higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE PROCESS
NQF LEVEL 4

(8021014)

20 November 2024 (X-paper)
09:00–12:00

This question paper consists of 9 pages.

295Q1N2420

Copyright reserved

DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)
CRIMINAL JUSTICE PROCESS
NQF LEVEL 4
TIME: 3 HOURS
MARKS: 100

INSTRUCTIONS AND INFORMATION

1. Answer ALL the questions in SECTION A, B and C.
2. Answer only ONE question in SECTION D.
3. Read all the questions carefully.
4. Number the questions according to the numbering system used in this question paper.
5. Start each section on a new page.
6. Use only a black or blue pen.
7. Write neatly and legibly.

Copyright reserved

SECTION A

QUESTION 1

Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 Which ONE is the incorrect answer? The court proceedings are recorded in the official language employed at the time and it contains:

A Evidence
B Arguments
C Objectives
D The verdict and sentence

1.2 Which ONE is the most correct answer? The individual experiences of inmates during admission include:

A Shock of admission and loss of stability
B Loss of internal communication and loss of stability
C Loss of instability and external communication
D Loss of abnormal human activities and shock of admission

1.3 Which ONE is the most correct answer? Prisoners are released in the following ways:

A Unconditional pardon
B On completion of the prison sentence
C Where correctional supervision is not needed or compulsory, e.g. house arrest
D Probation or day parole

1.4 Which ONE is the most correct answer? Offenders who may be selected for day parole are:

A Experiencing practical resettlement problems
B Institutionalised or those with adaptation or communication problems
C Have a doubtful diagnosis and pose a medium security risk
D Have a doubtful diagnosis and pose a high security risk

1.5 Which ONE is incorrect? In terms of Article 6 of the European Convention on Human Rights:

A Everyone is entitled to a fair private trial.
B A person is regarded as innocent until proven guilty.
C A person is not entitled to be informed of the charge against him/her.
D A person has to speak in an official language of the country involved.

(5 × 1) **[5]**

Copyright reserved

QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.5) in the ANSWER BOOK.

2.1 The prosecutorial process includes principles for sound administration of justice.

2.2 Every inmate must be given the opportunity to exercise outdoors to remain healthy and is entitled to a maximum of one hour of exercise daily.

2.3 In terms of Article 6 of the European Convention on Human Rights a person has to speak in an official language of the country involved.

2.4 When dealing with a complainant at the station a SAPS member may keep the principles of Batho Pele in mind.

2.5 The injured parties or the victim personally can lay a charge.

[5]

QUESTION 3

Choose a term from COLUMN B that matches a description in COLUMN A. Write only the letter (A–M) next to the question number (3.1–3.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
3.1	A court order directing the offender to render some form of service for the benefit of the community	A	victimisation
3.2	Purpose of restorative justice	B	final address
3.3	Empathic, person-centred assistance that can be rendered by an organisation or individual after someone has been victimised	C	crime rates
3.4	A person who has suffered harm, including physical or mental injury, emotional suffering, through acts that are in violation of criminal laws	D	present when being tried
3.5	The defendant stands in front of the presiding officer and not in the dock	E	restorative justice
3.6	The unfair treatment of or discrimination against victims of crime	F	hold offenders personally accountable for their behaviour
3.7	The comparison of the number of crimes reported in a specific area over a period	G	a victim
3.8	A values-oriented approach to changing our judicial system	H	secondary victimisation
3.9	Before a confession will be allowed in court, there should be sufficient proof	I	body receipt
3.10	Right of an accused person	J	victim support
		K	community-based sentence
		L	evidence
		M	no force was used or promises made to the suspect

(10 × 1) **[10]**

QUESTION 4

Complete the following sentences by filling in the missing word or words. Write only the word or words next to the question number (4.1–4.5) in the ANSWER BOOK.

particulars of the next of kin; external sentencing aid; after; defence; prisoners; discretion; detrimental to the lawyer; internal sentencing aid; post-sentence report; probation officer; accused; before; detrimental to the accused; retribution; current external programmes; objective; criminal record; subjective; purpose; prosecution; pre-sentence report

Although it would be correct to have the content of the pre-sentence report confirmed on oath by the (4.1) …, this procedure is seldom followed. Where the content of the report is (4.2) …, he or she must be given the opportunity to defend him- or herself. In this case, the probation officer has to give evidence in court in turn.

