higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

PRINCIPLES OF CRIMINAL JUSTICE
NQF LEVEL 2

(8021012)

15 November 2022 (Y-paper)
13:00–16:00

This question paper consists of 10 pages.

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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. Write neatly and legibly.

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SECTION A

QUESTION 1

Various options are provided 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 of the following is NOT a source of South African law?

A Customs
B Criminal law
C Legislation
D Writings of legal experts

1.2 Fairness entails …

A that an accused be sentenced to life imprisonment.
B that the agencies applying and enforcing the laws should follow the spirit of the law.
C applying the law to certain individuals.
D that an accused should be sentenced to death.

1.3 Due process model:

A The principle that a suspect is innocent until proven guilty.
B To keep an offender in prison.
C A punitive measure.
D Relating to ordinary citizens.

1.4 Plea refers to …

A statement made on behalf of or by accused in which they admit or deny a charge.
B acting according to the rules of court.
C being found not guilty.
D formal charge or accusation of a serious crime.

1.5 Which of the following is NOT a function of the Traffic Police?

A Traffic policing
B School point duty
C Investigating complaints
D Investigating crimes

1.6 Which of the following is a reason to volunteer?

A People get paid to volunteer.
B People become famous when they volunteer.
C Looks good on Instagram.
D Develop new skills.

1.7 The rule of law implies (that) …

A the judicial authority of a Republic should be vested in a Supreme Court.
B supreme power.
C laws must comply with universal principles of fairness, morality, and justice.
D a rule or law made by government.

1.8 Juveniles refer to children …

A who have witnessed a crime.
B who are victims of a crime.
C under the age of 18 years.
D over the age of 18 years.

1.9 Crime intelligence is important to help police agencies to …

A oversee the NPA.
B facilitate law reform.
C solve crimes.
D provide legal advice.

1.10 Inspection in loco is conducted when the …

A other party inspects the crime scene.
B police inspect the crime scene.
C presiding officer, at the request of the state, inspects the crime scene.
D accused inspects the crime scene.

(10 × 1) **[10]**

QUESTION 2

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

COLUMN A		COLUMN B	
2.1	Civil	A	Finding by the court of guilty or not guilty
2.2	Stigma	B	Community policing forum
2.3	Docket	C	Making less serious, allowing greater leniency
2.4	Mitigating	D	An organisation that helps terminally ill people
2.5	Verdict	E	The unwelcome application and enforcement of a legal system within a community that already has a system in place
2.6	CPF		
2.7	Imposition	F	A mark of shame associated with a situation
2.8	Reactive	G	Acting as the result of an incident that happened
2.9	Seize	H	Relating to ordinary citizens
2.10	Hospice	I	Taking into possession by means of a warrant
		J	Facts about a crime

(10 × 1) **[10]**

QUESTION 3

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (3.1–3.5) in the ANSWER BOOK.

3.1 The Industrial Revolution in Britain occurred during the 18th century and into the 19th century.

3.2 The judiciary writes legislation.

3.3 Law enforcement agencies all have the same function.

3.4 The criminal justice process is divided into four main steps.

3.5 By-laws are laws formulated locally in response to community needs.

(5 × 1) **[5]**

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QUESTION 4

Give ONE word/term for each of the following descriptions. Write only the word/term next to the question number (4.1–4.5) in the ANSWER BOOK.

4.1 Giving back something that has been lost or taken away. ☆

4.2 Organisation that helps victims of rape and guides them through the steps required in reporting of the crime.

4.3 Type of crime in which syndicates are involved.

4.4 Churches supply food to unemployed and homeless people.

4.5 Boundary which defines the scope of a particular process or activity.

(5 × 1) **[5]**

☆

[30]

TOTAL SECTION A: 30

SECTION B

QUESTION 5

Read the extract below and answer the questions.

Constitutional court confirms warrantless searches in cordoned off areas unconstitutional

The constitutional court on Friday confirmed a high court order declaring section 13(7)(c) of the South African Police Service Act unconstitutional in a victory for residents of derelict buildings in inner Johannesburg who endured humiliating warrantless raids apparently aimed at flushing out illegal foreigners.

Section 13(7)(c) authorises warrantless searches of any person, home, vehicle or any receptacle or object of whatever nature in a cordoned-off area, and gives the police wide power to seize objects in the possession of those searched.

