higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

GOVERNANCE
NQF LEVEL 4

XX FEBRUARY 2020

This marking guideline consists of 8 pages.

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SECTION A

QUESTION 1

1.1 (a) Watchdog
(b) Violations (2)

1.2 (a) Complaint
(b) Crime (2)

1.3 (a) Independent Complaints Directorate
(b) Brutality
(c) Municipal Police Service (MPS) (3)
[7]

QUESTION 2

Note to ASSESSOR: All FALSE answers must be motivated

2.1 False✓ – The National Intelligence Service is also part of the civilian intelligence structure. ✓

2.2 True✓

2.3 True✓

2.4 False✓ – Two factors need to be present, namely the desire and the opportunity to commit a crime. ✓

2.5 True✓

2.6 True✓

2.7 False✓ – This refers to scope of incidence, where reasonableness refers to information that is without bias towards a certain policy or viewpoint. ✓

2.8 False✓ – Private companies are beyond the jurisdiction of the Public Protector.✓

2.9 False✓ – Any person who is a victim, witness or representative as well as community based organisations may lay a complaint. ✓

2.10 True ✓ **[15]**

QUESTION 3

3.1 G
3.2 B
3.3 D
3.4 H
3.5 E
3.6 I
3.7 C
3.8 F

(8 × 1) **[8]**

TOTAL SECTION A: 30

SECTION B

QUESTION 4

4.1
- Counter-intelligence
- Crime intelligence
- Departmental intelligence
- Domestic intelligence
- Domestic military intelligence
- Foreign intelligence
- Foreign military intelligence
- National security intelligence
- National strategic intelligence (Any 3 × 1) (3)

4.2 The situation where prisoners are allowed to leave the prison on condition that they remain under house arrest✓ and a correctional services officer will visit them on a regular basis.✓ It can also mean that the prisoners are not allowed to leave the magisterial district where they reside and that they must report to their nearest police station on a daily basis. ✓ (3)

4.3
- The intelligence co-ordinator
- Directors-General of the NIA and SASS
- The chief of the Intelligence Division of the SANDF
- The head of the division: Crime Intelligence of the SAPS (4)

[10]

QUESTION 5

5.1
- The station commissioner of a station area
- Some of the members of the station, usually the officer in charge of crime prevention
- Members of the public living in that area (3)

5.2 NOTE TO ASSESSOR: It must be clear that the students understand the difference between the TWO.

Crimes committed by children are investigated by the relevant unit. ✓
Crimes against children are investigated by the Family Violence, Child Protection and Sexual Offences Unit. ✓ (2)

5.3
- Personal services
- Efficiency services
- Information and systems management
- Communication and liaison services
- Internal audit (5)

[10]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

6.1
- Remain silent
- Be informed promptly of the right to remain silent and the consequences of not doing so
- Not be compelled to make any confession or admission that could be used in evidence against them
- Be brought before a court as soon as reasonably possible, but not later than 48 hours
- At the first court appearance after the arrest, to be charged or informed why their detention will continue, or be released
- Be released from detention if the interest of justice permit, subject to reasonable conditions of bail (6)

6.2 NOTE: any of the following with a maximum of TWO marks

The audi alteram partem rule is based on the idea that you should also hear the other side.
It is a rule of natural justice that requires that each person should be able to tell his or her side of the story, in other words, to defend himself/herself against accusations made against them.
This rule goes hand in hand with the assumption of innocence.
Section 33 of the Constitution gives the person the right to have the opportunity to state a case in their defence. (Any 2 × 1) (2)

6.3 Bail is the monies paid by an accused✓ so that he/she may be released from police custody or detention until their trial. ✓ (2)

6.4 **NOTE TO ASSESSOR: ONE mark for correctly identifying the way in which bail has been granted and TWO marks for the explanation.**

In this case bail was granted by the court. ✓

The court can release an accused on bail at any stage during court proceedings. This normally happens when the court case is postponed until a later date for whatever reason, and the prosecutor is of the opinion that the accused will re-appear if he or she is released on bail✓. This can also happen during a court case when the attorney for the defence requests a postponement of the trail in order to give him/her opportunity to prepare his/her client's defence. ✓ (3)