The principal function of the (4.3) … is to serve as an indispensable sentencing tool for the court. The pre-sentence report is the only (4.4) … that is practical, (4.5) …, readily available and used regularly by the courts in the disposing of offers.

(5 × 1) **[5]**

TOTAL SECTION A: 25

SECTION B

QUESTION 5

Study the information below and answer the questions that follow.

A 29-year-old suspect from a gang was arrested after he was found in unlawful possession of two pistols with 20 rounds of ammunition which his friend asked to keep safely under his bed. The police requested the court to detain the suspect in correctional service facilities due to the sensitivity of the case.





5.1 Distinguish between *primary evidence* and *secondary evidence*. (2)

5.2 Admission to a prison results from statutory sanction, in particular the Correctional Services Act 111 of 1998 (CSA). Inmates, whether convicted or not, are admitted to a prison through a process of identification and classification.

Discuss the admission on presentation of a warrant when an inmate is admitted to a prison. (6)

5.3 Community corrections are guided by certain principles.

Describe the principles of *community-based sentences* in your own words. (3)
[11]

QUESTION 6

Study the information below and answer the questions that follow.

You often read in the newspaper that the victims were exposed to secondary victimisation or that the police did not do their work according to their expectations. Some officials in the criminal justice system do not believe that restorative justice can be effective in the South African context.

6.1 Explain in your own words what is meant with *the presentation of crime (reporting) evidence to the Directorate: Public Prosecutions*. (4)

6.2 Discuss employment (in terms of section 61 and 62 of the Correctional Service Act) as part of the community correction options. (5)

6.3 The values of restorative justice are based on a balanced view of the victim, offender and community.

Explain the values of each participant in this process. (3)

6.4 The initial aim of restorative justice is to restore the harmony between victims and offenders.

Explain what *restorative justice* entails. (3)

6.5 Explain in your own words what is meant with *secondary victimisation*. (4)
[19]

TOTAL SECTION B: 30

SECTION C

QUESTION 7

Study the information below and answer the questions that follow.

A lecture is presented about the person's right to privacy, the police's authority when dealing with suspects, what to do when a crime is reported and the role of Correctional Services.

7.1 The safe custody of inmates is of the utmost importance.

Explain *accommodation,* which forms an integral part of the custody process. (5)

7.2 The purpose of the correctional system is to enforce the sentences of the courts. Sentences of imprisonment remain valid until they have expired.

Explain the processes of parole and release with specific reference to *prescribed sentences*. (5)

7.3 In the case of *Gosschalk v Rossouw 1966 (2) SA 476*, the court acknowledged that a police interrogation could violate a person's right to privacy. According to the Constitution, it is a grievous insult to human dignity to invade a person's private life and to expose it to the eyes and ears of the public, or even to individuals who have no right to such information.

Discuss the powers that a police official has regarding questioning of a person during the investigation process. (5)
[15]

QUESTION 8

Study the information below and answer the questions that follow.

K (27) went missing 02 January 2020 after she visited her boyfriend (S). The missing person file was then investigated by the Provincial Tracking Team which was later changed to kidnapping. After the discovery of the body, a case of murder was opened and investigated by Sergeant M of the Provincial Investigation Unit. Upon investigation it was discovered that two additional suspects helped S to kidnap his girlfriend. The two additional suspects want to enter into a plea bargain as they want to be state witnesses.

8.1 Evaluate whether it is fair that the two suspects in the scenario above can enter into plea bargaining. (5)

8.2 There are certain phases in the criminal justice process.

Name the actions that take place in the pre-judicial phase. (5)
[10]

TOTAL SECTION C: 25

Copyright reserved

SECTION D

Answer ONLY QUESTION 9 or QUESTION 10.

QUESTION 9

Read the facts below and answer the questions that follow.

Assessing the process of defence means that the court has to listen to the other party's explanation of what happened on the day of the alleged offence. If the defence was unsuccessful in asking for the discharge of the accused, the defence will start presenting the case.

9.1 Discuss *legal representation* as part of assessing the process of defence. (15)

9.2 Evaluate whether the examination of witnesses by the court is just and fair. (5)
[20]

OR

QUESTION 10

Legal systems all over the world form in communities over time.

10.1 Explain how the various legal systems became part of the South African law with specific reference to *reception* and *transplantation*. (15)

10.2 Evaluate whether reception became part of the South African law voluntarily. (5)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

Copyright reserved