

TRUE/FALSE

1. The Declaration of Independence established how the United States should be structured and governed.

a. True
b. False

ANS: F PTS: 1

2. The Supreme Court has ruled that the First Amendment does not protect all forms of expression.

a. True
b. False

ANS: T PTS: 1

3. The Supreme Court has ruled that the Fourth Amendment prohibits, under any circumstance, police officers from stopping and frisking a “suspicious person.”

a. True
b. False

ANS: F PTS: 1

4. The grand jury’s duty is to determine guilt or innocence in cases involving a capital offense.

a. True
b. False

ANS: F PTS: 1

5. Conflict theory contends that certain behaviors are criminalized to keep the dominant class in power.

a. True
b. False

ANS: T PTS: 1

6. Consensus theory holds that individuals within a society agree on basic values.

a. True
b. False

ANS: T PTS: 1

7. The Fifth Amendment guarantees due process.

a. True
b. False

ANS: T PTS: 1

8. The Fourteenth Amendment guarantees freedom of religion.

- a. True
- b. False

ANS: F PTS: 1

9. Local ordinances are permitted by law to be more lenient than state law.

- a. True
- b. False

ANS: F PTS: 1

10. Retributive justice and restorative justice offer two similar ways to view justice.

- a. True
- b. False

ANS: F PTS: 1

MULTIPLE CHOICE

11. A body of beliefs about individual freedom that most Americans believe in is known as _____.

- | | |
|--------------------------|----------------------|
| a. an Order of Authority | d. national treaties |
| b. the Magna Carta | e. the U.S. Code |
| c. the American Creed | |

ANS: C PTS: 1

12. A term applied to precedents set by the judges in the royal courts of England is _____ law.

- | | |
|-------------------|--------------|
| a. statutory | d. common |
| b. moral | e. customary |
| c. ecclesiastical | |

ANS: D PTS: 1

13. Case law refers to _____.

- | | |
|------------------------|-----------------------------|
| a. judicial precedents | d. customary law |
| b. moral law | e. any of the other choices |
| c. religious law | |

ANS: A PTS: 1

14. Statutory law may be _____.

- | | |
|--------------------------------|------------------------------|
| a. passed at the federal level | d. passed at the state level |
| b. civil | e. all of the other choices |
| c. criminal | |

ANS: E PTS: 1

15. The basic instrument of the government and the supreme law of the United States is the _____.

- a. Declaration of Independence
- b. Constitution
- c. Magna Carta
- d. Freedom of Information Act
- e. American Creed

ANS: B PTS: 1

16. The fundamental document describing the liberties of the people and forbidding the government to violate these rights is known as the _____.

- a. Declaration of Independence
- b. Bill of Rights
- c. collective state statute
- d. petitionary order
- e. Congressional Constitution

ANS: B PTS: 1

17. The First Amendment _____.

- a. separates church from state
- b. guarantees freedom of the press
- c. protects freedom of petition
- d. does all of the other choices
- e. does none of the other choices

ANS: D PTS: 1

18. The first 10 amendments to the Constitution are referred to as the _____.

- a. primary amendment
- b. civil rights amendments
- c. civil liberties amendments
- d. Bill of Rights
- e. Primary Liberties Bill

ANS: D PTS: 1

19. The Sixth Amendment establishes _____.

- a. due process requirements
- b. freedom of speech
- c. criminal trial requirements
- d. due process requirements, freedom of speech and criminal trial requirements
- e. none of the other choices

ANS: C PTS: 1

20. The duty of a grand jury is to _____.

- a. see that the punishment fits the crime
- b. sentence a defendant
- c. assure that there is probable cause to believe a person is guilty of a crime
- d. see that the punishment fits the crime, sentence a defendant and assure that there is probable cause to believe a person is guilty of a crime
- e. none of the other choices

ANS: C PTS: 1

21. The _____ Amendment requires a person to be presumed innocent until proven guilty.

- a. First
- b. Second
- c. Fourth
- d. Fifth
- e. Sixth

ANS: D PTS: 1

22. The Fourth Amendment forbids _____.

- a. limited searches
- b. unreasonable searches and seizures
- c. excessive bail
- d. double jeopardy
- e. self-incrimination

ANS: B PTS: 1

23. The _____ Amendment guarantees the right to keep and bear arms.

- a. First
- b. Second
- c. Fifth
- d. Sixth
- e. Eighth

ANS: B PTS: 1

24. The landmark case that applied due process to juveniles was _____.

- a. *In re Windship*
- b. *In re Gault*
- c. *Watson v. Ohio*
- d. *Smith v. Pennsylvania*

ANS: B PTS: 1

25. The legal document ordering a person to testify in a court of law as a witness is known as a _____.

- a. subpoena
- b. writ of habeas corpus
- c. writ of appearance
- d. writ of certiorari
- e. coercive document

