higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL JUSTICE PROCESS
NQF LEVEL 4

(8021014)

8 March 2018 (Y-Paper)
13:00–16:00

This question paper consists of 7 pages

NCV

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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. ALL work you do not want to be marked must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. Read ALL the questions carefully.
2. Answer ALL questions in SECTION A, B and C.
3. Answer only ONE question in SECTION D.
4. Number the questions according to the numbering system used in this question paper.
5. Use a BLACK or A BLUE PEN.
6. Start each section on a NEW page.
7. Leave a space and draw a line across the page on completion of each question.

8 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 Choose the correct statement.

Pre-judicial phase (crime reporting phase) consists of the following steps:

A Reporting of a crime.
B Investigation by the police.
C Sentencing of accused.
D Statements A and B.

1.2 Choose the correct statement.

Crime prevention philosophies include:

A Crime prevention is costly and a reactive policing measure.
B Crime prevention requires the co-operation of all elements of a community.
C Crime prevention requires tailoring to national needs and concerns.
D Statements B and C.

1.3 Choose the most correct statement.

When the prosecutor decides to prosecute the accused based on sufficient evidence in the docket, the prosecutor must decide on the following aspects:

A What the charge(s) will be.
B Whether to oppose bail or not.
C To decide on a sentencing date.
D Statements A and B.

1.4 Choose the most correct statement:

A The next CAS number must be entered on the SAPS 441.
B The SAPS 441 must be completed in triplicate.
C The duplicate must be filed under clip 'C' in the case docket.
D The statements mentioned in A and C.

1.5 Choose the correct statement.

The rights of a detainee include the following:

A Choose and consult with a legal practitioner.
B To have a legal practitioner assigned by the state, at own expense.
C A correctional official must explain the written information to illiterate inmates through an editor.
D Statements B and C.

(5 × 1) **[5]**

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QUESTION 2

Choose a description from COLUMN B that matches an item/word 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	National Crime Prevention Strategy	A	education of the youth and of society
2.2	Primary crime prevention	B	the legal system, environmental development, community values and community training, transitional crime
2.3	Crime prevention from a policing perspective	C	actions to eliminate and reduce the need to commit crime, as well as the opportunity to commit crime
2.4	Secondary crime prevention	D	making peace between people who have been estranged or have harmed each other
2.5	Restorative justice	E	justice aimed at rebuilding, and bringing back an offender to his community as a law-abiding citizen; promote healing
2.6	Reconciliation	F	street patrols
2.7	Restitution	G	the belief that you can only be a human through other humans: 'I am because of you'
2.8	Reparation	H	the unfair treatment or discrimination against victims of crime
2.9	Ubuntu	I	compensation, repairing a wrong that has been done
2.10	Victimisation	J	making amends, arranging compensation
		K	training the offender to return to normal life as a useful citizen after imprisonment

(10 × 1) **[10]**

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QUESTION 3

Complete the following sentences by filling in the missing words. Write only the word(s) next to the question number (3.1–3.2.3) in the ANSWER BOOK.

purpose; legal; omission; illegal; consents; declines; commission; warning; warrant; reason

3.1 Seizure of any article not mentioned in the warrant is (3.1.1) … Section 20 of the Criminal Procedure Act, 51 of 1977 describes the articles that may be seized and deals mainly with articles that may have been, or are likely to be used in the (3.1.2) … of an offence. (2)

3.2 A search by a police official without a warrant, and his or her seizure of articles described in Section 20 of the Criminal Procedure Act, 51 of 1977, may occur in one of two ways:

- Firstly when the suspect concerned or someone who has authority over the premises in question or its occupants (3.2.1) … to the search.
- Secondly, when the police official has reason to believe that she or he would in any event have been granted a (3.2.2) …, but that the delay needed to obtain one would defeat the (3.2.3) … of the search. (3)

[5]

QUESTION 4

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (4.1–4.10) in the ANSWER BOOK.

4.1 Police reservists are trained and whilst on duty they do not have the same powers and authority as fully-fledged permanent police officers.

4.2 Neighbourhood actions and community development programmes will deal with the primary social causes of crime.

4.3 Crime prevention is the responsibility of all levels of government.

4.4 Transitional crime, community values and community training are obstacles in the national crime prevention strategy.

4.5 Crime prevention requires a central position in law enforcement.

4.6 Once a statement has been taken down, the case docket must be filed for two days before processed on the crime administration system (CAS).

4.7 Victim empowerment is the way victims are empowered after they have been victimised, by having the needs that arose from their victimisation dealt with satisfactorily by the police.

4.8 Victim support refers to help and rejection and non-assistance.

4.9 The Department of Correctional Services facilitates the process for the re-integration of offenders into society.

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4.10 The process of re-integrating offenders into society includes educational programmes to illiterate sentenced prisoners and juveniles.

(10 × 1) **[10]**

TOTAL SECTION A: 30

SECTION B

QUESTION 5

The three-tier approach to crime prevention is known as primary (mechanical), secondary (punitive) and tertiary (corrective) levels of prevention. Secondary preventative measures could take on the form of security precautions. When crime prevention was not successful, criminal offences will be committed and the suspects have to be prosecuted, sentenced and imprisoned. South Africa's criminal justice system also implemented restorative justice as part of the judicial process.

5.1 Secondary preventive measures could take different forms of security precautions.

Discuss the different forms of security precautions. (7)

5.2 Name the TWO factors which should be present at the same time for a crime to be committed. (2)

5.3 According to the Correctional Services Act, 111 of 1998, section 27(3), the search of the person of an inmate is subject to certain restrictions.

Discuss SIX restrictions when searching a person. (6)

5.4 Name FIVE pillars on which the successful implementation of the restorative process rests. (5)

[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

Read the following case study and answer the questions.

Constable Maluleke works in the Community Service Centre (CSC) at Umtata police station. Mr. Vuma has previously lodged a complaint about the neighbours who continuously threatened to kill his barking dogs. Mr. Vuma is back at the CSC, this time, one of his dogs was poisoned and died. Constable Maluleke took a statement from Mr Vuma and registered the case docket on the crime administration system (CAS). The judicial phase in the criminal justice process will follow.

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6.1 There are very definite guidelines laid down for police when they deal with a complaint.

Discuss the guidelines of how the complaint must be dealt with at the police station. (7)

6.2 Explain the administrative processes from the first step to the last step concerning the case docket flow chart. (7)

6.3 Discuss the SEVEN principles for sound administration of justice. (7)

6.4 Discuss the different pleas that the accused can tender in terms of section 106 of the Criminal Procedure Act. (9)
[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 7

A union arranged a peaceful strike for their members due to their dissatisfaction with their working conditions. The people became violent during the strike by assaulting the by-passers on the streets and robbed the small businesses of their goods and cash. Three of these violent strikers were overpowered by security guards and arrested for damaging of property, theft and assault respectively. They are charged criminally. The accused applied for bail.

Name and explain TEN of the factors to be taken into account when considering an application for bail. (10 × 2) **[20]**

TOTAL SECTION D: 20

OR

QUESTION 8

The South African Law provides for processes of parole and release of detainees.

Discuss the conditions relating to community corrections. (20 × 1) **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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