higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE STRUCTURES AND MANDATES
NQF LEVEL 3

19 November 2024

This marking guideline consists of 8 pages.

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SECTION A

QUESTION 1

1.1 False
1.2 True
1.3 False
1.4 True
1.5 True
1.6 True
1.7 False
1.8 False
1.9 True
1.10 False

(10 × 1) **[10]**

QUESTION 2

2.1 E
2.2 G
2.3 J
2.4 B
2.5 F
2.6 I
2.7 D
2.8 A
2.9 H
2.10 C

(10 × 1) **[10]**

QUESTION 3

3.1 3.1.1 values
3.1.2 education

(2 × 1) (2)

3.2 reintegration (1)

3.3 3.3.1 strengthen
3.3.2 demilitarise

(2 × 1) (2)

3.4 3.4.1 integrity
3.4.2 respect

(2 × 1) (2)

3.5 sector policing (1)

3.6 correctional system (1)

3.7 chapter 2 (1)

[10]

TOTAL SECTION A: 30

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SECTION B

QUESTION 4

4.1 4.1.1 Criminal Procedure Act makes provision for these courts that deal with children under the age of 18 who are charged with committing crime.✓✓

- These children are not dealt with in terms of the normal criminal procedure used for adults; instead, the child justice process is followed.
- Any court applying the provisions of the Child Justice Act 75 of 2008 is a child justice court.

4.1.2 These courts focus on petty crimes such as drinking in public, littering, fighting in the street and trespassing.✓✓

- There are only three of these of courts, situated in the Western Cape. They are part of a strategy to prevent major crime by dealing effectively with minor crimes.
- They also help relieve the case load of the magistrates' courts.

4.1.3 These courts sit in provincial divisions of the High Court and deal with all tax-related offences such as tax evasion and tax fraud, for example claiming VAT and not paying it over to SARS.✓✓

(3 × 2) (6)

4.2 Members of the community who apply at their nearest police station to be enrolled as members of the police reserve or reservist police; they receive training on policing issues and once they are on duty, they have the same power and authority as permanent police officials.✓✓ (2)

4.3

- must be a permanent resident of South Africa
- must be between the ages of 18 and 60
- must pass a minimum fitness and psychometric test and prove to be medically fit
- must provide proof of qualifications and experience
- must be in possession of a driving licence
- must have a good character and personality
- may not have a criminal record (Any 6 × 1) (6)

4.4

- Consultation✓
  Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.✓

- Service standards✓
  Citizens should be told what level and quality of public services they will receive so that they are aware of what to expect.✓

- Access✓
  All citizens should have equal access to the services to which they are entitled.✓

- Courtesy✓
  Citizens should be treated with courtesy and consideration.✓

- Information✓
  Citizens should be given full, accurate information about the public services they are entitled to receive.✓

- Openness and transparency✓
  Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.✓

- Redress
  If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy and when complaints are made, citizens should receive sympathetic, positive response.

- Value for money
  Public services should be delivered economically and efficiently in order to give citizens the best possible value for money. (Any 6 × 2) (12)

4.5

- misconduct
- continued ill health
- incapacity to carry out his or her duties efficiently.
- because the person is no longer a fit and proper person to hold the office concerned (4)

[30]

TOTAL SECTION B: 30

SECTION C

QUESTION 5

5.1
- Deliver important crime prevention service to local communities
- Protect the property and lives of their clients
- Safeguard businesses and private residences
- Protect public offices, businesses, schools, hospitals (4)

5.2
- Decides whether there is enough evidence✓
- Decides whether there are reasonable prospects of obtaining a conviction in court✓
- Decides whether the prosecution is in the public interest✓

Once the prosecutor has decided to prosecute, he or she has to decide on the following aspects:
- what the charge or charges will be✓
- whether the offender should be arrested, if not yet in custody✓
- whether or not to oppose bail✓
- whether the offender should be tried in a magistrate's court or
- in the regional magistrate's court or High Court✓
- what date the trial will start✓ (8)

5.3
- Component of crime investigation
- Unit for family violence, child protection and sexual offences
- The specific Crime Investigation Component
- The Commercial Crime Investigation Component
- The Organised Crime Investigation Component
- The Anti-corruption Section
- The Crime Investigation Policy and Standards Development Section
- Forensic Services
- Crime Intelligence (Any 8 × 1) (8)

[20]