'This undoubtedly infringes on the right to privacy as elucidated in section 14(a), (b) and (c) of the Constitution,' the court held, ordering that this part of the Act afforded the authorities powers that exceeded the aim of the public order mandate it envisioned and must be severed.

The court hence concurred with a ruling in July last year, by a full bench of the high court in Johannesburg, that declared warrantless searches of private homes and their inhabitants unconstitutional and gave parliament two years to remedy section 13(7)(c).

Gauteng Judge President Dunstan Mlambo had, in a unanimous judgment, held that the section was overbroad and led to impermissible levels of invasion of a person's inner sanctum.

'The extent of the invasion of the innermost component of the personal right to privacy authorised by S13(7)(c) of the SAPS Act is substantially disproportionate to its public purpose. The section is clearly overbroad in its reach insofar as it also permits warrantless, extensive and intrusive searches of private homes and persons inside them,' he said.

'It is furthermore deficient in failing to guide police officers as to the manner in which searches of private homes and those present in them should be conducted.'
The court found that the relevant section went well beyond the prescripts of the Criminal Procedure Act, which stipulates that warrantless searches were allowed where those concerned gave their consent, or the officers conducting such were confident that a court would have issued a warrant but that applying for one would have frustrated the purpose of the search.

The constitutional court ordered that until parliament corrects the law, the provisions of section 21 and 22 of the Criminal Procedure Act be read into the vacuum left by the severed part of section 13(7)(c) to allow the police to conduct searches within the scope of the first Act. Not doing so would rob the police of the power to conduct searches and seizures even where these may be necessary.

Mail & Guardian: Emsie Ferreira
22 Oct 2021

5.1 Differentiate between the *High Court* and the *Constitutional Court*. (4)

5.2 Name THREE objectives of the South African Police Service as stated in our Constitution. (3)

5.3 In order to create a safe and secure environment for all in South Africa, the South African Police Service has certain duties. List THREE of these duties. (3)

5.4 There are many specialised support units in the SAPS. Briefly explain the Illegal immigration unit. (2)

5.5 Discuss criminal investigation as well as the purpose thereof. (8)
[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

6.1 Explain the legal system of the Union of South Africa. In your answer, list the provisions that applied. (10)

6.2 List the reasons why crime intelligence is important in helping police agencies. (8)

6.3 Give THREE reasons why members of the community should perform volunteer work. (3)

6.4 Briefly explain TWO responsibilities of Correctional Services. (2)

6.5 State SEVEN features of volunteerism. (7)
[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 7

Read the extract below and answer the following questions.

Another missing woman's body found buried in shallow grave in Gqeberha

Gqeberha police have arrested a boyfriend and his friend after the body of the missing Vicky Terblanche was discovered in a shallow grave in Greenbushes on Saturday.

Eastern Cape police spokesperson Colonel Priscilla Naidu said officers were alerted about suspicious activity in a house in a complex in 1st Avenue, Millpark, on Friday night.

Upon arrival, they found the doors, including the garage, door were wide open.
The police officers then called in forensics to assist.

'While still at the house, a 32-year-old male arrived and indicated that he lived there. Detectives recognised the male as he had reported his girlfriend missing on Thursday at the Mount Road police station. The male was then taken to the police station for questioning.'

Investigations led the police to a house in Burd Street, Newton Park, where a 24-year-old man was also questioned.

At about 03:00 on Saturday, detectives, with the assistance of the K9 Search and Rescue Unit, found the body of the missing Terblanche buried in a shallow grave in an open field in Greenbushes.

The two men arrested are her boyfriend and his friend.
They are expected to appear in the Gqeberha Magistrate's Court on charges of murder.

A post-mortem will be conducted to determine the cause of Tereblanche's death.

By: Getrude Makhafola, 24 October 2021

7.1 The two men are expected to appear in the Gqeberha Magistrate's Court on charges of murder. The accused may be released on bail on certain conditions. Name these conditions. (3)

7.2 The accused are being charged with murder. What information should be contained in the charge sheet? (5)

7.3 When the accused appears at court, he will be standing in a dock. Define *dock*. (2)

7.4 If bail is refused the accused will remain in custody as an awaiting-trial prisoner. Define *awaiting-trial prisoner*. (2)

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7.5 Briefly explain the role and functions of the following components within the criminal justice system.

7.5.1 Law enforcement component

7.5.2 Prosecution component

7.5.3 Court component

7.5.4 Correctional component

(4 × 2) (8)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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