



# DIRIGO SAFETY, LLC

PUBLIC SAFETY ADVOCATES

## Promotional Exam Study Guide

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## About the Dirigo Safety Promotional Exam:

The Dirigo Safety Promotional Exam (DSPE) is a relevant, customized and economical alternative to “canned” promotional examination administration. The DSPE represents original work by experienced Maine law enforcement officers who have served in different capacities with various law enforcement agencies throughout Maine. This examination consists of 100 questions in four 25-question parts. There is a two-hour time limit.

The examination is designed to encourage officers to increase their knowledge of, as well as their ability to understand and apply, topics that are directly relevant to Maine law enforcement officers. These are areas of knowledge that a newly-promoted officer would be expected to know well, which include:

- Maine Criminal Law and Selected Other Statutes (Titles 17-A, 17, 19-A, 22, 34-B, 28-A, & 28-B M.R.S.).

- Maine Motor Vehicle Law (Title 29-A M.R.S.).
- The Maine Law Enforcement Officer's Manual (ME LEOM) & The Maine Office of the Attorney General Case Law Updates.
- Maine Criminal Justice Academy Mandatory and Other Model Policies.

### **The Exam Process:**

There are four sections of twenty-five multiple choice questions. Each question is weighed equally. Questions for each examination are randomly assigned and taken from a pre-approved bank of over 200 questions developed by Dirigo Safety, LLC. Each testing process will have a *Host Agency Representative* and a *Dirigo Safety Exam Proctor*.

1. The Dirigo Safety Exam Proctor will arrive at the testing site with the appropriate number of exams and a sign in-roster.
2. The Hosting Agency Representative will have all examinees sign the roster and issue randomly assigned numbers and a name tag with a matching number to each examinee. The Hosting Agency Representative will keep the roster confidential and not disclose the names and numbers to the Dirigo Safety Exam Proctor. The Hosting Agency Representative may exit the process at that point.
3. The Dirigo Safety Exam Proctor will distribute the numbered exams to the person wearing the corresponding numbered name tag.
4. The Dirigo Safety Exam Proctor will begin the exam and monitor the examinees during the testing process. The Proctor will also keep track of time.
5. At the conclusion of the exam, the Dirigo Safety Exam Proctor will collect all of the exams and answer sheets.
6. The Dirigo Safety Exam Proctor will maintain custody of the answer sheets until they are delivered to a Dirigo Safety Exam Grader. The Dirigo Safety Exam Grader will not know the identity of the test takers.
7. The Dirigo Safety Exam Grader will send the corrected answer sheets with a grade posted at the top, together with a breakdown of how many questions the exam taker missed in each section (if any) back to the Dirigo Safety Exam Proctor, who will then forward the results to the Hosting Agency Representative.

## Study Suggestions:

[Title 17-A M.R.S. Maine Criminal Code](#): General Principles & Substantive Offenses.

[Title 17 M.R.S. Crimes](#): Obscenity; Animal Welfare; Interference with Constitutional and Civil Rights; Detention of Certain Persons Suspected of Stealing; Intoxication.

[Title 19-A M.R.S. Domestic Relations](#): Protection from Abuse.

[Title 22 M.R.S. Health and Welfare](#) Marijuana, Scheduled Drugs, Imitation Scheduled Drugs and Hypodermic Apparatuses.

[Title 28-A M.R.S. Liquor-Related Offenses](#): Prohibited Acts and Penalties.

[Title 28-B M.R.S. Adult Use Marijuana](#): Personal Adult Use of Marijuana and Marijuana Products; Home Cultivation of Marijuana for Personal Adult Use.

[Title 34-B M.R.S. § 3862 Protective Custody](#).

[M.R.S. 29-A: Motor Vehicle and Traffic](#). Chapters 15, 19 & 23.

*The Maine Law Enforcement Officers Manual* (2013-2016 version) all chapters.

*AG's Office Case Law updates for the most recent decade.*

<https://www.maine.gov/dps/mcja/training/mandatory/law.htm>

*Maine Criminal Justice Academy Mandatory and Model Policies.*

<https://www.maine.gov/dps/mcja/links/index.htm>

Maine Office of the Attorney General: *Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons*. Version: August 15, 2017.

## Exam Taking Suggestions:

- **Read Section Directions Before the Test**  
Carefully review the directions for each section before the test.
- **Answer the Questions You Know First**  
As you go through each section, answer all of the questions you know the answers to first. Mark all of the questions that you do not immediately know the answer to and then return and answer them later.
- **Eliminate Incorrect Answers**  
If you are able to eliminate even one choice for the selection of possible answers then guess. Sometimes it is easier to eliminate answers that you know to be incorrect than to

identify the correct answer. Eliminating all of the incorrect answers often leads to the correct answer.

