

Simulated Exam #6 – Sergeants Answer Key

1. B – Attorney General Directive 2020-12 – Directive Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform – Section III. Juvenile Processing, Fingerprinting, DNA Collection, and Complaint Entry – Subsection A. Juvenile Central Registry, Subsection B. Fingerprinting, Subsection C. Photographs, and Subsection D. DNA Collection
2. C – Attorney General Directive 2020-12 – Directive Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform – Section II. Stationhouse Adjustments – Subsection B. Careful: an ordinance violation (Numeral II) is mentioned as a presumption in favor of a Curbside Adjustment (Section I. Curbside Warnings – Subsection B. – Paragraph a.). Also, there is no mention of firearms or other dangerous weapons in the Stationhouse Adjustment section.
3. B – Attorney General Directive 2020-12 – Directive Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform – Section V. Determining Whether to Charge by Summons or Warrant – Subsection D. 2.
4. C – Attorney General Directive 2020-12 – Directive Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform – Section V. Determining Whether to Charge by Summons or Warrant – Subsection F. Short-term custody and the six-hour rule – short-term custody begins once a juvenile has entered a police department, and does not include when a juvenile is being held at the scene or while in transport.
5. D – Attorney General Directive 2022-1 – Body Worn Camera Policy, Section 3 Police Department Policies Governing Deployment and Use of BWCs and Recordings – Refer to Subsection 3.2 and 3.3
6. A – Attorney General Guidelines for Preparing and Conducting Out-of-Court Identification Procedures (02/09/2021), I. Composing the Identification Procedure, 5. Additional Composition Recommendations Specific to Photo Arrays, section b.

7. B – State v. Stoveken (NJ App 2020)

Court Order

- Telephone billing or toll records

Grand Jury Subpoena

- Bank records
- ISP subscriber information
- Utility records
- Prescription Drug Information

Warrant

- Cell-phone location

Communications Data Warrant

- Pen registers

8. D – Curfew Violation 2A:4A-23

9. C – State v. Andrews (NJ Sup 2020)

10. B – State in Interest A.A. (NJ Sup 2020)

11. D – State v. Ferguson (NJ Sup 2019)

12. C - III should state 24 hours. 2A:4A-22(g)

13. A – Dog Fighting 2:33-31(7)

14. C – Obstruction 2C:29-1

15. A – 4th degree crime 9:6-8.14

16. D – 2A:4A-34(f)

17. B – 2A:4A-60E

18. C – 2A:4A-35 Should be “at least 14 years of age.”

19. C – According to 2A:4A-32 Under no circumstances shall any juvenile taken into short-term custody under section 2A:4A-31 be held more than six hours.

20. D – Criminal Mischief 2C:17-3 Offense defined. A person is guilty of criminal mischief if he:

Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means listed in subsection a. of N.J.S.2C:17-2

21. A – Significant Bodily Injury – 2C:11-1d. “Significant bodily injury” means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.

22. B – 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 (12/under) and the actor is at least four years older than the victim.

23. A – 2C:20-3 and 2C:18-2

24. D – 2C:29-2a and 2C:12-1b5(h) and (See State vs. Parsons Appl 1994) where the court elaborated:

Resisting arrest on a single occasion is one offense no matter how many police officers are attempting to effect the arrest. If a person resists arrest by running away from five law enforcement officers who give chase, the person is not committing five offenses. The offense is against the criminal justice system, not against the law enforcement officer or officers individually whose attempt to effect the arrest is an element of the offense.

25. B – II and IV 2C:12-1.2d

26. D – Harassment 2C:33-4b. Since the officer is unidentified, there is no aggravated assault. The victim did not complain of pain or physical discomfort which are the elements for simple assault. There is no basis for Terroristic Threats. Therefore, Harassment specifically, offensive touching would be the appropriate charge.

27. A – Murder 2C:11-2, remember our review of 2C, State vs. Mauricio, this was not an example of adequate provocation. The husband knew the wife was having an affair, planned to be in the closet and waited before reacting. He also had a gun with him. Although, he stated he wanted evidence, he ended up shooting them, and one of the elements in murder is “Knowingly” if you shoot someone, you are aware they can die.

28. D – No charge, remember in our 2C review, there is now a “Medical Aid in Dying for Terminally Ill Act” in New Jersey P.L.2019, c.59 (C.26:16-1 et al.)

29. D – Aggravated Assault 3rd degree. In our review of 2C:12-b5h, bodily injury elevates the charge from a 4th to a 3rd degree crime.

