



**higher education  
& training**

Department:  
Higher Education and Training  
**REPUBLIC OF SOUTH AFRICA**

**NATIONAL CERTIFICATE (VOCATIONAL)**

**CRIMINAL JUSTICE PROCESS  
NQF LEVEL 4**

(8021014)

**4 December 2020 (X-paper)  
09:00–12:00**

**This question paper consists of 8 pages.**

295Q1N2004

|                                                   |
|---------------------------------------------------|
| <p><b>TIME: 3 HOURS</b><br/><b>MARKS: 100</b></p> |
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### **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. Leave a space and rule off across the page on completion of each question.
  6. 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 Which ONE of the following statements is correct?

- A The legal system applied in South Africa is Inquisitorial.
- B The legal system applied in South Africa is Accusatorial.
- C The legal system applied in South Africa is Receptionist.
- D The legal system applied in South Africa is Impositionist.



1.2 Complete the following statement:

Customary law is...

- A a primary source of law.
- B a secondary source of law.
- C an established source of law.
- D a source of international law.



1.3 ONE of the following statements is incorrect:

Blood samples may be taken by a ...

- A medical doctor.
- B nurse.
- C medical officials only.
- D police officer.

1.4 Which statement is incorrect?

In terms of the Criminal Procedure Amendment Act, 1977 (Act 51 of 1977), finger-, palm- and footprints may be taken by a ...

- A police officer.
- B detective.
- C SAPS dog handler.
- D security guard.



1.5 Which statement is incorrect?

There are different forms of evidence, namely ...

- A direct evidence.
- B tertiary evidence.
- C primary evidence.
- D secondary evidence.

(5 × 1)

[5]

## QUESTION 2

Choose a description from COLUMN B that matches a term 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      | Incriminate             | A        | characteristic of effective re-integration programmes                                                                            |
| 2.2      | Recidivism              | B        | variety of rights, needs and services to victims of crime                                                                        |
| 2.3      | Amnesty                 | C        | aimed at rebuilding and bringing back an offender to the community as a law-abiding citizen                                      |
| 2.4      | Restorative justice     | D        | making amends, arranging compensation                                                                                            |
| 2.5      | Reconciliation          | E        | granting of certain period of special remission by the state president                                                           |
| 2.6      | Restitution             | F        | lying under oath                                                                                                                 |
| 2.7      | Victim's rights         | G        | implying someone is guilty                                                                                                       |
| 2.8      | Reintegration programme | H        | based on interventions providing prisoners with skills and knowledge to enable them to view the community in its normative sense |
| 2.9      | Multifocused            | I        | making peace between people who have been estranged or have harmed each other                                                    |
| 2.10     | Perjury                 | J        | returning to crime                                                                                                               |
|          |                         | K        | the process and actions taken to make sure that the prisoner will be ready to be released back to the community                  |

(10 × 1)

[10]

**QUESTION 3**

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (3.1– 3.10) in the ANSWER BOOK.

- 3.1 An affidavit is necessary to ensure that a warrant can be issued if necessary.
- 3.2 Four major experiences which contribute to an increase in stress when an inmate is admitted to prison are shock of admission, loss of external communication, loss of stability and loss of normal human activities.
- 3.3 Detainees in South Africa don't have any rights in prison. 
- 3.4 Sentenced inmates must not be kept separate from unsentenced inmates.
- 3.5 Male inmates must be kept separate from female inmates.
- 3.6 The purpose of restorative justice is to enhance the quality of justice experienced by both victims and offenders.
- 3.7 For restoration to come into its own victims should not have the choice of being involved in the criminal justice process.
- 3.8 The reintegration theory of punishment is based on two moral premises, namely that it is better for individuals to be in community with one another and the community should be pursued when it is absent.
- 3.9 In terms of the Correctional Services Act No 111 of 1998, the Department of Correctional Services is obliged to provide illiterate sentenced prisoners and juveniles with educational programmes. 
- 3.10 A prison is a place to keep criminals on the street.

(10 × 1) **[10]**

**QUESTION 4**

Give ONE term for each of the following descriptions by writing it next to the question number (4.1–4.5) in the ANSWER BOOK.

- 4.1 Person who has suffered as a result of a crime 
- 4.2 Person who has seen an incident or whose testimony confirms the elements of a crime.
- 4.3 Document in which details of a charge are given. This term is used in the lower courts.
- 4.4 Person who reports a crime to the police.
- 4.5 A noncustodial form of supervision applicable to an offender in the community after serving a specific portion of his/her sentence in a correctional centre.

(5 × 1)

**[5]****TOTAL SECTION A:****30****SECTION B****QUESTION 5**

All crimes reported at a police station, whether the crime was committed in that particular precinct or not, must be registered on the Crime Administration System (CAS).

- 5.1 Explain the procedure that must be followed when the CAS is off-line. (6)
- 5.2 Define the term *uncodified legal system*.  (2)
- 5.3 Court proceedings may be recorded in an official language.
- Name any TWO aspects which may be contained in these records. (2)

**[10]**

**QUESTION 6**

6.1 Briefly discuss accommodation during a custody process. (6)

6.2 The processes of the restorative phase include the elements of victim/ offender mediation (VOM).

Identify and discuss which phases are involved in a basic case management process of VOM.

(4)  
[10]



**TOTAL SECTION B: 20**

**SECTION C****QUESTION 7**

Read the extract below and answer the questions.

The public should know how to report crimes. It is equally important that the police officials should know how to deal with the complainant who may be reporting or enquiring about a crime. Statements should be taken in the crime reporting stage. Most probably the perpetrator will be sentenced to serve a certain time in jail.

Discuss TEN conditions relating to community corrections in terms of Section 52 of the Correctional Services Act No 111 of 1998.

[10]

**QUESTION 8**

8.1 Name the FIVE things that a police official must keep in mind when taking a statement. (5)

8.2 Statement taking forms an integral part of investigative processes in the crime reporting stage.

Explain *taking of statements* and give TWO examples of persons from whom statements may be taken. (5)

8.3 Victim impact statements are utilised in the criminal justice processes and have benefits for presiding officers and victims as well as the criminal justice system.

Discuss the benefits of the victim impact statement for the criminal justice system.

(10)  
[20]



**TOTAL SECTION C: 30**

**SECTION D****QUESTION 9**

The first peoples of Africa lived according to their own legal systems called indigenous or customary law.

- 9.1 Discuss the FOUR general characteristic of indigenous law.  (8)
- 9.2 Differentiate between the accusatorial and inquisitorial legal systems. (8)
- 9.3 Explain why the promulgation of the Constitution is an important landmark in the development of the South African criminal justice system. (4)
- [20]

**OR**

**QUESTION 10**

Granting bail to an accused is an alternative to further detention after arrest.

Name and discuss the factors to be taken into account when considering an application for bail.  [20]

**TOTAL SECTION D: 20**  
**GRAND TOTAL: 100**