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

14 November 2022

This marking guideline consists of 7 pages.

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SECTION A

QUESTION 1

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

(10 × 1) **[10]**

QUESTION 2

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

(10 x 1) **[10]**

QUESTION 3

3.1 Empowering legislation
3.2 Subordinate legislation
3.3 Sexual Offences and Community Affairs
3.4 Investigating directorate
3.5 National Prosecuting Authority
3.6 High court
3.7 Low court
3.8 Restorative justice
3.9 Diversion
3.10 Compulsory residence

(10 × 1) **[10]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 4

4.1
- The creation of an environment that is conducive to the effective involvement of the community in the rehabilitation of offenders
- The creation of opportunities for the establishment and maintenance of partnerships between the DCS and the community
- The regulation of the number of community-based service providers wishing to render programmes and services to offenders to assist with rehabilitation efforts
- The formalisation of collaborative partnerships and networking relationships with the community
- The integration and coordination of services rendered to offenders by community-based service providers
- Ensuring effective reintegration of offenders into the community
- The involvement of ex-offenders in rehabilitation efforts
- Marketing of the DCS, its needs and services to the community (8 × 1) (8)

4.2 4.2.1 The Sexual Offences and Community Affairs Unit (SOCA) was established with the aim of eradicating all forms of gender-based violence✓ against women and children and victimisation of women and children.✓ (2)

4.2.2
- Maintenance
- Child justice
- Domestic violence
- Sexual offences
- Human trafficking (Any 4 × 1) (4)

4.2.3
- To improve the conviction rate in sexual offences cases
- To reduce secondary victimisation in the CJS by establishing care centres and adopting a victim-centred approach
- To develop the skills of all role players in the prosecution of sexual offences
- To reduce the cycle period for the finalisation of cases (4)

4.3
- To save time in Parliament
- When the legislation is too technical or detailed to be dealt with by Parliament
- To deal with rapidly changing situations
- To allow for quick action in an emergency (4)

4.4
- First role is to eliminate crime-enabling systems and to improve crime prevention measures in business.
- Second role is to partner with the government by sharing expertise, information, processes and technologies. (2)

4.5
- Females✓ or women✓
- Mothers with babies✓ or Mothers with a five-year-old child or younger✓
- Children✓ or Children under the age of 18✓ or Young offenders✓
- Disabled prisoners✓ or Prisoners with physical, mental or other disability✓
- Prisoners with HIV and Aids✓ (Any ONE) (2)

4.6
- Presiding officers (judges or magistrates)
- Public prosecutors or advocates or lawyers qualified to appear in a court
- Accused
- Witnesses
- Public (can include the media) (Any 4 × 1) (4)

[30]

TOTAL SECTION B: 30

SECTION C

QUESTION 5

5.1 The main function of the SANDF is to safeguard the Republic of South Africa from external security threats. (1)

5.2
- In terms of section 201(2)(a) of the Constitution and section 19(2) of the Defence Act, the President may authorise the deployment of the SANDF in cooperation with the SAPS in the prevention and combatting of crime and the maintenance and preservation of law and order.✓
- When the SANDF is deployed in cooperation with the SAPS, this must be authorised by the President at the request of the Minister of Police.✓
- The Minister must approve a code of conduct and operational procedures✓ as well as guidelines regarding coordination of command over and control of members of the SANDF and the SAPS.✓
- When members of the SANDF are deployed for this type of service, they have the same powers and duties as members of the SAPS. ✓
- These powers may only be exercised for the successful execution of the deployment,✓ the prevention of crime,✓ maintenance of law and order,✓ and preservation of internal security.✓
- These powers do not include the investigation of crime.✓
- A member of SANDF who arrests a person, must hand that person over to the SAPS as soon as possible.✓
- The SANDF can be called on to assist the SAPS in serious matters of unrest and violence in South Africa,✓ such as in xenophobic attacks✓ and the recent looting due to the protests against the Constitutional Court decision to sentence Jacob Zuma to prison.✓ (Any 9 × 1) (9)

[10]

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QUESTION 6

Type of court	Jurisdiction	Types of cases	Sentences
Regional magistrates' courts✓	The country is divided into regional courts.✓ They are established at one or more places in each regional division to hear matters that fall within their jurisdiction.✓	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' court✓	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✓

(Any 10 × 1) **[10]**

TOTAL SECTION C: 20

SECTION D

QUESTION 7

The principles of sector policing are:

- Respect for and protection of people participating in sector policing and problem-solving initiatives
- Problem-solving should be based on consultative approach that constantly seeks to solve problems and improve responsiveness to needs.
- Education, capacity building and skills development of SAPS personnel and members of the community
- Enabling constructive participation in addressing the problems of crime
- Working in close cooperation with the local community
- Officers delivering a better-quality service
- Enjoying the support and approval of local people – policing by consent
- Shared ownership, decision-making and accountability from both the police and the community
- Awareness of and respect for the language, cultures and values of the diverse people of South Africa
- Increasing understanding and trust among the police, the community and other service providers
- Identifying community resources and understanding how to mobilise and use them
- Knowing how to develop new resources in the community
- Using a fully integrated approach that involves everyone in the police service
- Resolving conflict between and within community groupings in a manner that enhances peace and stability (15 × 1) (15)

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The advantages of sector policing are:

- It is a practical form of community policing as it involves policing smaller, more manageable areas.
- It ensures more effective crime prevention because attention is given to the causes of crime and the factors and circumstances that allow crime to take place in a sector.
- It contributes to community involvement, which leads to sound partnerships between the police and the community.
- It encourages and enables communities to take greater responsibility for their own safety and security.
- It improves the relationship between the police and the community, which increases the community's trust in, respect for and understanding of the police, reduces the fear of crime and improves service delivery by the police.✓
- It is policing at its most basic. (Any 5 × 1) (5)

[20]

OR

QUESTION 8

Pillar 1: The criminal justice process✓

Objectives:

- Aims to make the CJS more efficient and effective. ✓
- Re-engineering of the criminal justice process✓
- Crime information and intelligence✓✓
- Prosecutorial policy✓
- Appropriate community sentencing✓
- Diversion programme for minor offenders✓
- Secure care for juveniles✓
- Rationalism of legislation✓
- Victim empowerment programme✓

Pillar 2: Reducing crime through environmental design✓

Objectives:

- Focuses on designing systems to limit the opportunity for crime✓
- Maximise the detection and identification of criminals✓
- Environmental design and maintenance✓
- Identification system✓
- Motor vehicle regulation✓
- Corruption and commercial crime✓

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Pillar 3: Public or community values and education✓

Objectives:
- Involve activities aimed at changing the way communities react to crime ✓
- Facilitating community participation in crime prevention✓
- Public education programme✓
- School-based education against crime✓

Pillar 4: Transnational crime programmes✓

Objectives:

- Aim to improve controls over cross-border traffic related to crime✓
- Reducing the opportunities that the region offers to international crime syndicates✓
- Transnational organised crime✓
- Border control and ports of entry✓

(Each pillar × 1 Objective × 3)
(4 + 4 × 4) **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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