30. A – New section in 2C:14-2c section 5 The victim is a pupil at least 18 but less than 22 years old and has not received a high school diploma and the actor is a teaching staff member or substitute teacher, school bus driver, other school employee, contracted service provider, or volunteer and the actor has supervisory or disciplinary power of any nature or in any capacity over the victim. As used in this paragraph, “teaching staff member” has the meaning set forth in N.J.S.18A:1-1. Notice that our contracted service provider is covered under the new section.

31. B – 2C:12-1b(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence.

32. B – 2A:4A-61 When latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian fingerprint the juvenile for the purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed the purpose for the taking of fingerprints has been fulfilled.

33.D – Lewdness – 2C:14-4 A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other nonconsenting persons who would be affronted or alarmed.

b. A person commits a crime of the fourth degree if:

- 1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.
- 2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct.

c. As used in this section:

“lewd acts” shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person

This is based on the LEE Case (2010) covered in our 2C Case Law review where The Appellate Division said

Defendant's only conduct was the alleged act of masturbation in view of the victim.” Thus, the main issue was whether the State was required to present evidence of physical force besides the act of defendant touching himself.

According to the court, “[m]asturbation in view of a non-consenting adult can constitute a violation of the lewdness statute.”

34.D – Burglary 2C:18-2 According to the court in State vs. Olivero, “[A] fenced-in parking lot is a ‘structure’ within the meaning of N.J.S. 2C:18-2, when the lot is secured from the public and is used for business purposes.”

35.B - 2C:39-3. Prohibited Weapons and Devices.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets.

Exceptions. (2) a. Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land

36. B – 2C:39-9.2. Sale of handcuffs to minors, prohibited

A person who sells handcuffs to a person under 18 years of age is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs sold in violation of the law. As used in this section, “handcuffs” mean a device, conventionally used for law enforcement purposes, that can be tightened and locked about the wrists for the purpose of restraining a person’s movement

37. C – 2C:12-1b(3) Recklessly causes bodily injury to another with a deadly weapon.

38. D – Aggravated Assault 2C:12-5b (5) Commits a Simple Assault as defined in paragraph (1), (2), or (3) of subsection a. of this section upon (g) Any operator of a motorbus or the operator’s supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of the person’s duties or because of the status as an operator of a motorbus or as the operator’s supervisor or as an employee of a rail passenger service.

39. B – 2C:12-1.b. Aggravated assault. A person is guilty of aggravated assault if the person: (1) Attempts to cause serious bodily injury to another, or causes injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or (2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or (3) Recklessly causes bodily injury to another with a deadly weapon;

40. A – Submission and Analysis of Information Relating to Seized and Recovered Firearms – Attorney General Law Enforcement Directive No. 2008-1 – Section 2. e-Trace 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 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 enter e-Trace-related information directly into the NJ Trace System, which is part of the Criminal Justice Information System (CJIS) available to all law enforcement agencies. The information shall be entered as soon as practicable, but no later than within twenty-four hours of the time that the weapon was recovered.

41. C – 2C:11-1. Definitions

In chapters 11 through 15, unless a different meaning plainly is required:

- a. “Bodily injury” means physical pain, illness or any impairment of physical condition;
- b. “Serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;
- c. “Deadly weapon” means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury or which in the manner it is fashioned would lead the victim reasonably to believe it to be capable of producing death or serious bodily injury;

d. “Significant bodily injury” means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.

42. C – Alternate Care for Arrestee’s Dependents Model Policy – 3.0 Procedure –
3.1.0 Whenever an arrestee is taken into custody, and is accompanied by a child or other person dependent upon the arrestee for care, sustenance or supervision, the following procedures are to be followed.
3.1.2 If another appropriate adult is not present or refuses custody of the dependent person, the dependent person will be transported to police headquarters. The dependent person may be transported with the arrestee or in a separate vehicle as required by the circumstances. Transportation of the dependent person will be conducted in accordance with department policy concerning the transportation of non-police personnel in department vehicles.
43. D – The Property & Evidence Function – Audits
44. D – Internal Affairs Policy and Procedures - August 2020
2. Fundamentals of the Disciplinary Process
2.2.3 The Rules and regulations shall provide for uniform classification of the resolution of complaints as follows:
(a) *Sustained*. A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
(b) *Unfounded*. A preponderance of the evidence shows that the alleged misconduct did not occur.
(c) *Exonerated*. A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
(d) *Not Sustained*. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
45. B – Attorney General’s Bias Incident Investigations Standards – 4. Requirement to Report All Bias Incidents – 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. Each County Prosecutor retains the discretion to establish procedures for such notification.

