

Ross: Civil Liability in Criminal Justice, 6th Edition

Chapter 2: Foundations for Liability

Multiple Choice

1. Torts allow recovery for which of the following claims?

- a. Criminal negligence
- b. Personal liability
- c. Criminal misconduct
- d. Personal negligence

Ans: b

2. Which of the following are personal injury claims?

- a. battery, negligence, and personal distress
- b. battery, personal distress, and crimes against property
- c. battery, crimes against property, and civil rights violations
- d. none of the above

Ans: a

3. Which of the following statements are true about civil law?

- a. Civil law is a public offense.
- b. Civil law can result in fines, probation, incarceration, and/or death.
- c. In civil law, the plaintiff may receive monetary damages as compensation.
- d. In civil law, an acquittal normally is NOT appealable by the State.

Ans: c

4. In criminal law, which describes the state's burden?

- a. Proof beyond a reasonable doubt
- b. A preponderance of the evidence
- c. Convinced by a 50.1% margin
- d. Options a and c

Ans: a

5. When a police officer kills someone, which of the following statements may be true?

- a. The family could file only a criminal case.
- b. The family could file only a tort case.

- c. The family could file both a criminal and a tort case.
- d. The family could file neither a criminal nor a tort case.

Ans: c

6. Which of the following best describes intentional tort?
- a. Torts can be against people or property
 - b. Torts that often arise from failing to perform a particular duty
 - c. Torts do not question the officer's state of mind.
 - d. All of the above

Ans: a

7. Which of the following statements is correct about negligent torts?
- a. Negligent torts often arise from failing to perform a particular duty, and an officer's state of mind is considered.
 - b. Negligent torts often arise from failing to perform a particular duty, and only occur when the act leads to an injury.
 - c. Negligent torts often arise from failing to perform a particular duty, and can be only be against a person.
 - d. Negligent torts are more likely to prevail if gross negligence is proven.

Ans: d

8. Which of the following is NOT a typical state tort law category?
- a. Conditions of confinement
 - b. Assault
 - c. Invasion of property
 - d. Wrongful death

Ans: a

9. What are Title 18 U.S. Code §241 and §242?
- a. §241 is Criminal Liability for Deprivation of Civil Rights, and §242 is Conspiracy to Deprive a Person of Rights
 - b. §241 is Conspiracy to Deprive a Person of Rights, and §242 is Criminal Liability for Deprivation of Civil Rights
 - c. §241 is Civil Liability for Deprivation of Civil Rights, and §242 is Criminal Liability for Deprivation of Civil Rights
 - d. None of the above

Ans: b

10. DOJ prosecutions of Title 18, U.S. Code §242 cases increased by approximately what percent between 1998 and 2011?

- a. About 20%
- b. About 40%
- c. About 60%
- d. About 80%

Ans: b

11. Which of the following are some of the top charges in which §242 actions are prosecuted?

- a. sexual assault of an arrestee or prisoner, suicide, and battery
- b. suicide, battery, and excessive force
- c. battery, excessive force, and sexual assault of an arrestee or prisoner
- d. excessive force, sexual assault of an arrestee or prisoner, and robbery/theft

Ans: d

12. Which of the following provides a civil remedy to plaintiffs who can show that two or more officers conspired to deprive them of their civil rights?

- a. Title 42, U.S. Code §1983
- b. Title 42, U.S. Code §1985
- c. Title 18, U.S. Code §241
- d. Title 18, U.S. Code §242

Ans: b

13. Which of the following is true about §210401 of the Violent Crime Control and Law Enforcement Act of 1994 (Title 42, U.S. Code §§ 14141 and 14142)?

- a. The Act permits the Department of Justice to investigate patterns or practices of misconduct in local police departments
- b. The Act was passed partially in response to the Rodney King incident.
- c. The Act requires the collection of statistics on “police abuse”
- d. All of the above

Ans: d

14. Which of the following is true of the Americans with Disabilities Act (ADA)?

- a. Permits the Department of Justice to investigate a criminal justice agency allegedly in violation of ADA
- b. Gives prisoners access to the courts

- c. Permits the Department of Justice to file a lawsuit in federal court against a criminal justice agency to enforce ADA
- d. All of the above

Ans: c

15. Which of the following is true of criminal justice administrative liability?

- a. Personnel in both state and federal agencies are bound by and subject to sanctions in their respective departments.
- b. Personnel in both state and federal agencies are bound by administrative rules in their respective departments.
- c. Rules that violate an employee's rights are not legally binding.
- d. All of the above

Ans: d

16. Tort actions are criminal legal actions arising out of situations between private properties.

- a. True
- b. False

Ans: b

17. The two types of negligent tort cases are simple and complex.

- a. True
- b. False

Ans: b

18. There were twice as many 18 U.S. Code §242 cases filed in 2011 compared to 1998.

- a. True
- b. False

Ans: b

19. The Civil Rights of Institutional Persons Act (CRIPA) permits the Attorney General to bring civil lawsuits against state institutions regarding the civil rights of those housed in the facility.

- a. True
- b. False

Ans: a

20. An Americans with Disabilities lawsuit cannot be filed in conjunction with another legal act.

- a. True
- b. False

Ans: b