higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE STRUCTURES AND MANDATES
NQF LEVEL 3

(8021013)

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)
CRIMINAL JUSTICE STRUCTURES AND MANDATES
NQF LEVEL 3
TIME: 3 HOURS
MARKS: 100

INSTRUCTIONS AND INFORMATION

1. Answer all the questions.
2. Read all the questions carefully.
3. Number the answers according to the numbering system used in this question paper.
4. Use only a black or blue pen.
5. Write neatly and legibly.

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SECTION A

QUESTION 1

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 According to the principle of the separation of powers, laws must be enacted by the legislature.

1.2 Visible policing aims to encourage all crime through proactive and responsive policing service, endeavouring to reduce the levels of crime and to inspire community confidence in the South African Police Service.

1.3 The South African Police Service is responsible for safeguarding and protecting only government departments and state-owned enterprises.

1.4 When the South African National Defence Force (SANDF) is deployed in cooperation with the South African Police Service, it must be authorised by the Chief of SANDF at the request of the Minister of Police.

1.5 The National Director of Public Prosecutions is elected by the Parliament, and he/she usually serves a term of 10 years.

1.6 The Office for Witness Protection provides support services to vulnerable and intimidated witnesses and related persons in any judicial proceedings and in the criminal justice system.

1.7 When members of the SANDF are deployed in cooperation with the SAPS in the prevention and combating of crime, they have the same powers and duties as members of SAPS.

1.8 Maritime law enforcement officials must ensure that our air traffic is operated in a safe manner.

1.9 Sector policing is policing at its most basic.

1.10 The South African Banking Risk Information Centre is a profit-oriented company, established to combat organised crime in the banking industry.

(10 × 1) **[10]**

QUESTION 2

Choose an item or word from COLUMN B that matches a description in COLUMN A. Write only the letter (A–K) next to the question number (2.1–2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
2.1	The laws enacted by Parliament that authorise a person or entity to exercise power by performing an action, making a decision or carrying out a policy	A	diversion programme
2.2	Laws enacted by the executive branch of government or other bodies to whom Parliament has delegated some of its law-making powers	B	specialised commercial crime unit
2.3	A form of sentence in which the criminal offender joins a community service or rehabilitation programme	C	reintegration
2.4	The process of helping someone who has been released from prison to re-enter society	D	adjudication
2.5	Investigate and prosecute complex business-related crimes effectively	E	empowering legislation
2.6	Investigate serious crimes, for example, genocide, war crimes and crimes against the state	F	presumption of innocence
2.7	The legal process by which a judge reviews evidence and arguments by opposing parties to come to a formal decision	G	penal
2.8	A person is deemed to be innocent until such time as he or she has been duly found guilty by a court of law	H	subordinate legislation
2.9	Violations of the law that involve more than one country in their planning, execution and impact	I	priority crimes litigation unit
2.10	Relating to the punishment of offenders under the legal system	J	transnational crime
		K	White Paper on Affirmative Action
		L	criminal justice system review

(10 × 1) **[10]**

QUESTION 3

Complete the following sentences by choosing a word or words from the list below. Write only the answer next to the question number (3.1.1–3.4.3) in the ANSWER BOOK.

arbitrarily; reduce; restorative justice; diversion; adversarial; encourages; mitigate; enables; accountability; subjectively; excluded; sub judice; discretionary; punitive justice; included

3.1 Sector policing (3.1.1) … and (3.1.2) … communities to take greater responsibility for their own safety and security. (2)

3.2 The Consumer Goods Council of South Africa aims to (3.2.1) … and (3.2.2) … the impact of crime in the retail industry. (2)

3.3 Presiding officers do not act (3.3.1) … – their (3.3.2) … powers are prescribed, limited and even (3.3.3) … by law. (3)

3.4 The aim of the Child Justice Act 2008 (Act No 75 of 2008) is to ensure children's (3.4.1) … and respect for the fundamental freedoms of others. Through the use of (3.4.2) …, and (3.4.3) …, the CJA attempts to prevent crime. (3)

[10]

TOTAL SECTION A: 30

SECTION B

QUESTION 4

4.1 The Bill of Rights applies to all law and binds the legislature, the executive, the judiciary and all organs of state.

Explain in your own words section 39 of the Constitution that deals with the interpretation of the Bill of Rights. (4)

4.2 Criminals use identity theft and impersonation to commit fraud. These are becoming a big threat to the public and contribute significantly to the rise in economic crimes in South Africa.

4.2.1 Define *impersonation* and *identity theft.* (2)

4.2.2 Identify the South African company or organisation that provides a service to combat this type of fraud. (1)

4.2.3 Comprehensively discuss the role and function of this company or organisation in assisting the government to combat this economic crime and ensure the safety and security of the South African community. (6)

4.3 The NPA is structured into core business units, all of which are supported by the administration department.

Identify and list TWO of these business units of the NPA. (2)

4.4 The concept of sector policing requires the community to play an active role in fighting crime.

Explain the advantages of sector policing for the police and the communities. (10)
[25]

TOTAL SECTION B: 25

SECTION C

QUESTION 5

Read the article below and answer the questions.

THREE LIMPOPO MEN HAVE BEEN HANDED LONG JAIL TERMS FOR A TWO-MONTH CRIME SPREE

- Three men have been handed combined prison sentences of more than 380 years.
- The men were arrested in connection with 25 cases, including robbery and murder.
- They were arrested after their accomplice was shot during a botched robbery.

Three men have been handed combined jail terms of 384 years in connection with a two-month crime spree in Polokwane. The men allegedly identified themselves as members of the Boko Haram gang.

On Monday, the Limpopo High Court found Ndou Lukase Rembuluwani, 29-year-old, Ndou Ben, 29-year-old, and Khoza Ngoben Small, 28-year-old, guilty in connection with 25 cases which were committed in the Seshego and Westenburg policing areas in September and October 2017.

'The trio was among the group of criminals who were calling themselves 'Boko Haram', terrorising communities around the said areas by committing serious crimes that included murder, attempted murder, possession of unlicensed firearms and ammunition, house breaking with the intention to rob, robbery with aggravating circumstances, malicious damage to property, theft and house robberies' said police spokesperson Brigadier Motlafela Mojapelo. 'They were also convicted for contravening immigration laws for being in the country illegally,' he added.

[Source: *www.news24.com*]

5.1 Elaborate on the role and functions of the court that convicted the three men in the article. (11)

5.2 Identify the department that will be responsible for enforcing the sentences handed to the three men by the Polokwane High Court. (1)

5.3 Describe the role and functions of the department responsible for enforcing the law as stated in section 205(3) of the Constitution. (5)

5.4 Identify and elaborate on the role and functions of the NPS that was responsible for instituting and conducting the criminal proceedings against the three Limpopo men. (8)

[25]

TOTAL SECTION C: 25

SECTION D

Answer only ONE question from this section in the ANSWER BOOK.

QUESTION 6

The White Paper on Corrections 2005 acknowledges the mandate of the Department of Correctional Services to provide security on different levels to protect inmates from other inmates. *Vulnerable* prisoners have the right to be detained in a way that allows them to function with dignity. The Correctional Service Regulations provide that these types of inmates be held separately.

Comprehensively discuss the categories of vulnerable prisoners. **[20]**

OR

According to an ILO Report entitled *Child labour global estimates 2020, trends and the road forward*, global progress against child labour has stalled since 2016. Worldwide, 160 million children are engaged in child labour; 79 million of them are performing hazardous work. Child labour is more prevalent among boys than girls at every age.

Comprehensively discuss the rights of children according to the International Convention on Children's Rights in 1989. **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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