higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE STRUCTURES AND MANDATES
NQF LEVEL 3

(8021013)

11 December 2020 (Y-paper)
13:00–16:00

This question paper consists of 7 pages.

543Q1N2011

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TIME: 3 HOURS
MARKS: 100

NOTE: If you answer more than the required number of questions only the required number will be marked. Clearly cross out all work you do not want to be marked.

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

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 A white paper is a short-term strategy document of a department containing information and proposals on an issue with the aim of directing the management and service of the department.

1.2 Restorative justice is the recognition of crime as more than an offence against the state but also as an injury or wrong done to another person.

1.3 Universal adult suffrage includes a national common voter roll, regular elections and a multiparty system of democratic government to ensure accountability, responsiveness and openness.

1.4 The preparatory programme on sexual offences helps offenders to identify the possible causes of their deviant behaviour and empowers them with information on biological and sexual development.

1.5 Private security officers are peace officers who have the same powers as officers of the South African Police Service.

1.6 The Consumer Goods Council of South Africa aims to reduce and mitigate the impact of crime on the retail industry.

1.7 Equality courts hear cases under the Promotion of Equality and Prevention of Unfair Discrimination Act as well as rights of cultural and religion.

1.8 The Bill of Rights is a document which sets out the rights of an individual in relation to the state.

1.9 The effectiveness of a neighbourhood watch requires commitment from individuals who are willing to participate in activities focusing on crime prevention.

1.10 Ethics are principles that set standards of acceptable behaviour and people who work in the criminal justice system must behave in an ethical manner.

(10 × 1) **[10]**

QUESTION 2

Choose a term from COLUMN B that matches a description in COLUMN A. Write only the letter (A–K) next to the question number (2.1–2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
2.1	Produces matches across various data fields and portrays the data in a graphic format	A	empowering legislation
2.2	Nongovernmental organisation that provides invaluable services to the prison population	B	community police forums
2.3	Create a profile of a community by identifying community needs	C	South African Fraud Prevention Service
2.4	May uphold or reduce a sentence or impose a higher sentence	D	SABRIC
2.5	Imprisonment not exceeding three years or a fine not exceeding R100 000	E	Supreme Court of Appeal
2.6	Nonprofit company established to combat organised crime in the banking industry	F	subordinate legislation
2.7	State organisations like the Department of Education	G	district magistrate court
2.8	State-owned enterprises like Eskom	H	parastatal institutions
2.9	Laws enacted by parliament that authorise a person to exercise power by performing an action	I	National Institute for Crime Prevention and the Reintegration of Offenders
2.10	Delegating some law-making powers to the executive or judiciary	J	statal institutions
		K	Consumer Goods Council of South Africa

(10 × 1) **[10]**

QUESTION 3

Complete the following sentences by choosing a word or words from the list below. Write only the answer next to the question number (3.1.1–3.5.1) in the ANSWER BOOK.

criminal investigations; public prosecutor; law enforcement; military police; burden of proof; actions and interventions; intelligence structures; sector policing; metro police; policing; South African Police Service

3.1 The (3.1.1…) lies with the (3.1.2 …) to provide enough evidence to the court to prove that the accused is guilty of crime. (2 × 1) (2)

3.2 Social crime prevention includes all (3.2.1…) that contribute to a safer society and support (3.2.2…) and crime-fighting initiatives. (2 × 1) (2)

3.3 (3.3.1…) are part of the South African Defence Force and perform a (3.3.2…) function within their area. (2 × 1) (2)

3.4 (3.4.1…) do not have the power to conduct (3.4.2…) nor create (3.4.3…) except in respect of internal matters. (3 × 1) (3)

3.5 (3.5.1) … encourages visible and accessible policing by known local police officials. (1)

[10]

TOTAL SECTION A: 30

SECTION B

QUESTION 4

4.1 Explain THREE functions of traffic police in respect of empowering legislation. (3)

4.2 Differentiate between *trial courts* and *appeal courts*. (1 + 1) (2)

4.3 List NINE principles of sector policing. (9)

4.4 Summarise the respective jurisdictions of the *High Court* and the *Constitutional Court* and name the types of cases each court deals with. (3 + 3) (6)

[20]

TOTAL SECTION B: 20

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SECTION C

Read the article below and answer the questions.