6.5
- By the police in terms of section 59 of the Criminal Procedures Act when an offender is detained at and charged with an offence at the community service centre
- By the Director of Public Prosecutors or a prosecutor when the detained offender appears in court, but SAPS requests a postponement of the trail until a later stage to afford them the opportunity to conclude their investigation (2)

[15]

QUESTION 7

7.1 7.1.1
- Procurement, provisioning administration, inventory and armoury management
- Facility and service management
- Vehicle fleet and radio technical management (3)

7.1.2 To ensure overall control of the supply chain management function of the SAPS (2)

7.2 7.2.1 NOTE TO ASSESSOR: ONE mark for correctly identifying the answer and ONE mark for the reason.

- Incident
- Crime has NOT yet been committed (2)

7.2.2 The call should be reported to the closest police station or patrol vehicle. (1)

7.2.3 The following process needs to be followed:
- Make an entry in the occurrence book at the service centre.
- Transmit the message by radio to the patrol vehicle for the necessary investigation and report back.
- Make a counter-entry in the occurrence book after the patrol officer has reported back regarding the outcome of the investigation. (3)

7.2.4 In person at the Community Services Centre (Police Station) (1)

7.2.5 **NOTE TO ASSESSOR: Any THREE of the following**
- Suspected persons in the neighbourhood
- Disturbance of the peace by youngsters
- Injured or stray animals
- Delivering of death messages
- Minor domestic violence complaint
- Teenagers driving without a licence
- Dangerous animals or reptiles
- Mentally disturbed or drunken people who have to be removed

(Any 3 × 1) (3)
[15]

TOTAL SECTION C: 30

SECTION D

QUESTION 8

NOTE TO ASSESSOR: The question must be answered in tabular format.
Allow for students' own interpretation

Allocate TWO mark if it is in tabular format (2)

Ground	South African Human Rights Commission	Independent Complaints Directorate	Public Protector
Investigative powers	• Promote respect for human rights and a culture of human rights • Promote protection, development and achievement of human rights • Monitor and assess the observance of human rights in the Republic • Investigate and report on the observance of human rights • Take steps to secure appropriate redress where human rights have been violated • Carry out research Educate (Any 3x1) (3)	• Deaths of persons in police custody or as a result of police action • The involvement of SAPS members in criminal activities such as assault, theft, corruption, robbery, rape and other offences • Police conduct or behaviour that is prohibited in terms of SAPS standing orders or police regulations • Dissatisfaction or complaints about poor service given by police • Failure to assist or protect victims of domestic violence • Misconduct or offences committed by members of municipal police services (Any 3x1) (3)	• Improper prejudice suffered by the complainant or another person as a result of ○ Abuse of power ○ Undue delay ○ Improper conduct ○ Violation of a human right • Maladministration • Dishonesty or improper dealing with respect to public money • Improper enrichment (bribes) • Receipt of improper advantage (Nepotism) (Any 3x1) (3)
Role in the day to day activities of the SAPS	• Whenever a member of the public feels that a police official has violated his/her human rights in whichever manner they can report it to the SAHRC. • The SAHRC must observe and investigate how police officials, in general, are performing their day-to-day activities as far as human rights are concerned. • Check if SAPS adhere to and abide by fundamental human rights as set out in the	• Effective policing rests on the principle of effective service delivery✓ and the police needs to perform their duties in an accountable and transparent way. ✓ • The ICD should keep officials accountable to the principles set out in the code of conduct of the police. ✓ (3)	• The PP is responsible for investigating alleged ✓or suspected improper administration which occurred as a result of any impropriety or prejudice. ✓ • Look in to appointments and promotions of SAPS members. Take remedial action.✓ (3)

(9)

(9)

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	constitution. • Acts as a watchdog over human rights and human right violations within the SAPS. Report to parliament on their findings (Any 3x1) (3)		

[20]

TOTAL SECTION D 20
GRAND TOTAL 100

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