

Test Bank, Ross, Civil Liability in Criminal Justice, 7th Edition

## Chapter 1 Overview

### Multiple Choice

1. It has been estimated that, since the 1990s, annual filing of civil lawsuits against police averages approximately:

- a. 100,000
- b. 50,000
- c. 30,000
- d. 10,000

Answer: c

2. Data suggested that, by 2006, allegations of civil rights violations were resolved by juries in what percentage of cases that proceeded to trial?

- a. 12%
- b. 35%
- c. 65%
- d. 87%

Answer: d

3. Plaintiffs are more likely to prevail in litigation against law enforcement officials when the basis of the suit is over:

- a. Excessive force
- b. Failure to train
- c. Strip searches
- d. Unconstitutional agency policy

Answer: c

4. Which of the following statements best captures police officer attitudes toward civil liability?

- a. Most police officers have been sued and have negative attitudes toward civil sanctions against police.
- b. Most police officers have NOT been sued and have negative attitudes toward civil sanctions against police.
- c. Most police officers have been sued and have positive attitudes toward civil sanctions against police.
- d. Most police officers have NOT been sued and have positive attitudes toward civil sanctions against police.

Answer: b.

5. Civil suits by prisoners under Title 42, Section 1983 of the United States Code exploded following the United States Supreme Court case of:

- a. Cooper v. Pate (1964)
- b. *Farmer v. Brennan* (1994)
- c. *Scott v. Harris* (2007)
- d. *Anderson v. Creighton* (1987)

Answer: a.

6. Most suits filed by prisoners are resolved at what stage of the proceedings?

- a. A verdict following a trial on the merits of the case.
- b. Settlement immediately before the beginning of the trial.
- c. Settlement following discovery.
- d. At the pleading stage.

Answer: d.

7. A 1992 study found that most civil rights complaints filed by prisoners were filed against:

- a. Correctional supervisors
- b. Correctional officers
- c. Medical personnel
- d. Other prisoners

Answer: b.

8. Darrell Ross found that prisoners filed their lawsuit without legal counsel in what percentage of cases?

- a. 10%
- b. 37%
- c. 66%
- d. 92%

Answer: d.

9. Prisoner lawsuits have declined since 2000 as a result of what federal law?

- a. Fair Debt Collection Act
- b. Prisoner Litigation Reform Act
- c. Violent Crime Control and Law Enforcement Act
- d. 42 U.S.C. § 1983

Answer: b.

10. Which of the following statements is true?

- a. In 1995, there were three times as many §1983 lawsuits than habeas corpus petitions filed by prisoner plaintiffs.
- b. In 1995, there were three times as many habeas corpus petitions than §1983 lawsuits filed by prisoner plaintiffs.
- c. In 2000, there were three times as many §1983 lawsuits than habeas corpus petitions filed by prisoner plaintiffs.
- d. In 2015, there were three times as many habeas corpus petitions than §1983 lawsuits filed by prisoner plaintiffs.

Answer: a.

11. A study reported that the average time from filing to resolution of civil rights cases in federal courts was:

- a. Two years
- b. One year
- c. 10 months
- d. Six months

Answer: c.

12. A plaintiff will be awarded punitive damages in what percentage of tort cases?

- a. 63%
- b. 54%
- c. 12%
- d. 5%

Answer: d.

13. High profile civil cases involving law enforcement personnel include:

- a. Rodney King and Los Angeles police officers
- b. Amadou Diallo and New York police officers
- c. Randy Weaver family and U.S. Marshalls
- d. All of the above

Answer: d.

14. A study of cases in federal district courts in New York, found that monetary damages were awarded in what percentage of cases?

- a. 10%
- b. 21%
- c. 30%
- d. 45%

Answer: c.

15. Which U.S. city was reported to have paid more in damages over police litigation than any other?

- a. New York
- b. Detroit
- c. Chicago
- d. Houston

Answer: b.

True-False

16. There is no systematic method for collecting information relating to police civil litigation.

- a. True.
- b. False

Answer: a

17. Most civil cases filed against police officers that result in financial awards to plaintiffs are decided by judge or jury verdicts.

- a. True
- b. False

Answer: b.

18. A majority of police academy cadets reported that fear of being sued was a rational emotion.

- a. True
- b. False

Answer: a.

19. Overall, police officers lose more often than plaintiffs in civil litigation.

- a. True
- b. False

Answer b.

20. Prisoners are more likely than the general public to file lawsuits.

- a. True
- b. False

Answer: b.

Discussion

Explain why criminal justice personnel may face greater exposure to being sued for civil damages than most other occupations.

Discuss the manner in which expansion of civil liability for law enforcement officials since *Cooper v. Pate*, (1964) has impacted (for good or ill) the American criminal justice system. Include discussion of statistics noted in the studies that are covered in the text

## Chapter 2 Foundations for Liability

### Multiple Choice

1. Torts allow a person to recover damages for what type of harm?
  - a. Breach of contract
  - b. Copyright infringement
  - c. Injury to persons or property
  - d. Bankruptcy

Answer: c.

2. The burden of proof required of a plaintiff in most civil cases is:
  - a. Reasonable suspicion
  - b. A preponderance of the evidence
  - c. Clear and convincing evidence
  - d. Beyond a reasonable doubt

Answer: b.

3. A successful plaintiff in a civil suit may be awarded:
  - a. Compensatory damages
  - b. Punitive damages
  - c. Court costs and attorney fees
  - d. All of the above

Answer: d.

4. When a police officer kills someone, which of the following statements may be true?
  - a. The family could pursue only a criminal case.
  - b. The family could pursue only a tort case.
  - c. The family could pursue both a criminal and a tort case.
  - d. The family could pursue neither a criminal nor a tort case.

Answer: c.

5. Intentional tort liability can arise from what type of conduct?
  - a. A negligent breach of a common law or statutory duty.