QUESTION 5

HERMIONE CRONJE TO HEAD UP INVESTIGATIVE DIRECTORATE WITHIN NDPP

President Cyril Ramaphosa has appointed Adv Hermione Theresa Cronje as head of the investigating directorate in the office of the National Director of Public Prosecutions. The president created the directorate – which is like the defunct Scorpions – in March to focus on fraud and corruption, and cases emanating from the state capture commission of inquiry. In March 2019 president Ramaphosa proclaimed the establishment of an investigating directorate in the office of the National Director of Public Prosecutions in terms of Section 7(1) of the National Prosecuting Authority Act 32 of 1998. President Ramaphosa has, in terms of Section 13(1)(b) read with Section 14 of the National Prosecuting Authority Act, appointed Adv Cronje as an investigating director for a period of five years with effect from 15 May 2019.

From 1998 to 2012, she was employed in various capacities in the National Prosecuting Authority (NPA) of South Africa – as an assistant to the first National Director of Public Prosecutions, as founding member of the Asset Forfeiture Unit, and for 10 years as regional head of the Asset Forfeiture Unit in the Western Cape. In her last year at the NPA, she was involved in the establishment of the Anti-Corruption Task Team (ACTT), a multi-agency task team established to investigate, prosecute and recover the assets of persons involved in large-scale corruption. Since 2013, Adv Cronje has been engaged as a consultant on behalf of the Stolen Assets Recovery Initiative (StAR) – a joint initiative of the World Bank and UNODC. In this capacity she has worked as an advisor and mentor to asset recovery and anticorruption units in Tanzania, Uganda, Namibia, Kenya, Nigeria, Romania, Ukraine, Moldova and Sri Lanka. She is also a practising advocate of the High Court of South Africa. In 2017 she drafted a United Nations Office on Drugs and Crime (UNODC) study on the effective management and disposal of seized and confiscated assets. The investigating directorate she will lead in her new role will attend to statutory offences including, but not limited to, contraventions of:

- The Prevention and Combating of Corrupt Activities Act 6 of 2000
- The Prevention of Organised Crime Act 121 of 1988
- The Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- The Public Finance Management Act 1 of 1999
- The Municipal Financial Management Act 56 of 2003
- The Financial Intelligence Centre Act 38 of 2001
- Any other statutory offence involving dishonesty

In addition, the directorate will investigate any unlawful activities relating to serious, high-profile or complex corruption including, but not limited to, offences or criminal or unlawful activities arising from current commissions and enquiries.

[Adapted from: *https://ewn.co.za/2019/05/17/hermione-cronje-to-head-up-the-investigative-directorate-within-ndpp*]

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5.1 5.1.1 Explain under which circumstances the state president may remove the national director of public prosecutions. (5)

5.1.2 Is the appointment of Hermione Cronje justifiable? Substantiate the answer by referring to the qualifications for appointment as national director, deputy national director or director. (1 + 4) (5)

5.2 Explain FIVE roles of the National Prosecuting Authority. (5)

5.3 Explain the aims and objectives of the White Paper on Safety and Security. (6)

5.4 Explain FOUR objectives of Business Against Crime South Africa (BACSA). (4)

5.5 Name ONE crime-investigation service within the South African Police Service that will assist the NPA in crime investigation. (1)

5.6 Explain how the South African Banking Risk Information Centre cooperates with the NPA to reduce crime. (4)
[30]

TOTAL SECTION C: 30

SECTION D

Answer either QUESTION 6 **OR** QUESTION 7.

QUESTION 6

6.1 Explain the 12 main objectives of the Department of Correctional Services. (12)

6.2 Explain EIGHT roles of a neighbourhood-watch system as an effort to prevent criminal activities within a community. (8)
[20]

OR

QUESTION 7

Name the FOUR pillars of the National Crime Prevention Strategy and list FOUR national programmes for each pillar. (4 + 16) **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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