- **Be Neat**  
Do not be sloppy when filling in the answer grid for student-produced response questions and avoid stray marks.
- **Your First Response is Usually Correct**  
Your first response to a question is usually correct. Do not change an answer unless you are certain you have made an error.
- **There is Only One Correct Answer**  
Only select one answer for each question because there is only one correct answer. Sometimes it may seem that there is more than one answer. Select the best answer for each question.
- **Do Not Skip Questions--Guess**  
You are not penalized for guessing. However, before guessing, always try to eliminate at least one incorrect answer choice.
- **Pay Attention**  
Make sure you are placing your answers in the correct number space and section on your answer sheet. It is easy to place your answer in the wrong place if you are not paying close attention.
- **Know What to Expect on the Test**  
You need to know the types of questions to expect on the test. There are 100 questions on the exam: 25 in each of four sections. They are all multiple choice of varying degrees of difficulty and all questions are weighed equally.
- **Budget Your Time**  
Pace yourself! This test is timed. Only spend a few moments on the easy questions and do not get bogged down on the more difficult questions. You can always come back to them if you have more time later.

## **Bibliography**

Ferdico, J., & Walton, S. (2013) *Maine Law Enforcement Officer's Manual*, Swan Island Press.

Ferdico J. (Ed.) (2018) *Maine Criminal Statutes (2018-2019)*, Swan Island Press.

Ferdico J. (Ed.) (2018) *Maine Motor Vehicle Statutes (2018-2019)*, Swan Island Press.

*Maine Criminal Justice Academy Mandatory and Model Policy Links*. (2018). Retrieved from <https://www.maine.gov/dps/mcja/links/index.htm>

*Published Opinions of the Maine Law Court*. (n.d.). Retrieved from [https://www.courts.maine.gov/opinions\\_orders/supreme/publishedopinions.shtml](https://www.courts.maine.gov/opinions_orders/supreme/publishedopinions.shtml)

*Historical Maine Law Updates and Case Law*. (2017). Retrieved from <https://www.maine.gov/dps/mcja/training/mandatory/law.htm>

# Question Exemplars

## Section 1: Maine Criminal Law (17-A M.R.S.)

Choose the correct answer:

1. According to 17-A M.R.S. § 1111, possession of 11 or more hypodermic apparatus is illegal in Maine.
  - a. True
  - b. False

**Answer:** The correct answer is “a.” <http://legislature.maine.gov/statutes/17-A/title17-Asec1111.html>

2. Under 34-B M.R.S. § 3862, what standard of proof does an officer need to take an individual into *protective custody*?
  - a. Articulate Suspicion
  - b. Probable Cause
  - c. A Preponderance of the Evidence
  - d. Clear and Convincing Evidence

**Answer:** The correct answer is “b.” <http://legislature.maine.gov/statutes/34-B/title34-Bsec3862.html>

3. 17-A M.R.S. § 210-A indicates a person is guilty of *Stalking* if they intentionally or knowingly engage in a course of conduct directed at or concerning a specific person that would cause a reasonable person to:
  - a. Laugh uncontrollably
  - b. To suffer serious inconvenience or emotional distress; to fear bodily injury or to fear bodily injury to a close relation
  - c. To fear death or to fear the death of a close relation; to fear damage or destruction to or tampering with property
  - d. To fear injury to or the death of an animal owned by or in possession and control of that specific person
  - e. b & c, or d

**Answer:** The correct answer is “e.” <http://legislature.maine.gov/statutes/17-A/title17-Asec210-A.html>

**Use the Following Fact Pattern for Questions 4, 5, 6.**

*John, who has no criminal convictions, was asked by the manager to leave the local McDonald’s restaurant because he was causing a disturbance. Although he does eventually leave via the front door, he immediately sneaks back into the side entrance where he goes into the men’s room specifically for the purpose of smashing the fixtures in the bathroom because he’s angry about being thrown out of the McDonald’s. The same manager sees John do this and calls the police. Officers arrive twenty minutes later and locate John passed out drunk on the bathroom floor and all of the fixtures are broken. According to the manager, John did over \$2,500 worth of damage to the Men’s room.*

4. Although John did not commit the *Criminal Mischief* (17-A M.R.S. § 806) in the officer’s presence, can they still arrest him?
- No, because *Criminal Mischief* is not a felony.
  - Yes, because *Criminal Mischief* is a warrantless arrest exception pursuant to 17-A M.R.S. § 15.
  - No, because even though *Criminal Mischief* is a warrantless arrest exception, John has no criminal history and therefore is not considered a flight risk.
  - Yes, because John committed *Aggravated Criminal Mischief* (17-A M.R.S. § 805), a Class C crime.

