

# TCOLE Code of Criminal Procedure (CCP) Practice Exam (Sample)

## Study Guide



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## **Questions**

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- 1. Who can appoint adjunct police officers in counties with a population of 200,000?**
  - A. Private universities**
  - B. The state governor**
  - C. County sheriffs**
  - D. The Department of Public Safety**
- 2. In suppressing a riot, what degree of force is an officer authorized to use?**
  - A. Any force necessary**
  - B. Only the minimum force required**
  - C. Maximum force to eliminate threats**
  - D. Non-violent methods only**
- 3. What is defined as “criminal trespass” under the CCP?**
  - A. Entering a building with permission**
  - B. Remaining on property without consent**
  - C. Leaving property without consent**
  - D. Entering any public place**
- 4. What must always be made known to the accused at the time of making an arrest?**
  - A. The officer’s name**
  - B. The arrest authority**
  - C. The type of warrant**
  - D. The reason for the arrest**
- 5. What do you call the affidavit made before a magistrate charging a person with committing an offense?**
  - A. Complaint**
  - B. Indictment**
  - C. Information**
  - D. Summons**

- 6. What should not happen during the transport of an arrested person to a magistrate?**
- A. Unnecessary delay**
  - B. Immediate release**
  - C. Documentation of the arrest**
  - D. Notification of the family**
- 7. What offense is committed if a person fails to comply with requirements after being committed as a sexually violent predator?**
- A. First Degree Felony**
  - B. Second Degree Felony**
  - C. Third Degree Felony**
  - D. Class A Misdemeanor**
- 8. Who is designated as a conservator of the peace in each county?**
- A. Chief of Police**
  - B. Sheriff**
  - C. Governor**
  - D. Magistrate**
- 9. How many individuals can the director of the Department of Public Safety appoint who are employed by a railroad company?**
- A. 200**
  - B. 300**
  - C. 250**
  - D. 150**
- 10. Which of the following must a peace officer NOT do when conducting investigations of identity misuse?**
- A. Contact the relevant department**
  - B. File a report on the misuse**
  - C. Inform the victim about the investigation**
  - D. Provide personal opinions on the case**

## **Answers**

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1. A
2. B
3. B
4. B
5. A
6. A
7. B
8. B
9. C
10. D

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## **Explanations**

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**1. Who can appoint adjunct police officers in counties with a population of 200,000?**

- A. Private universities**
- B. The state governor**
- C. County sheriffs**
- D. The Department of Public Safety**

In counties with a population of 200,000 or more, private universities have the authority to appoint adjunct police officers. This provision is rooted in the recognition of the unique security needs of private universities, which may have large campuses and student populations. By allowing private universities to appoint adjunct police officers, the law provides them with the ability to have law enforcement personnel who are familiar with the specific environment and issues pertinent to their campus. The rationale behind this is to enhance safety on campuses and ensure that the institutions can respond effectively to incidents or emergencies. Such officers typically have similar powers to regular peace officers but are specifically tied to the universities they serve, thereby allowing these institutions to maintain a safe educational environment. In contrast, while the state governor, county sheriffs, and the Department of Public Safety have various roles in the realm of law enforcement and public safety, their authority does not extend to the appointment of adjunct officers in the context of private universities. This delineation of power emphasizes the specificity of the responsibilities and jurisdiction related to campus security within these counties.

**2. In suppressing a riot, what degree of force is an officer authorized to use?**

- A. Any force necessary**
- B. Only the minimum force required**
- C. Maximum force to eliminate threats**
- D. Non-violent methods only**

In the context of suppressing a riot, an officer is authorized to use only the minimum force required to effectively control the situation. This principle is rooted in the need for law enforcement to act within the boundaries of reasonable and necessary force. The use of force must be proportional to the threat presented; therefore, employing excessive force could lead to legal and ethical issues, including violations of civil rights. The emphasis on minimum force encourages officers to de-escalate situations whenever possible and to prioritize the protection of all individuals involved, including the public and the rioters themselves. This approach is consistent with modern policing techniques that advocate for the preservation of life and the avoidance of unnecessary harm while maintaining order. Some options may suggest broader or excessive use of force, but those do not align with the legal standards and ethical considerations that guide law enforcement conduct in such scenarios.