In bias incidents where there is a nexus to terrorism, such as when an organized hate group is involved, the Attorney General’s SAR Reporting

- Directive, No. 2016-7, requires additional notifications. Suspicious activity with a nexus to terrorism must be reported immediately, per existing county protocols.
46. B – State v. Boynton - Superior Court, Appellate Division 297N.J.Super. 382 (1997) – Careful, if the door is locked, or a stall with a door, then there is a limited expectation of privacy
47. B – Domestic Violence Procedures Manual - B. Guidelines on Police Response Procedures in Domestic Violence Cases – 3.8.2. The victim exhibits signs of injury caused by an act of domestic violence. N.J.S. 2C:25-21a.(1). – C. In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider:
1. the comparative extent of injuries suffered;
 2. the history of domestic violence between the parties, if any;
 3. the presence of wounds associated with defense, or considered defensive wounds; or
 4. other relevant factors, including checking the DV Central Registry. N.J.S. 2C:25-21c.(2).
 5. NOTE: The investigating officer must insure that “[n]o victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self-defense against domestic violence by an attacker.” N.J.S. 2C:25-21c.(3).
48. C – Law Enforcement Resiliency – Attorney General Law Enforcement Directive No. 2019-1 – 1st paragraph – Post-traumatic stress is not specifically mentioned.
49. D – Internal Affairs Policy and Procedures – 5. Accepting Reports of Officer Misconduct – 5.1.10 If a person comes to a particular law enforcement agency to make a complaint about a member of another law enforcement agency, he or she should be referred to that agency. The complainant should also be advised that if they have fear or concerns about making the complaint directly to the agency, they may instead file a complaint with the County Prosecutor or the Attorney General’s Office.
50. B – Attorney General’s Use of Force Policy – DEFINITIONS - Constructive Authority. Constructive authority is not considered a use of force because it does not involve physical contact with the subject. Rather, constructive authority involves the use of the officer’s authority to exert control over a subject. Examples include verbal commands, gestures, warnings, and unholstering a weapon. Pointing a firearm at a subject is an example of constructive authority to be used only in appropriate circumstances outlined in Section 3.4 of this Policy.
- 3.4 Displaying of Firearms. Special requirements must be met before an officer may display a firearm. Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an officer’s firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to force. At the same time, however, unnecessarily or prematurely drawing a firearm could limit an officer’s

options in controlling a situation, could create greater anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.

(a) Pointing a firearm. Consistent with training, officers may point a firearm at a person only when circumstances create a reasonable belief that it may be necessary for the officer to use deadly force. When the officer no longer reasonably believes that deadly force may be necessary, the officer shall, as soon as practicable, secure or holster the firearm.

(b) Reporting the pointing of a firearm. Pointing a firearm, though not a use of force, constitutes a seizure that must be reported as a Show of Force on the Attorney General's Use of Force Reporting Portal.

51. B –Georgia v. Randolph - Supreme Court of the United States

547U.S. 103, 126 S.Ct. 1515 (2006) – a warrantless search of a shared dwelling for evidence over the express refusal of consent by a physically present resident cannot be justified as reasonable as to him on the basis of consent given to the police by another resident.

52. C – Use of Force Policy – Addendum B – Vehicular Pursuit Policy

5. Vehicular Pursuit Restrictions

5.1 No pursuit shall be conducted under the following circumstances:

(a) in a direction opposite to the flow of traffic on a divided highway or a one-way street; or

(b) in a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.

5.2 There shall be a strong presumption against the initiation or continuation of vehicular pursuits in areas where pedestrians are located or in areas of high density vehicular traffic.

5.3 No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.

5.4 A motorcycle officer may initiate a pursuit but will relinquish primary unit status immediately upon the participation of a marked police vehicle.

5.5 An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status immediately upon the participation of a marked police vehicle.

5.6 To diminish the likelihood of a pursuit, an officer intending to stop a vehicle for any violation of the law shall, when possible and without creating a threat to public safety, close the distance between the two vehicles prior to activating emergency lights and an audible device. Officers shall recognize that, while attempting to close the distance and prior to the initiation of a pursuit and the activation of emergency lights and an audible device, they are subject to all motor vehicle laws governing the right of way (e.g., N.J.S.A. 39:4-91 and -92).

