higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE PROCESS
NQF LEVEL 4

(8021014)

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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, SECTION B and SECTION C.
2. Answer only ONE question 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 black or blue pen.
7. Write neatly and legibly.

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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 pre-trial phase consists of the following steps:

A Reporting the crime, plea bargaining and appealing.
B Reporting the crime, detaining the offender and releasing the offender.
C Investigation by police, reviewing and sentencing.
D Opening the case docket, charging and releasing the offender.

1.2 Step in the investigative process:

A Take statements from everybody involved in the case.
B Allocate the case docket to a police officer in the CSC.
C Enter the premises inaudibly and search the property for evidence.
D Question suspects to obtain confessions.

1.3 According to the Constitution the responsibilities of the SA Police Service are to …

A prevent, combat and instigate crime.
B maintain private order.
C protect and secure the citizens of South Africa and their property.
D uphold and enforce private law.

1.4 Right protected in the African Charter on Human and Peoples' Rights:

A All citizens, except the members of parliament, are equal before the law.
B Every person accused of having committed an offence shall have the right to be presumed innocent until proven guilty by an incompetent court or tribunal.
C Every person accused of having committed an offence may be condemned for an act or omission which did not constitute a legally punishable offense at the time it was committed.
D Every person accused of having committed an offence may not be punished for an offence for which no provision of a penalty was made at the time the offence was committed.

1.5 The purpose of restorative justice is to …

A hold victims personally accountable for their behaviour.
B emphasise the economic impact of crime.
C promote active victim and community involvement in the justice process.
D enhance the quality of justice experienced by offenders only.

(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 transfer of legal systems from one territory to another all over the world happens in different ways – even in South Africa.

2.2 Typical outcomes associated with restorative justice include restitution, assistance to offenders and victim assistance.

2.3 Victimisation refers to the fair treatment of or discrimination against victims of crime.

2.4 Offenders who may be selected for day parole are those who experience practical resettlement problems.

2.5 Every accused person has a right to a fair trial, which includes the right to a public trial before an extraordinary court.

(5 × 1) **[5]**

QUESTION 3

Choose a term 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	Empathic, person-centred assistance after someone is victimised	A	final address in accusatorial process
3.2	When and where the crime was committed	B	safe custody
3.3	An accused may close the case immediately if he/she wants to remain silent and does not wish to lead evidence in his/her defence.	C	experience of an inmate who is admitted to prison
3.4	Presumptions, judicial notice and admissions	D	long-term approach
3.5	Both parties address the court to deliver their arguments.	E	community-based sentence
3.6	Cornerstone of democracy in South Africa	F	option available to the defence
3.7	Discipline and routine aimed at self-discipline	G	victim support
3.8	Loss of external communication	H	Bill of Rights
3.9	Court order directing the offender to render some form of service for the benefit of the community	I	25 years of sentence
3.10	Life imprisonment	J	evidential material
		K	restitution
		L	charge sheet

(10 × 1) **[10]**

QUESTION 4

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

prisoners; in the court during a trial; chief justice; activist; dignity; victim; five hundred metres away from the court; harm suffered; outside the court; professional body; cause harm; distribution; judicial body; retribution; victim-offender reconciliation programme; presiding officer

The (4. 1) … is in control of court proceedings. It is the duty of the presiding officer to make sure that no one conducts themselves in such a way that it amounts to contempt of court. Contempt of court involves unlawfully and intentionally violating the (4.2) …, repute or authority of a (4.3) …, or interfering in the administration of justice in a matter ending before it. There is a distinction between contempt *in facie curiae* (4.4) … and contempt *ex facie curiae* (4.5) ... (5 × 1) **[5]**

TOTAL SECTION A: 25

SECTION B

QUESTION 5

The police received information that a man was in possession of child pornography and an investigation was initiated. The police proceeded to the accused's residence and conducted a search of the premises. During the search, a laptop and two hard drives were seized.
Forensic analysis was done on the devices and images of child pornography were identified. A case docket was opened.

5.1 Explain what is meant by *opening a case docket*. (2)

5.2 Reception is a process in which aspects of another legal system are voluntarily received, added to and put into action in an existing legal system. This can happen by deliberate decision or through a process of acceptance over a period of time.

Explain the FOUR elements of reception. (4)

5.3 In the given scenario, a second accused from Zimbabwe was arrested one week later.

Evaluate whether the objectives of the African Union will assist in charging the second accused. (5)

5.4 Explain the term *amnesty*. (4)
[15]

QUESTION 6

The accused was employed at the licencing office responsible for issuing learner's and driver's licenses. Investigation revealed that the accused person fraudulently issued learner's and driver's licences to people who were not tested. Licence holders testified in court that they paid money to get licenses without being tested. The accused was found guilty of corruption and fraud and was sentenced to nine years' imprisonment.

6.1 Recommend whether day parole (as a principle of community corrections) can be considered for the former licencing officer. (5)

6.2 When assessing the processes of the defence in the given scenario, a certain court procedure for the case of the defence had to be followed.

