higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE PROCESS
NQF LEVEL 4

9 March 2020

This marking guideline consists of 6 pages.

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SECTION A

QUESTION 1

1.1 C
1.2 A
1.3 D
1.4 C
1.5 D

(5 × 1) **[5]**

QUESTION 2

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

(10 × 1) **[10]**

QUESTION 3

3.1 True
3.2 True
3.3 False
3.4 False
3.5 True
3.6 False
3.7 True
3.8 True
3.9 True
3.10 False

(10 × 1) **[10]**

QUESTION 4

4.1 Solitary confinement
4.2 Ombudsman
4.3 Release
4.4 Relative theory of punishment
4.5 Non-rebuttable presumptions

(5 × 1) **[5]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 5

5.1
- The nature of the crime
- The aim of criminal justice
- The role of victims
- The role of offenders
- The role of the community
- The role of the criminal justice system (6)

5.2 Victim empowerment is the way in which victims are empowered✓ after they have been victimised,✓ by having the needs that arose from their victimisation✓ dealt with satisfactorily✓ by the police.✓ (Any 3 × 1) (3)

5.3

VICTIMISATION	SECONDARY VICTIMISATION
The unfair treatment of✓ or discrimination✓ against victims of crimes.✓ (3 × 1)	The way in which the criminal justice system,✓ the fringe professions✓ such as health and welfare✓ and the community at large✓ may victimise the victim once more,✓ by blaming the victim,✓ ignoring his/her role in the criminal justice system✓ and treating them in an insensitive manner (Any 3 × 1)

(6)
[15]

QUESTION 6

Section 41 of the Correctional Services Act 111 of 1998✓ places an enormous responsibility on the department of Correctional Services to facilitate reintegration,✓ which includes the following:

- To provide or give access to a full range of programmes✓ and activities✓ to meet educational and training needs of prisoners✓
- To provide illiterate sentenced prisoners✓ and juveniles✓ with educational programmes✓
- To provide social✓ and psychological services✓ in order to develop and support sentenced prisoners✓
- Not only does the artificial environment impede rehabilitation efforts, but the limited number of personnel available to present development programmes makes the problem worse✓ (Any 5 × 1) **[5]**

TOTAL SECTION B: 20

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SECTION C

QUESTION 7

7.1
- Gathering information on the crime problem, as it is important that an overall picture of the problem be created;
- Analysing the data and determining the crime risk, so that patterns and trends in crime can be identified;
- Designing the programme in collaboration with all role players;
- Implementing the programme;
- Monitoring the programme on an ongoing basis in order to see that it is being properly carried out;
- Evaluating the programme in order to find out whether it has been successful or not in dealing with the crime problem.

(1 mark × correct chronological steps) (6 × 1) (7)

7.2
- The criminal justice process
- Reducing crime through environmental design
- Public values and education
- Trans-national crime (4)

7.3
- Family support programmes
- Youth programmes
- Community development programmes and neighbourhood actions
- Preschool programmes
- Alcohol and drug abuse programmes
- Educational and school-based programmes
- Assistance programmes to offenders and their families
- Employment and occupational training programmes
- Guidance and life skills programmes (Any 5 × 1) (5)

7.4 7.4.1 'Witnesses' are the persons/people who see the incident✓ or who can testify about a fact✓ that corroborates the elements of a crime.✓
A witness is a person who presents certain information (evidence)✓ to a court about an alleged offence,✓ which the presiding officer must try in light of the facts before the court✓
(Any 4 × 1) (4)

7.4.2 'Evidence' includes all facts submitted to the court to settle the question at issue.✓ It includes both written✓ and oral statements by witnesses,✓ as well as objects✓ and documents submitted to the court for inspection.✓ The objects referred to are the objects that have been seized in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977), section 20.✓ (Any 4 × 1) (4)

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7.5
- The promotion of the accountability of the Service to local communities and cooperation of communities with the Service✓
- The monitoring of the effectiveness and efficiency of the Service✓
- Advising the Service regarding local policing priorities✓
- The evaluation of the provision of visible policing services, including requesting enquiries into policing matters in the locality concerned.✓ (4)

7.6 'Common law offence' is an offence (for example assault/murder/rape✓) carried over✓ from one generation to another.✓ (Any 2 × 1) (2)

[30]

TOTAL SECTION C: 30

SECTION D

Note to the assessor: Students must only answer ONE question in this section.

