supervisor-in-charge, has made the necessary deconfliction query and was alerted that the Overhill Police Department is an interested agency. He contacts Sgt. Brown, Overhill NIU's supervisor-in-charge, to discuss possible cooperation methods. Which of the below statements is true with reference to the NJ Attorney General Directive 2016-1 on Automated Deconfliction of Planned Law Enforcement Operations and Investigations?

- A. Sergeant Hanson and Sergeant Brown have authority to resolve the conflict in whatever way they see fit.
- B. The Overhill Police Department has automatic primary and superior rights because they are the interested agency which first entered the information in which an alert was made.
- C. The Underhill Police Department has automatic primary and superior rights because the primary suspect, Andrew Higgins, lives in their town.
- D. If a dispute between Underhill and Overhill cannot be resolved by the management/executive leadership of those agencies, the matter shall be referred to that County Prosecutor for resolution.

62. What is the time period when a request for destruction of evidence in a homicide can be made?

- A. In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted.
- B. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 10 years from the date of conviction or upon the defendants' expiration of sentence, whichever is later.
- C. In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or fingerprint evidence that has been submitted to AFIS, or there is no statute of limitations, the evidence shall be retained for 30 years.
- D. Any of the above.

63. Which of the below can be charged with the crime of dogfighting (2C:33-31)?

- I. Marc, the person at the basement door to the dog fighting arena collecting the admission fee.
- II. Angie, the breeder of one of the dogs at the event.
- III. Mike, a spectator, is rooting for one of the dogs but has not made a wager.
- IV. Paul, who designs makeshift treadmills for the dogs to be tethered to and forced to run to gain strength.

- A. Angie and Paul
- B. Marc, Angie and Paul
- C. Angie
- D. All of the above

64. Eleanor cashed her unemployment check at a check-cashing business and placed the cash in a strapless, clutch-type purse that she carried under her arm. She then left the store and walked a couple of blocks to her car, carrying the purse under her right arm. Immediately upon arriving at her car, Eleanor put her key in the lock and prepared to open the door. As she stood in the street Tommy walked up and stood close beside her on her left. Eleanor turned to face him, thinking he had approached to ask a question, but Tommy said nothing. Instead, he reached across her and slid her pocketbook from under her arm and took off, running. What can Tommy be charged with?

- A. Robbery
- B. Theft (from the person)
- C. Harassment and Theft (from a person)
- D. Simple Assault and Robbery

65. During the course of their employment as store security guards for a department store, John and Dana stopped Nick for questioning, suspecting him of shoplifting after observing him place an item under his jacket. Nick refused to accompany the guards to the security office. Breaking away, he punched Dana, knocking him down, and then grabbed and pushed John and fled. What can Nick be charged with?

- A. Two counts of Robbery, one against John and one against Dana.
- B. One count of Aggravated Assault against Dana and one count of Simple Assault against John.
- C. One count of Robbery against both John and Dana.
- D. Two counts of Robbery, one against John and one against Dana and one count of Aggravated Assault against Dana and one count of Simple Assault against John.

66. Nancy was driving her vehicle and struck four bicyclists, killing all of them. Nancy did not have a driver's license and fled the scene. What can Nancy be charged with?
- A. Four counts of Death by Auto (Reckless Vehicular Homicide, 3rd Degree)
 - B. One count of Death by Auto (Reckless Vehicular Homicide, 3rd Degree)
 - C. Four counts of Knowingly Leaving the Scene of an Accident Under Certain Circumstances (2nd Degree Crime)
 - D. One count of Knowingly Leaving the Scene of an Accident Under Certain Circumstances (2nd Degree Crime)
67. 2C:11-5. (Death by auto or vessel) section a. states that criminal homicide constitutes reckless vehicular homicide when it is caused by driving a vehicle or vessel recklessly. Some of the requirements to prove recklessness are noted below. Which of the below is "**shall** give rise that the driver was driving recklessly" and not "**may** give rise that the driver was driving recklessly"?
- A. Proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours.
 - B. Proof that the defendant was driving while intoxicated .
 - C. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle.
 - D. Proof that the defendant failed to maintain a lane.
68. On his way to the school bus stop, 12-year-old David took a short-cut through the yards of several homes. While walking, he found a book of matches, lit one and threw it onto the road. David continued to the bus stop throwing the matches around and cutting through yards. When David got to another yard, he lit a match, blew it out, and threw it on leaves near the rear of a boat that was parked next to a detached garage at the rear of the property. He then lit the entire book of matches, threw that away, and walked on to catch his bus. A fire started by the boat, and within a short period of time, the fire destroyed the boat and a substantial portion of the detached garage. What can David be charged with?
- A. Arson
 - B. Causing Widespread Injury or Damage
 - C. Criminal Mischief
 - D. None of the above

69. Officers Lawrence and Fernandez were approached by a motorist who asked Officer Lawrence to remove one of the occupants from the car. The unwanted occupant, Chris Stark, exited the car, spoke to Officer Lawrence and agreed not to return to the vehicle. Stark stated that he would make arrangements to stay at a relative's house. As Stark began to walk away, he yelled out, "My keys, my keys." Officer Lawrence motioned for the driver of the car, Tanya Smalls, to stop. Smalls agreed to turn over the keys to Stark, but first attempted to take her house key off of the key ring. At this point, Stark became agitated, began pacing back and forth, and then pushed Officer Lawrence out of the way to get to Smalls and the keys. Lawrence warned Stark that he would be placed under arrest if he pushed him again. Nonetheless, Stark pushed Lawrence a second time. Officer Lawrence advised Stark that he was under arrest and attempted to handcuff him. A struggle ensued, whereupon Officer Fernandez immediately exited her vehicle with her expandable baton in hand. As she attempted to place the baton between Stark's arm and body, he grabbed it, ripped it out of her hands and threw it. The baton passed approximately six inches away from the left side of her head. Eventually Stark was subdued and placed in custody. What can Stark be charged with?

- I. Aggravated Assault
 - II. Resisting Arrest
 - III. Disarming a Law Enforcement Officer
-
- A. I only
 - B. I and II only
 - C. II and III only
 - D. All of the above

70. A returning homeowner noticed her front door open, and its molding torn off. Before entering, she called the police from a nearby store. A responding officer cautioned her to remain outside while he entered the home alone with his firearm drawn. The officer and Milton soon confronted each other. The officer yelled "freeze" and Milton lept at the officer. Milton grabbed the officer's gun while threatening to kill him. The officer deliberately shot his gun to empty its magazine. The struggle continued for several minutes from room to room before backup police arrived and Milton was subdued. The officer suffered a dislocated shoulder, torn trigger finger, and abrasions. The police found stolen property on Milton's person and in a box by the front door. What can Milton be charged with?

- I. Burglary, N.J.S.A. 2C:18-2
 - II. Robbery, N.J.S.A. 2C:15-1
 - III. Attempted Murder, N.J.S.A. 2C:5-1
 - IV. Aggravated Assault, 2C:12-1b(1)
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- A. I and IV only
 - B. I and III only
 - C. I, II, and IV only
 - D. I, II and III only