Explain the court procedures for the case of the defence. (4)

6.3 Explain sentencing during the process of adjudication and the sentencing of the accused in the given scenario. (6)

[15]

TOTAL SECTION B: 30

SECTION C

QUESTION 7

ACCUSED REMANDED IN CUSTODY FOR POSSESSION OF GOLD CONCENTRATE

Media statement: South African Police Service:

A 27-year-old person was on Monday 30 May 2022 remanded in custody after making a brief appearance before the magistrate's court on a charge of possession of gold concentrate.
The accused's court appearance stems from his apprehension on Friday 27 May 2022. That after members of the Dr Kenneth Kaunda District Illicit Mining Team as well as the Directorate for Priority Crimes Investigation (DPCI) followed up on information about an illegal gold-processing plant at a certain house in the area.
Upon searching the house, 50 kg of gold-bearing material, equipment and other substances used to process gold were found. Subsequently, the person was arrested and charged. The bail application was denied.

[Source: *www.saps.gov.za*]

7.1 The procedure of the accusatorial process in court will follow. You are appointed as the prosecutor in this case and have to plan the trial procedure.

Explain to the family your planned trail procedure. (5)

7.2 The government recognises that crime is more than an offence against the state – it is also an injury or wrong done to another person. Therefore, Cabinet approved the *Service charter for victims of crime*.

Indicate which rights of victims are acknowledged in this charter to assist the owner of the mine. (5)

7.3 The accused will appear several times in court while in custody.

Explain how you will ensure that the accused' identity will be determined with every appearance before court. (5)
[15]

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QUESTION 8

PROVINCIAL COMMISSIONER ORDERS PROMPT INVESTIGATIONS INTO VIGILANTE MURDERS AFTER TWO PEOPLE WERE STONEDTO DEATH

Media Statement: South African Police Service

The provincial commissioner of police has ordered that intensive investigations into the brutal killings of two men who were allegedly attacked by a mob during a vigilante on Wednesday 25 May 2022, be immediately embarked upon. Anyone, including any witnesses, with information that can assist the police to arrest the suspects may contact the crime stop number 08600 10111 or the nearest police station. The police were alerted about the incident at about 09:00 and rushed to the scene. On arrival they found two men lying on the ground with severe injuries. The angry mob then turned on the police, damaging their two motor vehicles. Another motor vehicle, believed to belong to the deceased, was also found torched. Reinforcements were also summoned and the situation was then quelled.
The paramedics were called and on arrival they certified the two victims dead.
Preliminary investigations indicate that the two victims were found transporting a goat and were accused of stealing livestock in the area. "I strongly warn perpetrators of these gruesome murders that the police will be relentless in hunting them down and bringing them to book. Communities are urged to inform the police if they have information on crime and desist from taking the law into their own hands," said the General. The police made three arrests two (2) males (aged 25 and 14) and one (1) female (aged 21) after valuable information was forwarded to the investigation officer.

[Source: *www.saps.gov.za*]

8.1 Witnesses and evidence form an integral part of the judicial process.

Tabulate the differences between *witnesses* and *evidence*. (2 + 3) (5)

8.2 Discuss how the three alleged perpetrators will be accommodated separately during the custody process (Section 7 of the Correctional Service Act). (5)

[10]

TOTAL SECTION C: 25

SECTION D

Answer only ONE question.

QUESTION 9

The sentencing stems from an incident wherein the accused tried in January 2020 to bribe the complainant to withdraw a case docket. It came out during the proceedings that on Tuesday morning 21 January 2021 the accused visited the assault case complainant who informed him that there was a certain lady who wanted him to withdraw the case against the leader of the group that was causing disruptions around Bloemhof, in exchange for payment. Moreover, the victim told the police that whenever he meets with the lady, she will block the road for him and persisted that he withdraws the case. As a result, a case was registered with the police and investigated. The accused was consequently found guilty on Thursday 26 May 2022 on two counts of corruption and was sentenced to a four years' imprisonment term. Furthermore, the accused was declared unfit to possess a firearm in terms of Section 103 of the Firearms Control Act No. 60 of 2000.

9.1 After the accused has served the sentence, he/she must be reintegrated into society.

Discuss the reintegration programme with specific reference to characteristics of effective reintegration programmes, institutional programmes and community-based programmes. (3 × 5) (15)

9.2 Explain the *reintegration theory*. (5)

[20]

OR

QUESTION 10

A person lodged a complaint at the police station about a suspect who was in possession of an unlicensed firearm in his area. The police proceeded to the said residence and a search was conducted. Upon searching the house, one hunting rifle was found. The suspect was placed under arrest and charged with possession of unlicensed firearm. The seized firearm will be sent for ballistic testing to ascertain if it was used in the commission of any crime in the country.

Determine and reflect on each of the following aspects in the crime reporting process:

10.1 How the police have to deal with the reporting of the crime. (7)

10.2 The steps in reporting a crime. (8)

10.3 Whether the person successfully laid a charge at the police station. (5)

[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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