### 3. What is defined as “criminal trespass” under the CCP?

- A. Entering a building with permission
- B. Remaining on property without consent**
- C. Leaving property without consent
- D. Entering any public place

The definition of "criminal trespass" under the Code of Criminal Procedure refers specifically to the act of remaining on property without the consent of the owner or the authorized person. This element is crucial because criminal trespass occurs not only when an individual enters a property without permission but also when they fail to leave after being asked to do so. This concept captures unauthorized occupancy and ensures that individuals respect the bounds of private property rights. In various contexts, criminal trespass can involve both residential and commercial properties and encompasses situations where consent is not granted for continued presence, reinforcing the idea that property owners have the right to control who enters and stays on their premises. Thus, remaining on property without consent is a clear violation of trespassing laws and is correctly identified in this context. The other options do not accurately represent the legal definition of criminal trespass. For instance, entering a building with permission is not trespassing at all, and leaving property without consent does not typically relate to trespass as it emphasizes unauthorized entry or occupation. Similarly, entering any public place does not imply wrongdoing, as public places are open for lawful entry and do not constitute trespassing under the law.

### 4. What must always be made known to the accused at the time of making an arrest?

- A. The officer's name
- B. The arrest authority**
- C. The type of warrant
- D. The reason for the arrest

At the time of making an arrest, it is crucial that the arresting officer informs the accused of the arrest authority. This means the officer must communicate whether the arrest is made under a warrant or without one. This requirement ensures that the individual being arrested understands the legal basis for their arrest, which is critical for maintaining transparency and upholding their rights under the law. Knowing the arrest authority allows the accused to understand why they are being detained and can inform them of any applicable legal protections they may have. The other options, while they may be important in certain contexts, are not universally required at the moment of arrest as the arrest authority is. Knowing the officer's name, the type of warrant, or the specific reason for the arrest might enhance the accused's understanding of their situation, but the primary legal requirement focuses on the basis of the authority under which the arrest is being made. This forms a fundamental aspect of the lawful arrest process and the rights of the individual involved.

**5. What do you call the affidavit made before a magistrate charging a person with committing an offense?**

- A. Complaint**
- B. Indictment**
- C. Information**
- D. Summons**

The term used to describe an affidavit made before a magistrate that charges a person with committing an offense is a complaint. In the context of criminal procedure, a complaint serves as a formal accusation against an individual, detailing the essential elements of the alleged offense. It is a legal document that initiates criminal proceedings, allowing law enforcement to bring charges based on the complaint presented to the magistrate. This is distinct from an indictment, which is a formal charge issued by a grand jury, or an information, which is a written accusation filed by a prosecutor that also initiates a criminal case without a grand jury. A summons, on the other hand, is a document that orders an individual to appear in court, and does not serve as a formal accusation of an offense. Understanding these differences is crucial for grasping the various legal documents and procedures that govern criminal law.

**6. What should not happen during the transport of an arrested person to a magistrate?**

- A. Unnecessary delay**
- B. Immediate release**
- C. Documentation of the arrest**
- D. Notification of the family**

During the transport of an arrested person to a magistrate, unnecessary delay should indeed be avoided. The law emphasizes the prompt transport of arrested individuals to ensure their rights are upheld, and they receive timely access to legal processes. This is critical because prolonged detention without a judicial determination can lead to issues of unlawful detention or violations of the individual's rights. Unnecessary delays can divert resources, extend the detainee's time in custody, and increase the potential for legal challenges against the arresting agency. The Code of Criminal Procedure signifies the importance of swift action in bringing the arrested person before a magistrate to address the charges and determine the next steps in the legal process. In contrast, immediate release, documentation of the arrest, and notification of the family can all be part of proper procedures following an arrest and are essential components of ensuring a fair process. Immediate release pertains to specific circumstances where charges may not be substantiated, documentation ensures accurate record-keeping of the arrest, and notifying the family aligns with best practices in law enforcement to maintain transparency and communication.