ANS: A PTS: 1

26. A *mala in se* crime is _____.

- a. bad because it is forbidden
- b. so offensive it is obviously criminal
- c. one that violates a specific regulatory statute
- d. both bad because it is forbidden and because it violates a specific regulatory statute
- e. none of the other choices

ANS: B PTS: 1

27. An example of a *mala prohibita* crime is _____.

- a. murder
- b. rape
- c. speeding
- d. both murder and rape
- e. none of the other choices

ANS: C PTS: 1

28. The _____ —the “guilty act”—must be a measurable act, including planning and conspiring.

- a. *mens rea*
- b. *corpus delicti*
- c. *mala in se*
- d. *scienter*
- e. *actus reus*

ANS: E PTS: 1

29. Considering the “spirit of the law” rather than the “letter of the law” is the foundation of _____.

- a. equity
- b. customary law
- c. moral law
- d. social law
- e. the American Creed

ANS: A PTS: 1

30. The _____ Amendment forbids cruel and unusual punishment.

- a. First
- b. Fourth
- c. Fifth
- d. Sixth
- e. Eighth

ANS: E PTS: 1

31. Civil law refers to all noncriminal restrictions placed on individuals and seeks to obtain _____.

- a. punishment
- b. retribution
- c. incapacitation
- d. restitution
- e. punishment, retribution and incapacitation

ANS: D PTS: 1

32. Police power is derived from _____.

- a. U.S. Supreme Court decisions
- b. the U.S. Constitution
- c. state statutes
- d. U.S. Supreme Court decisions, the U.S. Constitution and state statutes
- e. none of the other choices

ANS: D PTS: 1

33. Common examples of civil issues that police officers may encounter include _____.

- a. child custody exchanges
- b. neighbor disputes
- c. renter/landlord disputes
- d. all of the other choices

ANS: D PTS: 1

SHORT ANSWER

34. The _____ branch of government makes the laws; the _____ branch, of which law enforcement is a part, enforces the laws; and the _____ branch determines when laws have been violated.

ANS:
legislative, executive, judicial

PTS: 1 REF: p. 488

35. The exclusionary rule is most closely associated with the _____ Amendment.

ANS:
Fourth

PTS: 1 REF: p. 52

36. _____ refers to any minor offense, generally punishable by a fine or a short term, usually not to exceed one year, in a jail or workhouse.

ANS:
Misdemeanor

PTS: 1 REF: p. 56

37. The _____ Amendment does not specifically provide that all citizens have a right to bail, but only that bail will not be excessive.

ANS:
Eighth

PTS: 1 REF: p. 54

38. _____ refers to a serious crime, generally one punishable by death or by imprisonment for more than one year in a state prison or penitentiary.

ANS:
Felony

PTS: 1 REF: p. 56

39. The _____ Amendment protects Americans' right to assemble peaceably for any political, religious or social activity.

ANS:
First

PTS: 1 REF: p. 50

40. The _____ asserts that all citizens are created equal and are entitled to the unalienable rights of life, liberty and the pursuit of happiness.

ANS:

Declaration of Independence

PTS: 1

REF: p. 48

41. Section _____ of U.S. Code, Title 42, stipulates that anyone acting under the authority of local or state law who violates another person's constitutional rights—even though he or she is upholding a law—can be sued.

ANS:

1983

PTS: 1

REF: p. 61

42. A _____ is a civil wrong for which the court will seek a remedy in the form of damages to be paid.

ANS:

tort

PTS: 1

REF: p. 60

43. Crimes where criminal intent is not an element are known as _____ crimes.

ANS:

strict liability

PTS: 1

REF: p. 58

44. _____ law defines crimes and fixes punishments for them.

ANS:

Criminal

PTS: 1

REF: p. 56

45. A _____ is a judicial ruling that significantly alters or affects existing law.

ANS:

landmark decision

PTS: 1

REF: p. 53

ESSAY

46. Explain the case of *Gideon v. Wainwright*, the issue it dealt with, and how the court ruled.

ANS:

Answer Varies.

PTS: 1

REF: pp. 53–54

47. Explain the differences between strict liability, intentional wrongs, and negligence. Which of these is most frequently used in lawsuits against the police?

ANS:

Answer Varies.

PTS: 1

REF: pp. 61–62

48. Discuss the basic differences between a crime and a tort.

ANS:

Answer Varies.

PTS: 1

REF: pp. 59–60

49. Discuss Packer's due process and crime control models and how each views the justice process.

ANS:

Answer Varies.

PTS: 1

REF: pp. 65–66

50. Discuss the specific rights guaranteed by the First, Second, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments and how they affect the justice process.

ANS:

Answer Varies.

PTS: 1

REF: pp. 50–55