QUESTION 8

An inmate commits a disciplinary infringement if he/she:
- Replies dishonestly to legitimate questions put by a correctional official or other person employed in a prison.
- Disobeys a lawful command or order by a correctional official or fails to comply with any regulation or order.
- Is abusive to any person.
- Fails or refuses to perform any labour or any other duty imposed or authorised by the Correctional Act.
- Is careless or negligent regarding any labour or duty imposed or authorised by this Act.
- Uses insulting, obscene or threatening language.
- Conducts himself/herself indecently by word/act/gesture.
- Commits an assault.
- Communicates with any person at a time when or a place where it is prohibited.
- Makes unnecessary noise or causes a nuisance.
- Without permission, leaves the cell or another assigned place
- In any manner defaces or damages any part of the prison or any article therein or any state property.
- Possesses an unauthorised article.
- Commits theft.
- Creates/participates in a disturbance or foments a mutiny or engages in any other activity that is likely to jeopardise the security or order in a prison.
- Professes to be a member of a gang or takes part in gang activities.
- Makes a dishonest accusation against a correctional official/ fellow inmate.
- Conceals/destroys/alters/defaces/disposes of an identification card/document or any issued article.
- Commits an act with the intention of endangering his/her life or injuring his/her health or impairing his/her ability to work.
- Attempts to do anything referred to in this section. (Any 20 × 1) **[20]**

OR

QUESTION 9

9.1 Police officials should try and calm the complainant down.✓ The approach to do this will depend on the complainant's mental state✓ at that moment.✓ One should always try to give fast and efficient service.✓ Officials can use reassuring sentences,✓ such as, 'I understand'✓ or 'I will try my best to assist you with …'✓

It is important to reassure the complainant,✓ but at the same time not to lie✓ or make promises that cannot be fulfilled.✓ The SAPS member assisting should try to let the complainant get the true perception✓ that the complaint reported is important✓ and that the SAPS members will do their best to handle that complaint.✓ (Any 4 × 1) (4)

9.2 When a complaint is received at the station, the SAPS member that deals with the complaint should always keep the principles of Batho Pele in mind.✓

The complainant should receive the best attention possible form the particular police official dealing with him/her.✓

The official should always remember the following:

- The complainant feels that his/her complaint is important,✓ and that he/she needs the necessary help form the SAPS.✓
- The help or service that is needed depends on the particulars of the complaint that is being made.✓
- The SAPS is compelled by our Constitution✓ to render a service to the public.✓
- The goal of a member dealing with a complainant must be that, after the complaint has been dealt with,✓ the complainant must have a positive perception of the police.✓
- The member dealing with a complainant may be the first member of the SAPS that the complainant has to deal with.✓ It is therefore important that the member acts in a professional way✓ so that the complainant will have a positive experience✓ – as first impressions last longest.✓ (Any 6 × 1) (6)

9.3 Police officials must bear in mind that the complainant may arrive at the station✓ with a wide range of 'mind-sets'✓ as a result of their ordeal,✓ especially if they were victims of violent crimes.✓

Some complainants will be very upset✓ and angry,✓ while some will be heartbroken.✓ The golden rule to remember is that when a complainant phones or arrives✓ at the station to lay a complaint,✓ the complainant has suffered some form of crime.✓
The SAPS member assisting the complainant should try and put him/her in the shoes of such a complainant.✓

Members should try and adhere to the old saying: '*Treat others the way you would want to be treated*'.✓ In other words, if you were the complainant, (√) what service would you like to receive from the police?✓ Police officials should try to identify the complainant's state of mind✓ and act accordingly.✓ (Any 10 × 1) (10)

[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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