**Answer:** The correct answer is “d.” The value damaged was over \$2,500 which makes the crime *Aggravated Criminal Mischief* <http://legislature.maine.gov/statutes/17-A/title17-Asec805.html>

5. Although John did not commit the *Burglary* (17-A M.R.S. § 401) in the officer’s presence, can they still arrest him solely for the *Burglary*?
- Yes, because first offense *Burglary* is a Class C crime.
  - No, because first offense *Burglary* is a misdemeanor.
  - John did not commit a *Burglary* here, he committed a *Criminal Trespass* (17-A M.R.S. § 402).
  - No, because intoxication is a defense to the *Burglary*.

**Answer:** The correct answer is “a.” <http://legislature.maine.gov/statutes/17-A/title17-Asec401.html>



6. May John be charged with both the *Burglary* and the *Aggravated Criminal Mischief* arising out of the same event?
- a. No. Any crime committed after remaining where not licensed or privilege to do so falls under the umbrella of the *Burglary*.
  - b. Yes, according to 17-A M.R.S. § 401 a person may be convicted of both burglary and the crime the person committed after entering the structure.
  - c. No, because John didn't commit either of those crimes.
  - d. Yes, because officers can charge John with any crime regardless of PC.

**Answer:** The correct answer is "b." <http://legislature.maine.gov/statutes/17-A/title17-Asec401.html>

## Section 2: Motor Vehicle Law (29-A M.R.S.)

Choose the correct answer:

1. According to 29-A M.R.S. § 2054, the operator of an authorized emergency vehicle exercising the privileges of this section may proceed with caution past a stopped school bus that has red lights flashing only when:
  - a. In the operator's opinion, it is safe to do so
  - b. After coming to a complete stop
  - c. When signaled by the school bus operator to proceed
  - d. It is never legal to pass a stopped school bus that has its red lights flashing
  - e. B & C.

**Answer:** The correct answer is "e." <http://legislature.maine.gov/statutes/29-A/title29-Asec2054.html>

2. A 19-year-old was stopped for speeding and had the odor of intoxicants on his breath. After investigation, the officer arrests the 19-year-old for OUI. A later Intoxilyzer test at the police station reveals a BAC of .04 and a DRE has concluded that there are no drugs on-board. What is the *criminal* charge (if any)?
  - a. Violation of Juvenile Provisional License (29-A M.R.S. §2472(1))
  - b. Driving to Endanger (29-A M.R.S. §2413)
  - c. OUI (29-A M.R.S. §2411)
  - d. Operating Without a License (29-A M.R.S. §1251)
  - e. There is no criminal law violation here.

**Answer:** The correct answer is "d." See <http://legislature.maine.gov/statutes/29-A/title29-Asec2472.html> and also <http://legislature.maine.gov/statutes/29-A/title29-Asec1251.html>

3. According to 29-A M.R.S. § 2101-A, what is the required capable state of mind for a person to commit the violation of *Permitting Unlawful Use*?
  - a. Negligently
  - b. Recklessly
  - c. Knowingly
  - d. None: It is a strict liability crime.
  - e. B & C.

**Answer:** The correct answer is "c." <http://legislature.maine.gov/statutes/29-A/title29-Asec2101-A.html>

4. According to 29-A M.R.S. § 2104, what class crime is committed if a person attaches false plates to their vehicle?
- a. Class E
  - b. Class D
  - c. Class C (but only if the plates have been attached longer than 90 days)
  - d. None: it's a civil violation
  - e. None: it's an administrative violation

**Answer:** The correct answer is "a" <http://legislature.maine.gov/statutes/29-A/title29-Asec2104.html>

5. According to 29-A M.R.S. § 2308, passing a stopped school bus displaying flashing red lights is a Class E crime.
- a. True, always
  - b. False
  - c. True, but only if there are passengers in the process of loading or unloading, otherwise it's a traffic infraction.
  - d. None of the above.

**Answer:** The correct answer is "a" <http://legislature.maine.gov/statutes/29-A/title29-Asec2308.html>

### Section 3: The Maine Law Enforcement Officers Manual (ME. LEOM) and Maine Supreme Court Case Law

Choose the correct answer:

1. What is the definition of “probable cause to arrest” used by the Maine Supreme Court in *State v. Parkinson*, 389 A.2d 1, 8 (Me. 1978) according to Chapter 1 of the Maine LEOM?
  - a. When “the facts and circumstances within [the officer’s] knowledge and of which they have reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that [property subject to seizure under the law would be found in a particular place or on a particular person.]”
  - b. When a reasonable person would believe that “criminal activity is afoot.”
  - c. Where “facts and circumstances within the knowledge of the officers and of which they have reasonably trustworthy information would warrant a prudent and cautious person to believe that the arrestee did commit or is committing the [crime].”
  - d. None of the above.