5.7 Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.

- 5.8 During the course of a pursuit and when approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection. At all other times including an attempt to close the distance prior to the initiation of a pursuit and upon the termination of a pursuit, officers shall observe the applicable laws governing the right of way at intersections and other locations.
- 5.9 Officers involved in a pursuit shall not engage in vehicle paralleling.
- 5.10 There shall be no street paralleling along the route unless the pursuit passes through a patrol's assigned area. A patrol that is parallel-street-pursuing shall not join or interfere with a pursuit and shall stop all pursuit-related activity at the boundary of its assigned area.
- 5.11 Boxing-in or heading-off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:
- (a) at low speeds; and
 - (b) with the approval of a supervisor; or
 - (c) in response to an imminent threat to the safety of the public or a police officer.
- 5.12 Roadblocks must only be employed as a last resort in circumstances where deadly force would otherwise be justified.
- (a) the use of a roadblock must be authorized by a supervisor;
 - (b) at no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location and have acknowledged this awareness;
- 5.12.1 Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:
- (a) adequate distance to see the roadblock;
 - (b) an avenue of escape; and
 - (c) no one in the blocking vehicle(s).
- 5.13 Officers involved in a pursuit shall not engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.
- 5.14 Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted under Section 4.6 of the Attorney General's Use of Force Policy.
- 5.15 Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted under Section 4.7 of the Attorney General's Use of Force Policy.

53. B – Law Enforcement Interactions with Transgender Individuals – Attorney General Law Enforcement Directive No. 2019-3 – APPENDIX A: Additional Guidance

Any individual’s chosen name and chosen pronouns should be noted appropriately in all relevant documentation as “chosen name” and “chosen pronouns” (in addition to separate spaces already included for an “alias” or “nickname”). Officers should record an individual’s legal name as stated on a government-issued identification document or other legal paperwork under “Legal name” in all Departmental forms and records. At the same time, when it is possible to do so, official forms must be updated to include designations for “male,” “female,” “non-binary” (which can consist of the word “non-binary” or the abbreviation “X”), and “Unknown” (where the person’s gender has not been disclosed and is otherwise unknown).

54. C – State v. Bernokeits – Superior Court, Appellate Division 423 N.J.Super. 365 (App.Div. 2011) – The administration of field sobriety tests “is more analogous to a Terry stop than to a formal arrest, and therefore may be justified by a police officer’s reasonable suspicion based on particularized, articulable facts suggesting a driver’s intoxication.” Id. at 374. Moreover, “our courts have consistently, albeit without extended discussion, upheld such routine, standardized testing on the basis of a reasonable, articulable suspicion of driver intoxication. * * * Indeed, our courts have routinely used the results of field sobriety testing in determining whether probable cause to effectuate a DWI arrest exists. * * * These rulings obviously presume that a police officer may legitimately request a field sobriety test in the process of determining whether probable cause for an arrest exists, rather than only after probable cause for arrest has been established.” Id. at 374-75. See e.g., *Berkemer v. McCarty*, 468 U.S. 420, 442, 104 S.Ct. 3138, 3151 (1984) (holding that a police officer requesting the defendant to perform a field sobriety test in a public place “cannot fairly be characterized as the functional equivalent of formal arrest”); cf. *State v. Green*, 209 N.J.Super. 347, 350 (App. Div. 1986) (holding that a DWI suspect is not entitled to *Miranda* warnings prior to administration of field sobriety tests).

55. B –The Property & Evidence Function – Audits

56. D – State v. Gamble - Supreme Court of New Jersey - 218 N.J. 412 (2014)

Warrantless vehicle searches may be sustainable either under the automobile exception on the basis of probable cause, or in connection with a search for weapons based on an objectively-reasonable belief that an occupant of the vehicle is dangerous and may gain access to weapons. Another exception to the warrant requirement relevant to the facts here is the protective sweep.

57. C – Revisions to the Attorney General Guidelines for the Retention of Evidence – Accordingly, notwithstanding the provisions of Section 3(b) of the Evidence Retention Guidelines, after a conviction, a County Prosecutor, or the Director of the Division of Criminal Justice in cases prosecuted by the Division, may

authorize in writing the destruction of all or any portion of the excess quantity of controlled dangerous substances.

