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and Education**

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Question: 1

Which of the following statements is true about Texas laws on motorcyclists wearing helmets?

- A. Any motorcyclist 20 years of age or younger is not required to wear a helmet.
- B. Motorcyclists 20 years of age or younger are exempt from wearing helmets with proof of completing a training and safety course.
- C. Motorcyclists 21 years of age or older are exempt from wearing helmets with proof of having a medical insurance policy.
- D. Officers may detain motorcyclists only to determine whether they are required to wear a helmet.

Answer: C

Explanation:

According to the Texas Traffic Code (TC) and the Insurance Institute for Highway Safety's Highway Loss Data Institute, all motorcyclists age 20 or younger must wear helmets. Motorcycle riders aged 21 or older are exempted from wearing helmets if they can show proof of EITHER having completed a course in motorcycle operator training and safety OR having a medical insurance policy. Another provision of the Texas TC is that peace officers may not stop or detain motorcycle drivers or motorcycle passengers only for the purpose of ascertaining such training completion or insurance coverage.

Question: 2

Which of the following statements is true regarding traffic-related incidents?

- A. Traffic-related incidents are considered the second deadliest activity for police officers behind responding to crimes in progress.
- B. Over 40 percent of officer deaths in the line of duty are traffic-related.
- C. An officer is more likely to be struck by a vehicle and killed than from involvement in an automobile crash.
- D. An officer is more likely to be killed in a motorcycle crash than in an automobile crash.

Answer: B

Explanation:

Statistics gathered from 1998 to 2007 showed that over 40 percent of officer deaths in the line of duty were traffic related. Traffic-related incidents were by far the deadliest activity for police officers. More than thirds of these traffic-related deaths were due to automobile crashes. In order of decreasing frequency, the remainder of these traffic-related deaths involved the officer struck by a moving vehicle or the officer involved in a motorcycle crash.

Question: 3

Which of the following statements is most true about characteristics of vehicle operation related to intoxication?

- A. A driver who stares fixedly at one point is concentrating and probably sober.
- B. A driver who maintains a constant, unvarying speed most likely is intoxicated.
- C. A driver who stops short of or beyond a light or stop sign often is intoxicated.
- D. A driver weaving from lane to lane more likely is distracted than intoxicated.

Answer: C

Explanation:

While reasons other than intoxication cause many driving behaviors, stopping short of or beyond a traffic light or signal is one of the most common characteristics of DWI. Additional signs include staring fixedly, which indicates a lack of concentration, since the motorist should be looking at all points in the surrounding traffic. Other signs include displaying inconsistent speeds/slowing down and speeding up frequently (but not as dictated by traffic), and weaving between lanes. While sober motorists distracted by things other than intoxication also may weave, weaving is a classic sign of intoxicated driving.

Question: 4

Which of the following tests is classified as a chemical test rather than a field sobriety test?

- A. Index finger-to-nose test
- B. Heel-to-toe walking test
- C. Standing on one leg test
- D. Breath specimen test

Answer: D

Explanation:

Taking a breath specimen, like taking of a blood specimen, is classified as a chemical test. Seeing whether the motorist accurately can touch the index finger to the nose, walk heel to toe, and/or stand on one leg are all classified as field sobriety tests for DWI when an officer had reasonable suspicion of it to stop the driver. The Traffic Code dictates when taking specimens is/is not indicated. (Note: field sobriety tests that could cause injury should not be given to obviously intoxicated persons, e. g. standing on one leg if they cannot stand straight on both legs, etc. Also, officers must rule out other conditions mimicking intoxication, e. g. cerebral palsy, diabetes, epilepsy, shock etc.)

Question: 5

According to the US Code on civil process, if a civil infringement by an officer is alleged, who can be held liable?

- A. only the individual officer
- B. the officer and employing agency
- C. the employing agency and government
- D. the officer, employing agency, and government

Answer: D

Explanation:

Not only the individual officer alleged to have violated civil law, but also the officer's employing agency, and the government representing the officer's commissioning authority (Title 42, Section 1983, US code).

Question: 6

Which of the following statements correctly states a difference between civil law and criminal law?

- A. In criminal law, the plaintiff bringing the action owns the suit.
- B. In civil law, the officer is directly responsible for filing charges.
- C. In criminal law, the court finds the defendant guilty/not guilty.
- D. In civil law, guilt must be established beyond reasonable doubt.

Answer: C

Explanation:

In criminal law, the state brings action against an individual for an alleged crime, and the court finds the defendant guilty or not guilty beyond a reasonable doubt. In civil (not criminal) law, an individual plaintiff bringing action against another individual is the owner of the suit, and the officer involved must follow all laws and rules for executing civil documents. The officer is only directly responsible for filing charges in criminal (not civil) actions. In civil law, a judge or jury finds for the complainant or for the defendant (or some middle ground) based on a preponderance of the evidence (not finding guilt beyond a reasonable doubt as in criminal law).

Question: 7

Which of the following statements is true regarding the Texas Alcoholic Beverage Code (TABC)?

- A. Consuming alcoholic beverages near schools is not addressed.
- B. Possessing intoxicants on public school grounds is another code.
- C. Purchase of alcohol by minors is covered, but attempting to purchase alcohol by minors is not.
- D. Selling alcohol to minors is prohibited, but giving alcohol to minors is not prohibited.

Answer: B

Explanation:

The possession of intoxicants on public school grounds is prohibited under the Texas Education Act (TEC), 37.122, rather than under the TABC. Consuming alcoholic beverages near schools is addressed as unlawful under TABC 101. 75. The purchase of alcohol by minors is covered by TABC 106.02, and the attempt to purchase alcohol by a minor is also covered by TABC 106.025; both actions are prohibited. Selling alcohol to minors is prohibited under TABC 106.03; giving alcohol to minors or buying it for them

is also prohibited under TABC 106.06.

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