TOTAL SECTION C: 20

SECTION D

QUESTION 6

i) Females✓

- Female prisoners must be kept separate from male prisoners.✓
- Department of Correctional Services (DCS) has separate prisons for women which may be on the same site as those for men or on different sites.✓
- A female correctional official must accompany any male visiting a prison or section for women.✓
- Female correctional officials must supervise female prisoners.

ii) Mothers with babies✓

- The Constitution of South Africa (CSA) provides for the imprisonment of women with babies in facilities separate from those of other female inmates.✓
- It also provides that the place in which mothers with babies are held should cater for the care, stimulation and development of babies.✓
- CSA defines a mother and child unit as a single unit in a prison where provision is made for separate sleeping accommodation for mother and child as well as creche facilities.✓
- The unit focuses on normalising the environment to promote the child's physical and emotional development and care.
- A female prisoner is allowed to have her child with her until the child is five years old.
- The DCS is responsible for food, clothing, health care and facilities for the sound development of the child while the child remains in prison.
- In women's prison, provision must be made for prenatal and postnatal care and treatment.
- Instruments of restraint may never be used on women during labour and immediately after the birth of the child.
- The use of solitary confinement in cases involving women and children is prohibited.

iii) Children✓

- The Constitution singles children out for special protection and affords children in conflict with the law the right to: (a) not to be detained except as a last resort, and detained only for the shortest appropriate time✓ (b) be treated in a manner and kept in conditions that take the child's age into account✓ (c) be kept separately from adults and boys from girls while in detention.✓
- A child is defined in the CSA and Child Justice Act (CJA) as a person under the age of 18.
- Children's diet must make provision for their nutritional requirements.
- The CJA has made provision for children convicted of offences to be sentenced to compulsory residence in a child and youth care centre.
- When children are admitted to a centre, the Commissioner must notify the appropriate state authorities who are responsible for the education and welfare of children as well as the parents of the prisoner.
- Prisoners who are children and who are subject to compulsory education must attend and have access to educational programmes.
- The Commissioner must provide children with social work services, religious care, recreational programmes and psychological services.
- Children may only do work for the purpose of training aimed at obtaining skills for their development.

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iv) Disabled prisoners✓

- A disability is defined in the CSA as a physical or mental condition✓
- which prevents a prisoner from operating in an environment developed for persons without such an impairment and includes:
- deafness✓
- dumbness✓
- paraplegia
- quadriplegia
- non-certifiable mental conditions
- blindness or extreme impairment of vision

v) Prisoners with HIV and AIDS✓

- Prisoners who are infected have the right to safe custody.✓
- It often happens that inmates demand mandatory testing for their own protection.✓
- Those prisoners who are HIV-positive have the right to treatment and
- not to be discriminated against.✓
- The right to safety of infected prisoners could conflict with the infected offender's
- right to privacy and confidentiality.
- Health care services must be provided to ensure continuity of treatment and care,
- including for HIV and Aids, tuberculosis and other infectious diseases
- as well as drug dependence

OR

QUESTION 7

Type of court	Jurisdiction	Types of cases	Sentences
Regional magistrate's court✓	The country is divided into regional districts.✓ Regional courts are established at one or more places in each regional division to hear matters that fall within their jusisdiction.	Regional courts have jurisdiction in all matters except treason.✓	Imprisonment for life or for a period up to 20 years or a fine up to R300 000.✓
District magistrates' courts✓	Any less serious offence committed in the magisterial district.✓	Less serious criminal and civil cases.✓	Imprisonment not exceeding three years or a fine not exceeding R100 000.✓
High Courts✓	High Courts include provincial or local divisions of the High Court and the Circuit Local District.✓	Any type of cases The cases which are too serious for a magistrate's court.✓ Appeal and reviews against judgments in magistrates' courts.	Except where minimum or maximum sentences are prescribed by law, the penal jusrisdiction of High Courts is unlimited and includes life imprisonment in specified cases.✓
Supreme Court of Appeal (SCA)✓	Highest Court of appeal in all except constitutional matters.✓	Any type of offence✓	May uphold sentence or reduce or impose higher sentence.✓
Constitutional Court✓	Constitutional matters Any matter it considers to be in the public interest✓	Constitutional matters Any matter if it is in the interests of justice for it to do so✓	Has the power to declare an Act of Parliament null and void if it conflicts with the Constitution and to control executive action in the same way.✓ Also has the inherent power to regulate process and develop common law.

[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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