higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE PROCESS
NQF LEVEL 4

(8021014)

15 November 2022 (X-paper)
09:00–12:00

This question paper consists of 9 pages.

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TIME: 3 HOURS
MARKS: 100

INSTRUCTIONS AND INFORMATION

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

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SECTION A

Answer ALL the questions in 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 (1.1–1.5) in the ANSWER BOOK.

1.1 The origins of the South African Criminal Justice System include the contribution of the … component to the criminal justice system.

A indigenous
B genius
C eastern
D legal

1.2 The international convention for the protection of individuals is the …

A United Nations Unity Declared Human Rights Bill, 1968.
B Eastern Convention on Human Rights, 1995.
C American Convention on Human Rights, 1969.
D African Charter on Human Rights, 1965.

1.3 Choose the correct answer. The following actions take place during the pre-trial phase:

A Release, reintegration and a crime is reported to SAPS.
B A crime is reported to SAPS and the offender is arrested.
C A case docket is opened and a charge, plea or introduction by a state prosecutor.
D Plea bargaining and the state's case, the defence's case and arguments.

1.4 Choose the correct statement.

A If a suspect is arrested by a police official, the official must warn the suspect according to Judy's Rules.
B The arrestor must inform the victim and the criminal that everything he/she says will be used as evidence in a court of law.
C If the suspect wishes to make a confrontation, he/she must be taken to a judge or a magistrate.
D Before a confession will be allowed in court, there should be sufficient proof that the confession was made freely and no force was used or promises made to the suspect.

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1.5 The court proceedings are recorded in the official language employed at the time and it contains …

A evidence.
B objectives.
C arguments.
D the verdict and sentence.

(5 × 1) **[5]**

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 crime that is committed may be a criminal procedure law offence, such as assault, or a statutory offence where a specific law has been enacted to create an offence.

2.2 A charge sheet in the lower courts formulates the crime(s) with which the accused is charged and includes, among other things, the following:

- The relevant act or omission (alleged crime)
- When and where it was committed
- Against whom it was committed

2.3 If the victim does not apply for a discharge at the close of the criminal case for the prosecution, the judicial officer must ask the accused or legal representative (the defence) whether he/she intends to lead evidence in his/her defence.

2.4 Prisons are concerned with a punishment motive – justice must be done.

2.5 Elements of restorative justice can also be found in indigenous African justice systems.

(5 × 1) **[5]**

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QUESTION 3

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

COLUMN A		COLUMN B	
3.1	A deduction that a state of facts exists	A	crime rates
3.2	A system of criminal justice that focuses on rehabilitation of offenders	B	inmates
3.3	Unfair treatment of or discrimination against victims of crime	C	community-based sentence
3.4	Empathic, person-centred assistance rendered by an organisation or individual after someone was victimised	D	long-term approach
3.5	The comparison of the number of crimes reported in a specific area over a period of time	E	correctional facility
3.6	On initial examination or consideration of a docket	F	victimisation
3.7	Have to serve certain minimum portions of sentences before being considered for placement on parole, day parole or correctional supervision	G	presumption
3.8	A court order directing the offender to render some form of service for the benefit of the community	H	prima facie
3.9	A place to confine criminals away from the general public	I	custody process
3.10	Access to legal advice, health care, exercise, hygiene, clothing and bedding	J	victim support
		K	restitution
		L	restorative justice

(10 × 1) **[10]**

QUESTION 4

Choose an option from the following list to complete the sentences below by writing only the missing word(s) next to the question number (4.1–4.5) in the ANSWER BOOK.

prisoners; achieving justice; activism; positivism; punish; effective solution; repair the harm suffered; recidivism; cause harm; distribution; voluntary; compulsory; involuntary; modernism; a specific outcome; arrogance; deterrence; no specific outcome; retribution; victim-offender reconciliation programme

Victim-offender mediation (VOM) is also referred to as the (4.1) ... In essence VOMs involve a meeting between the victim and offender, facilitated by a trained mediator. With the assistance of the mediator, the victim and offender begin to resolve the conflict and to construct their own approach to (4.2) … in the face of the particular crime. Both are given the opportunity to express their feelings and perceptions of the offence. The meetings conclude with an attempt to reach agreement on steps the offender will take to (4.3) … by the victim and on other ways to make things right. Participation by the victim is (4.4) ... Unlike binding arbitration, (4.5) … is imposed by the mediator.

(5 × 1) **[5]**

TOTAL SECTION A: 25

SECTION B

Answer ALL the questions in SECTION B.