For purposes of this provision, the term “excess quantity of controlled dangerous substances” means that portion of the aggregate quantity of controlled dangerous substance seized that exceeds the statutory amount threshold set forth in N.J.S. 2C:35-5b. for the highest degree of crime for which the defendant was convicted (e.g., any amount of seized cocaine in excess of five ounces in the case of a first-degree cocaine conviction), except that with respect to a first-degree conviction for manufacturing, distributing, or possession with intent to distribute marijuana in violation of N.J.S. 2C:35-b.(10)(a), the term means any amount that exceeds five pounds, or 10 plants.

2C:35-5. Manufacturing, distributing or dispensing

b.(3) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, or 3,4-methylenedioxyamphetamine or 3,4-methylenedioxyamphetamine, in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree.

58. D – The Property and Evidence Function – Disposition of Property – When property is found by a civilian, turned over to the police department for safekeeping, and the owner does not claim the property for six months, *N.J.S. 40A:14-157(b)* provides that the property shall be returned to the finder.
59. A – Same explanation as Question #58
60. B – Rule 3:5-5(a) of the Rules Governing New Jersey Criminal Practice expressly authorizes the execution of a search warrant “by any law enforcement officer, including the Attorney General or county prosecutor or sheriff or members of their staffs.” After the warrant is issued, the Rule requires that it be executed within 10 days “and within the hours fixed therein by the judge issuing it.” The time of the day in which the warrant may be executed may be adjusted “for good cause shown.” Thus, a judge may authorize the execution of a search warrant “at any time of the day or night,” so long as the officer provides the issuing judge with “good cause.”
61. C – *State v. Reece*, 222 N.J. 154 (2015)
62. D – To date, the New Jersey courts have mirrored the federal standards in this area, recognizing the right of the police to “seize evidence found ‘in plain view’ despite the lack of a warrant.” See *State v. Perry*, 124 N.J. 128, 148 (1991) (“applicability of the plain view doctrine depends on the right of the officer to be in the position to have that view”). See also *State v. Bruzzese*, 94 N.J. 210, 237-38 (1983) (where the Court adopted the federal Supreme Court’s “plain-view”

- principles “as the law of New Jersey,” declaring: “We do not believe that a police officer lawfully in the viewing area must close his eyes to suspicious evidence”).
63. B – State v. Morse (1969), State v. Smith (1962)
64. C – State v. Hall (App. Div. 1991)
65. D – State v. Dangerfield (2002). Also refer to State v. Tucker (1994) – flight alone does not create reasonable suspicion for a stop, let alone probable cause and Virginia v. Hicks (US Sup. 2003)
66. A – State v. Domicz (2006)
67. C – State v. Edmonds (2012)
68. B – State v. Eckel (2006), State v. Frankel (2004)
69. A – State v. Tucker (1994), State v. Dangerfield (2002)
70. B – Michigan v. Summers (US Sup. 1981)
71. C – State v. Privott (2010)
72. D – State v. Jones (App. 1999)
73. C – State v. Matthews (App. 2008). Also refer State v. Gamble (2014)
74. C – *N.J.S.A.* 39:3B-25
75. B – Attorney General Directive No. 2020-12 Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform. II. Stationhouse Adjustments
76. A – *N.J.S.A.* 2C:12-1a(2)
77. C – Aggravated Assault – *N.J.S.A.* 2C:12-1b4 – Originally only correctly keyed charged. Through appeals, NJ CSC dual-keyed this item.
Terroristic Threats - *N.J.S.A.* 2C:12-3b (Terroristic threats) provides that 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. State v. Brown, (App. 2013), in regard to *N.J.S.A.* 2C:12-3, “The words or actions of the defendant must be of such a nature as to convey menace or fear of a crime of violence to the ordinary person.”
78. A – *N.J.S.A.* 2C:20-11 (Shoplifting) provides, in pertinent part, that for any person purposely to alter, transfer or remove any label, price tag or marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof. See *N.J.S.A.* 2C:20-11b(3).
N.J.S.A. 2C: 20-4 (Theft by Deception) provides, in part, that a person is guilty of theft if he purposely obtains property of another by deception. A person deceives if he purposely creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind, and including, but not limited to, a false impression that the person is soliciting or collecting funds for a charitable purpose; but deception as to a person’s intention to perform a

promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

**The Division of Test Development and Analytics contacted SMEs regarding this matter who noted that shoplifting specifies, in pertinent part, “. . . and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof” (emphasis added). However, theft by deception provides, in pertinent part, “a person is guilty of theft if he purposely obtains property of another by deception.” Thus, the SMEs noted that theft by deception requires an individual to obtain the property of another whereas shoplifting only requires the mere attempt to purchase an item. The SMEs emphasized that the scenario indicates that Glover attempted to purchase the jacket at a lower price and did not indicate that she obtained the jacket at any point.