**7. What offense is committed if a person fails to comply with requirements after being committed as a sexually violent predator?**

- A. First Degree Felony**
- B. Second Degree Felony**
- C. Third Degree Felony**
- D. Class A Misdemeanor**

When a person is committed as a sexually violent predator, they are subject to specific requirements designed to monitor and manage their behavior in support of public safety and rehabilitation. If an individual fails to comply with these stipulations, it constitutes a serious offense because it undermines the efforts put in place to manage the risk they pose to society. The legal ramifications for such non-compliance are defined in the Texas Penal Code, where the severity of the offense is categorized according to the nature of the violation. In this context, non-compliance after being committed as a sexually violent predator is classified as a second degree felony. This designation reflects the seriousness of the offense, considering that individuals labeled as sexually violent predators have a history of potentially harmful behavior. Understanding this classification is crucial for law enforcement, legal practitioners, and those studying the implications of the Code of Criminal Procedure, as it emphasizes the legal system's approach to public safety relative to high-risk offenders.

**8. Who is designated as a conservator of the peace in each county?**

- A. Chief of Police**
- B. Sheriff**
- C. Governor**
- D. Magistrate**

The sheriff is designated as the conservator of the peace in each county. This role is rooted in the Texas Code of Criminal Procedure, which highlights the sheriff's responsibility for maintaining peace and order within the county. The sheriff possesses law enforcement authority and is responsible for implementing the law, making this position crucial for ensuring public safety and order. The other options do not hold the same level of authority concerning the entire county. While the chief of police maintains order within a city jurisdiction, their authority does not extend beyond that city. The governor serves more at the state level and does not act as a conservator of peace within individual counties. A magistrate may handle specific legal matters and justice-related functions, but does not encompass the role of maintaining peace in the same broad sense as the sheriff. Thus, the sheriff's designated responsibility as the conservator of the peace is vital to understanding local law enforcement structures and their functions within the community.

**9. How many individuals can the director of the Department of Public Safety appoint who are employed by a railroad company?**

- A. 200**
- B. 300**
- C. 250**
- D. 150**

The answer is based on the provisions outlined in the Texas Code of Criminal Procedure regarding the authority of the director of the Department of Public Safety. Specifically, the director has the power to appoint individuals who work for railroad companies as peace officers, but this appointment is limited to a specified number. According to the law, the correct limit established for such appointments is 250 individuals. This figure allows for effective oversight and enforcement in matters related to railroad security while considering the operational capabilities of the railroad companies involved. The other figures provided in the choices do not align with the statutory limits set forth in the relevant legal framework. Therefore, the correct answer reflects the precise legal allowance for appointments by the director, emphasizing the importance of adhering to these established regulations in the uniform management of peace officer appointments within the state.

**10. Which of the following must a peace officer NOT do when conducting investigations of identity misuse?**

- A. Contact the relevant department**
- B. File a report on the misuse**
- C. Inform the victim about the investigation**
- D. Provide personal opinions on the case**

In the context of conducting investigations of identity misuse, a peace officer's role is to remain objective and impartial throughout the process. Providing personal opinions on the case can compromise the integrity of the investigation, as it may influence the perception of the facts and evidence by others involved, including victims, witnesses, and even in legal proceedings. The duties of a peace officer in these situations typically involve gathering facts, documenting findings, and ensuring that the investigation is thorough. Contacting the relevant department helps in coordination and information sharing, filing a report ensures there is a formal record of the incident and the investigation, and informing the victim about the progress keeps them informed and aids in their navigation of the situation. These actions align with the professional standards expected of law enforcement, while providing personal opinions diverges from a factual and unbiased approach necessary for effective investigation.