QUESTION 5

5.1 Differentiate between the following:

5.1.1 Accusatorial trial

5.1.2 Inquisitorial trial

(2 × 1) (2)

5.2 Crimes can be reported in many ways, for example by phone or by the complainant visiting the police station in person.

Name and discuss THREE general steps that the police official should follow. (3)

5.3 It is important to investigate a complaint thoroughly to ensure that the perpetrator is identified correctly. If this is not done, a wrong person may be implicated or jailed wrongfully. Therefore, the physical features of a person have to be determined during the investigative process.

Explain in terms of the Criminal Procedure Act (CPA), SIX things that a police official can do to determine the physical features of a person during the investigation. (6 × 1) (6)

5.4 Explain the objectives of safe custody. (4 × 1) (4)

[15]

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QUESTION 6

6.1 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 a convicted person is admitted to a prison. (5 × 1) (5)

6.2 Explain in your own words what is meant by *secondary victimisation*. (4)

6.3 Reintegration programmes empower prisoners, allowing them to make and execute decisions. Prisoners often describe themselves as powerless, without hope and controlled by others.

Name and discuss any THREE characteristics of effective reintegration programmes to ensure that the prisoners are empowered and the responsibility for their future is placed in their own hands. (Any 6 × 1) (6)
[15]

TOTAL SECTION B: 30

SECTION C

Answer ALL the questions in SECTION C.

QUESTION 7

Read the article below and answer the questions.

MAN IN COURT FOR ALLEGEDLY ROBBING CRIME INTELLIGENCE OFFICERS OF R134 000

A 39-year-old man who allegedly robbed crime intelligence officers of R134 000 at gunpoint, appeared in the Bloemfontein Magistrate's Court on Monday.
Obakeng Tsatsinyane is facing charges of armed robbery and fraud. He is the fourth person arrested in connection with the incident. The matter was postponed to 26 November, for Tsatsinyane to join his coaccused in court, Hawks spokesperson Captain Christopher Singo said.

Tsatsinyane was arrested on Saturday by the Hawks' Serious Organised Crime Investigation team together with the Crime Intelligence and Tactical Response team. He was arrested while doing his parole duties at Selosesha Police Station for an attempted murder case after being sentenced to 10 years imprisonment,' Singo said.

After two police officials fetched the money 16 km out on the Bultfontein road, they allegedly pulled over the suspects who were driving a sedan without number plates and with blue lights. When the two officers stopped the vehicle, Tsatsinyane together with his coaccused, Simon van Wyk, Teboho Jonas and Relebohile Patience Ntliziywane, pointed firearms at them and demanded the money from them. 'The men allegedly opened the boot of the state vehicle and took the black bag containing SSA money to the value of R134 000.'

[Source: *www.news24.com*]

7.1 After the alleged crime was committed by the suspect, the crime had to be investigated. A case docket was opened by a police official.

Discuss the processing of the case docket in the Crime Administration System (CAS). (5 × 1) (5)

7.2 In the article, the suspect was arrested and the prosecutor made the decision to prosecute. There are some cases that are presented to the prosecutor, and he/she may decline to prosecute a suspect on certain grounds.

Discuss the THREE factors that must be considered by the prosecutor when deciding whether or not it will be in the public interest to prosecute a suspect. (5 × 1) (5)

7.3 Community corrections are guided by certain principles.

Describe the principle of 'day parole'. (5 × 1) (5)

7.4 Restorative justice is a value-based approach that responds to wrongdoing and conflict with a balanced focus on the victim(s), the offender and the affected community.

Explain the most important principles of restorative justice. (5 × 1) (5)

7.5 The process of parole and release of parolees is important to honour both the inhabitants of the country as well as the South African Constitution.

State the FIVE different ways in which prisoners are released from prison. (5 × 1) (5)

[25]

TOTAL SECTION C: 25

SECTION D

Answer any ONE of the two questions in SECTION D.

QUESTION 8

Analyse the information below and answer the question.

If the court finds an accused not guilty, the person is dismissed and the proceedings end. However, when an accused is found guilty, the court must decide on an appropriate sentence. Sentencing is the specific process in the trial phase when a punishment is announced.

Compare and discuss the key concepts, *sentencing* and *punishment* and include the following in your discussion:

- Principles as the basic elements of sentencing, passing sentence and imposing a sentence
- Aims of punishment

(20 × 1) **[20]**

OR

QUESTION 9

Analyse the information below and answer the question.

Legal systems all over the world form in communities over a period of time. The transfer of legal systems from one territory to another happens in different ways. South Africa's legal heritage came from other countries. This was because of the colonising of South Africa and the legal rules and structures that colonial powers brought with them.

Distinguish and discuss the relevant concepts from various legal systems that became part of South African law. (20 × 1) **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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