79. C – *N.J.S.A. 2C:33-4* (Harassment) provides, in pertinent part, that a person commits a petty disorderly persons offense if, with purpose to harass another, he:

- a) Makes, or causes to be made, one or more communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;
- b) Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or
- c) Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received.

80. D – *N.J.S.A. 2C:25-21* which provides:

- a. When a person claims to be a victim of domestic violence, and where a law enforcement officer responding to the incident finds probable cause to believe that domestic violence has occurred, the law enforcement officer shall arrest the person who is alleged to be the person who subjected the victim to domestic violence and shall sign a criminal complaint.
- b. A law enforcement officer may arrest a person; or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed, but where none of the conditions in subsection a. of this section applies

81. C – The Use of Force Policy provides:

2.5 De-escalation. De-escalation is the action of communicating verbally or non-verbally in an attempt to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to allow the situation to resolve itself or to position additional resources to resolve the situation with the least amount of force necessary. Officers should employ de-escalation techniques when feasible, which include, but are not limited to, the following:

- a) communication techniques to calm an agitated subject (e.g., regulating tone

- and pitch, such as speaking slowly in a calm voice);
- b) techniques to promote rational decision making, such as ensuring that only one officer addresses the person and the other officers remain detached as safety permits as to not escalate the situation; and splitting up individuals at the scene who may be arguing;
- c) active listening techniques, such as sharing the officer's name, asking the
- d) subject their name, and exhibiting a genuine willingness to listen;
- e) slowing down the pace of the incident by taking deep breaths, slowing speech, and/or applying strategic or critical thinking;
- f) using calming gestures and facial expressions (e.g., arms extended with palms out and avoid angry expressions);
- g) practicing procedural-justice techniques, such as explaining the officer's
- h) actions and responding to questions;
- i) verbal persuasion and advisements (e.g., explaining, without threats, how the person would benefit from cooperation, and the subject's rights or what the officer wants the subject to do); and
- j) avoiding the unnecessary display of weapons, including firearms, Conducted Energy Devices (CEDs), batons, or OC Spray.

82. B – Attorney General's Use of Force Policy – Definitions

83. A – Attorney General's Bias Incident Investigation Standards - 7. Initial Law Enforcement Response to a Bias Incident:

Responding Officer:

1. Apprehend the actor (if applicable).
2. Provide assistance to the victim.
3. Protect the crime scene to prepare for the gathering of evidence.
4. Request that a law enforcement supervisor respond to the scene, as appropriate.
5. Conduct a standard preliminary investigation.
6. Obtain the names and addresses of all persons who witnessed or who are acquainted with the circumstances of the incident. All such persons should be questioned in detail.
7. Prepare a standard police incident report. Document the basic facts and circumstances surrounding the incident to include the following:
8. Refer the victim and witness to the appropriate Office of Victim-Witness Advocacy.

Law Enforcement Supervisor:

Upon arriving at the scene of a suspected or confirmed bias incident, he or she shall:

1. Supervise the preliminary response and investigation.
2. Confer with the initial responding officer.
3. Assist in the stabilization of the victim as required.
4. Ensure that the crime scene is properly protected and preserved.
5. Take steps to insure that the incident does not escalate.
6. Determine if additional personnel are required to provide complete

public safety services.

7. Arrange for an immediate increase of patrols throughout the affected area, as appropriate.

84. C – Attorney General’s Internal Affairs Policy and Procedures

85. C – #3 should state 24 hours. 2A:4A-22(g)

86. D – Curfew violation 2A:4A-23

87. A – 4th degree crime 9:6-8.14

88. B – 2A:4A-60E

89. C – 2A:4A-35 – The juvenile is at least 14 years of age.

90. C – 4:22-24.1. “Trunk fighting,” defined, third degree crime

a. In addition to the provisions of R.S.4:22-24, it shall be unlawful to engage in, facilitate, or provide the means to engage in, trunk fighting. For the purposes of this section, “trunk fighting” means the practice of enclosing two or more animals in the trunk or any part of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead.

b. A violation of subsection a. of this section shall be a crime of the third degree.