**Answer:** The correct answer is “c.” Maine LEOM 1-1

2. In *State v. Tozier*, 2006 ME 105, the court held that “an officer does not violate the Fourth Amendment by making a traffic stop when the officer randomly checks a license plate number of a vehicle on a public road, learns the owner’s license has been suspended or revoked, and observes that no other circumstances that demonstrate the driver is not the vehicle’s owner.”
  - a. True; but only when it occurs during the day.
  - b. False; because officers aren’t allowed to “guess” who is driving the vehicle.
  - c. True; it is reasonable for an officer to suspect that the owner is driving the vehicle.
  - d. False; this would be an arbitrary stop.

**Answer:** The correct answer is “c.” Maine LEOM 4-39

3. According to the Maine LEOM, what time of day are search warrants required to be served?
  - a. A search warrant can be served at any time.
  - b. Search warrants can only be served between midnight and 08:00 hours.
  - c. Between 08:00 hours & 16:00 hours, unless a nighttime warrant is specifically provided for.

- d. Between 07:00 hours & 21:00 hours, unless a nighttime warrant is specifically provided for.

**Answer:** The correct answer is “d.” Maine LEOM 8-28

- 4. According to the *State v. Weddle*, 2020 ME 12, can officers require a blood sample from an alive driver at a fatal crash without probable cause that the alive driver is impaired?
  - a. Yes
  - b. No

**Answer:** The correct answer is “b” [State of Maine v. Randal J. Weddle, 2020 ME 12](#)

- 5. According to the Maine Law Court in *State v. Palmer*, 2017 ME 183, must there be proof of the specific distraction to prove a distracted driving case and convict a person with 29-A M.R.S. § 2117(2)(B) *Failure to Maintain Control of a Motor Vehicle*?
  - a. No, as long as the it can be shown that the driver (1) was engaged in an activity not necessary to the operation of the vehicle; and (2) that the activity actually impaired the ability of the person to operate the car.
  - b. Yes. In order to prove distracted driving, the officer must prove what actually distracted the driver (e.g., phone, radio, passenger, etc.).
  - c. No, unless the distraction is texting. Texting is a specific intent civil violation.
  - d. Yes. The court said that this is required due to fundamental fairness.

**Answer:** The correct answer is “a.” [State v. Palmer, 2017 ME 183, ¶13](#).

#### Section 4: Maine Criminal Justice Academy Mandatory and Model Policy

1. According to the Maine Chief's Model Policy #2-41 *Eyewitness Identification*: what is a "Confidence Statement"?
  - a. A means of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.
  - b. A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.
  - c. The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.
  - d. A statement in the witness's own words taken immediately after identification is made stating his or her level of certainty in the identification.

**Answer:** The correct answer is "d." Maine Chief's Model Policy #2-41:

<https://www.maine.gov/dps/mcja/links/documents/2-41EyewitnessIdentificationMCJAModel.docx>

2. According to the Maine Chief's Mandatory Model Policy #1-1 *Situational Use of Force*: may facts or circumstances unknown to the officer at the time force is used be later considered in determining whether or not the force was justified at the time it was used?
  - a. Yes, if on body cam.
  - b. No, unless the officer is accused of excessive force
  - c. Yes, if there are other witnesses.
  - d. No. Facts or circumstances unknown to the officer may not be considered later determining whether the force was justified.

**Answer:** The correct answer is "d." Maine Chief's Mandatory Model Policy: Situational Use of Force. #1-1

<https://www.maine.gov/dps/mcja/links/documents/1-1UseofForce11-1-2019.docx>

3. According to the Maine Chief's Mandatory Model Policy #1-1 *Situational Use of Force*: The use of an electronic weapon is the use of non-deadly force.
- a. True
  - b. False

**Answer:** The correct answer is "q." Maine Chief's Mandatory Model Policy: Situational Use of Force. #1-1

<https://www.maine.gov/dps/mcja/links/documents/1-1UseofForce11-1-2019.docx>

4. According to the Maine Chief's Mandatory Model Policy #1-9 *Sex Offender Community Notification*: how long does a person have to live in the State for the purpose of registration requirements?
- a. 30 days.
  - b. 14 days continuously or an aggregate of 30 days within a period of one-year.
  - c. 90 days.
  - d. 10 days continuously or an aggregate of 45 days within a period of one-year.

**Answer:** The correct answer is "b" Maine Chief's Mandatory Model Policy #1-9 *Sex Offender Community Notification*

<https://www.maine.gov/dps/mcja/links/documents/1-9SexOffenderCommunityNotification6-6-2013.doc>

5. According to the Maine Chief's Mandatory Model Policy #2-14 *Infectious Disease Control*, "Occupational Exposure" means: *reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials, including airborne pathogens that might occur during the performance of an employee's duties.*
- a. True
  - b. False

**Answer:** The correct answer is "a." Maine Chief's Mandatory Model Policy #2-14 *Infectious Disease Control*.

<https://www.maine.gov/dps/mcja/links/documents/2-14InfectiousDiseaseControl12-11-2013.doc>