higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE STRUCTURES AND MANDATES
NQF LEVEL 3

(8021013)

7 March 2018 (X-Paper)
09:00–12:00

This question paper consists of 8 pages.

NCV

TIME: 3 HOURS
MARKS: 100

NOTE: If you answer more than the required number of questions, only the required number of questions will be marked. All work you do not want to be marked must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. Answer ALL the questions in SECTIONS A, B and 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. Use a BLACK or BLUE PEN.
6. Start each section on a NEW page.
7. Write neatly and legibly.

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SECTION A

QUESTION 1

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 The Department of Justice and Constitutional Development is responsible for the maintenance and functioning of courts in co-operation with independent judges, magistrates and prosecutors.

1.2 The national legislative authority, as vested in Parliament, confers on the National Assembly the power to amend the Constitution.

1.3 Traffic officers in South Africa have the same powers as members of the South African Police Service.

1.4 The Independent Prison Visitors (IPV) are members of the public that ensure that all detained persons are detained according to the required standards, rules and regulations of the Correctional Services Act and the Bill of Rights.

1.5 A mandate is the authority a person has to compel others to comply with a request.

1.6 The White Paper on Safety and Security sets out a number of priorities; amongst these the improvement of service delivery is outlined as the key to the transformation of departments.

1.7 The state does not have rights in terms of the Bill of Rights, but it has the power to limit or suspend rights.

1.8 Operational services respond proactively after a member of the public has reported a crime, or the unit has uncovered a crime on its own.

1.9 The Military Police Agency can be defined as comprising all police activities relating to the observation of traffic violations.

1.10 Traffic police have the powers to conduct criminal investigations and create intelligence structures.

(10 × 1) **[10]**

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QUESTION 2

Complete the following sentences by using the words in the list below. Write only the missing word or words next to the question number (2.1.1–2.4.2) in the ANSWER BOOK.

regulations; policy document; community; white paper; sector policing; legislation; national instructions; secretariat; green paper; judge; independent complaints directorate; magistrate

2.1 The concept of (2.1.1) … demands that the (2.1.2) … should play an active role in fighting crime. (2)

2.2 A (2.2.1) … is a long-term strategy document of a department. A (2.2.2) … is the guiding principle of a department about their activities. (2.2.3) … and (2.2.4) … are examples of policy documents. (4)

2.3 The (2.3.1) … for Safety and Security and the (2.3.2) … are structures falling under the Department of Safety and Security. (2)

2.4 A (2.4.1) … presides in a high court and a (2.4.2) … presides in a lower court. (2)

[10]

QUESTION 3

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

COLUMN A		COLUMN B	
3.1	Interpol	A	SANDF
3.2	Military Police Agency	B	the moral principles followed by criminal justice officials in the execution of their duties
3.3	Statals and parastatals	C	state institution supporting constitutional democracy
3.4	Family court	D	regular (ordinary) criminal court
3.5	High court	E	advising the service regarding local policing priorities
3.6	Trial courts	F	volunteers performing police functions and activities for the South African Police Service without remuneration
3.7	Public Protector	G	semi-government institution or structure responsible for safety and security
3.8	Ethics	H	courts where first court cases begin
3.9	CPF	I	extraordinary court
3.10	Reservist	J	liaison officers' purpose is to render effective service delivery in respect of international crime-related issues
		K	supreme court of appeal

(10 × 1) **[10]**

TOTAL SECTION A: 30

SECTION B

QUESTION 4

4.1 Describe the role of the presiding officer during court proceedings. (5)

4.2 Name TWO project initiatives by BAC towards supporting Government against crime. (2)

4.3 Describe what section 205 of the Constitution states regarding the SAPS. (6)

4.4 Name TWO community-based institutions that support the SAPS. (2)

4.5 Batho Pele is a government programme for service delivery in the public service.

Name FIVE Batho Pele principles. (5)

4.6 Define the concept *sector policing*. (2)

4.7 The neighbourhood watch system is one example of community crime prevention activities, with the emphasis on community awareness and the taking of pro-active measures to prevent crime or solve crime problems.

List FIVE neighbourhood watch activities. (5)

4.8 Name THREE key responsibilities or functions of the CPFs. (3)
[30]

TOTAL SECTION B: 30

SECTION C

Read the following scenario carefully and answer the questions.

QUESTION 5

KIDNAPPING ACCUSED 'ASSAULTED BY COPS'

A woman and two men accused of kidnapping a Soweto toddler told the court yesterday that police severely assaulted them during the arrests. Nompilo Innocentia Mpanza, 31, who was the baby's nanny and one of her co-accused, Xolani Victor Ntshingila, 25, told the Protea Regional Court that they were also denied medical attention after being assaulted. The two, together with a third co-accused, Thokozani, were arrested over the weekend for allegedly kidnapping Siyabonga Mlambo, aged 14 months, from his home in Protea Glen last week. The trio are facing charges of kidnapping and robbery with aggravating circumstances. The baby was abducted last week Tuesday during an armed robbery at his home. He was found in Newcastle, KwaZulu-Natal where the accused were arrested. He was later reunited with his mother.

When the story broke, it was alleged that he was abducted by two alleged robbers who had broken into his home seeking revenge because his father, Tshepo Modubung, had 'hurt' their sister. Ntshingila, who was in tears throughout their brief appearance before Magistrate Audry Mpofu, complained about pain. 'I am hurting and was severely assaulted by police when they arrested us. My ribs and arms are in pain and I have never seen a doctor,' he said wiping tears from his cheeks. Mpanza also complained that police punched and kicked her all over her body. The soft-spoken Mpofu then ordered that the two accused see a doctor. Ntshingila also told the court that he wanted to correct a statement he made to the police. He said some of the things he said were true but others were false because he was assaulted at the time. Mpofu then advised Ntshingila to tell his lawyer about the issue and that the lawyer should raise it in court. Thokozani stood silent during the proceedings.

5.1 State FOUR functions of the component responsible for the arrests of the accused. (4)

5.2 Name the law that deals with the procedures that need to be followed within the Criminal Justice System when a crime has been reported. (1)

5.3 Explain the responsibilities of the Protea Regional Court in relation to its jurisdiction regarding the crime, imprisonment, the fine and civil matters. (8)

5.4 Mr Xolani Victor Ntshingila complained about being assaulted by the police.

Name the organisation that Mr Ntshingila can complain to. (1)

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5.5 Since South Africa became a democracy with a Constitution, the conditions for legal arrest have expanded drastically. Section 35(1) of the Constitution clearly states the rights of the following:

- Arrested persons
- Detained persons
- Accused persons

State TWO rights of each of the abovementioned persons. (3 × 2) (6)
[20]

TOTAL SECTION C: 20

SECTION D

Answer only ONE of the following two questions.

QUESTION 6

In the Criminal Justice System the role players, SAPS, NPA, DCS and the Judiciary must plan properly to prevent and reduce crime. They must also plan what their actions will be when crimes are committed and when offenders are sent to prison.

Discuss 'Planning' as a management function in detail by referring to the following headings:

6.1 Definition of planning (2)

6.2 Planning process (10)

6.3 Restrictions on planning (8)
[20]

OR

QUESTION 7

The Department of Correctional Services and the young offender.

Discuss the Department of Correctional Services' safe custody of young offenders with reference to the following headings:

7.1 The principles on which services to young offenders in prison are based (16)

7.2 The age group in which the Department views a person as a young offender (1)

7.3 The type of category of prisoner the young offenders are regarded to be (3)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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