

Self Check Answers Chapter 10

10.1 Self Check

1. Which type of tort seems easiest to prove, and why?
Negligence torts are easiest to prove because they have a lower burden of proof than intentional torts.
2. Define probable cause.
Your answer should include elements such as having enough evidence to believe that a crime has occurred.

10.2 Self Check

1. What is the exclusionary rule?
The exclusionary rule ensures that a court cannot use any evidence that is obtained in violation of a defendant's constitutional rights.
2. What is the fruit of the poisonous tree?
The fruit of the poisonous tree refers to items found in an illegal search that were not the intended goal of the search. For example, if the police perform an illegal search while looking for a murder weapon and find explosives, the explosives are not admissible as evidence in court.

10.3 Self Check

1. Why do vehicle and curtilage searches have detailed restrictions?
Since vehicles and curtilage are private property, officers need to treat them with essentially the same consideration that they would give a private citizen's home.
2. Why do arrests inside of a house usually need a warrant?
Homes are private property and an officer does not have an automatic right to enter them.

10.4 Self Check

1. What is the Miranda warning?
The Miranda warning is an iteration of a person's rights that must be read to all suspects before interrogation. You will probably recognize it from crime-related television shows and movies.
2. What is custodial interrogation?
Custodial interrogation is the interview of a person who is under arrest or whose freedom to leave is restricted in some significant manner.

10.5 Self Check

1. In what surveillance situations are warrants needed?
They are required in nearly all surveillance situations, including
 - When private phones or phone booths are wiretapped (unless one party in the conversation agrees to be wiretapped)
 - When officers or informants wear bugs or wiretaps
 - When law enforcement is requesting electronic stored files less than 180 days old
2. How does CALEA help law enforcement use surveillance procedures?
CALEA helps law enforcement keep up with new communications technology in order to perform electronic surveillance more effectively. One example is the ability of law enforcement to monitor and record cell phone activity.

10.6 Self Check

1. How can officers protect themselves and their departments from liability?
Knowledge and understanding of criminal and civil laws are key to reducing liability.
2. Name three common exposures to liability.
Three common exposures to liability are the negligent operation of police vehicles, the use of force, and false arrest.