



**The University of the South Pacific**

Serving the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.

## **FACULTY OF ARTS AND LAW**

### **SCHOOL OF LAW**

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**LWC09: POLICING**

**EXAMINATION – SEMESTER 2, 2008**

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Time Allowed 3 hours plus 10 minutes reading

100 marks (60% of final grade)

#### **INSTRUCTIONS**

1. This exam has three parts:
  - a. Part A: multiple choice questions, 10 marks. Answer all TEN questions in this part
  - b. Part B: Short answer questions, 10 marks. Answer any FIVE questions in this part
  - c. Part C: Essay type questions, 40 marks. Answer any FOUR questions in this part.
2. Write your answers in the answer booklet provided.
3. For Part C, begin answering each question on a fresh page.
4. You are allowed to bring in your readers with you but not your course book
5. You are also allowed to bring with you copies of any legislation and the Constitution of your country.

**PART A (10 Marks).**

Multiple choice questions, you must answer all TEN questions in this part. Each question is worth 1 mark so total is 10 marks.

1. Which of the following type of Policing involves identifying crime risks and then seeking to intervene as early as possible in order to reduce crime?
  - (a). Reactive Policing;
  - (b). Proactive Policing;
  - (c). Community Policing;
  - (d). Zero Tolerance Policing.
  
2. Which of the sentences below is not true about a Judge's rule?
  - (a) A Judge's rule has the same authority or force of law as an Act of Parliament;
  - (b) A Judge's rule applies to a criminal procedure during trial;
  - (c) A Judge's rule is still applicable in all the common law countries;
  - (d). None of the above.
  
3. The structure of Police organizations in the USP region is such that the widest discretion is exercised by;
  - (a). People high-up in the organization;
  - (b). People at the lower end of the hierarchy;
  - (c). People with the rank of Sergeant and above;
  - (d). Police Prosecutors.
  
4. Which of the following is an example of a criminal justice "right."
  - (a) The right to be presumed innocent until proven guilty;
  - (b). The right of silence;
  - (c). The right to legal representation;
  - (d). All of the above.
  
5. When Police officers are carrying out an arrest without a warrant,
  - (a). They must detain the suspect until they have obtained a warrant of arrest;
  - (b). They may detain the suspect indefinitely until a charge has been laid against him/her;
  - (c). They must bring the person to court without undue delay;
  - (d). They may go to the arrested person's residence to conduct a search

6. The presumption against detention holds that;
  - (a). A person is presumed to be innocent;
  - (b). An arrested person should be detained prior to being taken to Court;
  - (c). It is contrary to the Constitutional rights of personal liberty;
  - (d). None of the above
  
7. Privilege against self incrimination means;
  - (a). A suspect has the right to answer all the questions put to him/her by the Police;
  - (b). A suspect, if he wishes to, may say anything to assist the prosecution case;
  - (c). The right of silence;
  - (d). A suspect will not answer any question from the Police but will only answer in court.
  
8. The primary effect of a search warrant is that;
  - (a). The person executing it may enter premises using necessary force and conduct the search and may also detain anything relevant as evidence;
  - (b). The person executing it can return to the premises and continue with the search any time he wishes to;
  - (c). The person executing it has a discretion whether or not to continue with the search at a later date;
  - (d). It is valid indefinitely.
  
9. Most of the decisions on bail application take place in the Magistrates' Court. Bail applications are;
  - (a). Made only once during the entire case;
  - (b). Only made in the Magistrate's Court but not in the Supreme Court;
  - (c). Only made in cases involving summary offences;
  - (d). Can be made at any time during the case.
  
10. Which of the factors below can affect the role of a Police organization?
  - (a). The Media;
  - (b). Community Policing;
  - (c). The Deployment of Police officers;
  - (d). All of the above.

**PART B (10 Marks).**

Answer any FIVE questions in this part. Each question is worth two marks.  
Explain the meaning of the following words or phrases.

11. Summary Offence
12. Jurisdiction of the Court
13. Liability
14. Presumption of innocence
15. Caution
16. Citizen's arrest
17. Convicted
18. Preliminary Inquiry
19. Inadmissible
20. Code of ethics

**PART C. (40 Marks)**

Answer any FOUR questions in this part. Each question is worth 10 marks

21. Explain how cultural resistance affects the role and functions of Police organizations in the USP region and suggest ways how this can be resolved?
22. In a USP country of your own choice explain the procedure through which a criminal charge is laid against a defendant.
23. What is the role of a prosecutor in a criminal prosecution? You may use relevant provisions of an Act to support your answer.
24. Do you think domestic violence should be restricted to physical abuse by the husband on the wife or should it cover other forms of abuse in the family? Explain your answer.
25. You are a Police officer on duty. Joe Bloggs an inmate (prisoner) has just broken out of jail and is on the run. You have been tracking him all day and have concluded that he is hiding in the private residence of his brother Tommy Bloggs. Joe Bloggs does not stay in one place for long and you fear that he might escape from Tommy Bloggs residence. You wish to search Tommy Bloggs residence for Joe Bloggs, however, Tommy Bloggs is demanding that you produce a search warrant before you can enter his premises. In such circumstances of hot pursuit is it lawful to enter and conduct a search without a search warrant or should you obtain a warrant before you enter. Explain to Tommy Bloggs.
26. Jimmy Kossava has been detained in Police custody on suspicion that he was involved in the break and enter and theft in the residence of John Mulaws. He has retained you as his lawyer and wants to know his rights as a detainee. Advise John Mulaws what rights (if any) has he got as a detainee.
27. Explain the important role of committal proceeding in relation to cases which are tried in the Supreme Court. What would result if there were no committal proceedings?
28. Bail applications are common in the Magistrate's Court. However, there are cases where Police officers in charge of Police stations may decide whether or not to bail a detainee in Police custody. Do you think Police should be given the power to determine bail for detainees in Police custody or should bail be considered only by the courts? Explain your answer.
28. An ordinary citizen may carry-out an arrest called a "citizen's arrest"; however, the power to make a citizen's arrest is restricted. Describe these restrictions and why do you think these restrictions exist.

29. Describe the information that must appear on a search warrant in order for the search warrant to be valid.
30. Describe the process of appearing in court in criminal proceedings.

END OF PAPER