

**CMY3704**

( 470543)

October/November 2016

**FORMAL REACTION TO CRIME**

Duration 2 Hours

75 Marks

**EXAMINERS**

FIRST

SECOND

EXTERNAL

MRS MJ VICTOR-ZIETSMAN

MRS MS THOBANE

DR K BOOYENS

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**Closed book examination**

**This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue**

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**INSTRUCTIONS**

- Answer **ALL** the questions in **SECTION A**
- Answer **THREE** questions in **SECTION B: ONE 25 mark question; ONE 15 mark question and ONE 10 mark question.**
- Write neatly and legibly
- Number your answers **exactly** as they appear on the question paper
- This examination paper consists of seven (7) pages plus instructions for completion of a mark reading sheet
- Please complete the attendance register on the back page, tear off and hand to the invigilator

- 1 Treatment of offenders that involves various experts and departments refers to treatment
- 1 behavioural
  - 2 meta-analytical
  - 3 cognitive
  - 4 multi-systemic
- (1)
- 2 Joseph is found guilty on a charge of armed robbery and is sentenced to a term of imprisonment. It is believed that this punishment will condition him to avoid committing crime in future. This view is part of
- 1 rehabilitation ideal
  - 2 individual deterrence
  - 3 general deterrence
  - 4 imprisonment threat
- (1)
- 3 Victim impact statements provide the court with four types of information. Indicate which one of the following options is **NOT** one of the four types of information
- 1 The circumstances of the crimes and the way in which it has been committed
  - 2 The effect of the crime on the community
  - 3 The identity and character of the victim
  - 4 The effect of the crime on the victim and the victim's family
- (1)
- 4 The Department of Correctional Service's new policy has resulted in for offenders, which focuses on delivery programmes with non-governmental and community-based organisations where there is joint care for offender development and rehabilitation to meet the individual needs of the offender in the community
- 1 reintegration
  - 2 rehabilitation
  - 3 practice
  - 4 support
- (1)
- 5 John is an advocate for human rights. He argues that society contributes to many criminogenic factors in South Africa and that society therefore has a duty towards offenders. John's argument is based on the theory
- 1 justice
  - 2 rehabilitation
  - 3 reintegration
  - 4 neo-utilitarian
- (1)

- 6 When the court has to decide on an appropriate sentence, it firstly has to consider the crime as part of the traditional triad. As such the court will consider the following
- 1 Nature and gravity of the crime, status of the accused in the community, motive for the crime, willingness of the accused to compensate, impact of the crime on the victim
  - 2 Local pattern of the crime, public opinion, impact of the crime on the victim, motive for the crime, nature and gravity of the crime
  - 3 Existence or absence of previous convictions, sense of indignation about a vile deed, public opinion, discouragement of taking the law into own hands, motive for the crime
  - 4 Motive for the crime, willingness of the accused to compensate, impact of the crime on the victim, status of the accused in the community, protection of the community
- (1)
- 7 Joan is a psychologist employed by the Department of Correctional Services. She manages all treatment programmes and is of opinion that treatment should neutralise the criminogenic factors that contributed to crime. Joan's argument is based on the \_\_\_\_\_ approach to treatment
- 1 rehabilitative
  - 2 broad
  - 3 ethical
  - 4 aetiological
- (1)
- 8 Indicate the most correct option. Medical and health problems, conditions that can impinge the constitutional principle of humane detention, the creation of a breeding ground for gang activities and violence, as well as safe custody, are all aspects related to \_\_\_\_\_
- 1 sanitation
  - 2 management
  - 3 overcrowding
  - 4 standards
- (1)
- 9 Some offenders still maintain that they are not guilty of crime even after conviction. This fact led to the view that the retributive approach is not effective when it comes to the realisation of responsibility. To address this lack of responsibility on the part of the offender the \_\_\_\_\_ justice theory was developed
- 1 reintegrative
  - 2 multisystemic
  - 3 utilitarian
  - 4 restorative
- (1)
- 10 Indicate the most correct option. Tina is a behavioural psychologist, who is of opinion that a person's choice of behaviour is based on his/her search for pleasure. This view is based on the concept of \_\_\_\_\_
- 1 prevention
  - 2 deterrence
  - 3 rehabilitation
  - 4 hedonism
- (1)

- 11 Periodic imprisonment is a permissible sentence in respect of any crime, except for crimes where a sentence is prescribed by the law
- 1 suspended
  - 2 minimum
  - 3 alternative
  - 4 community
- (1)
- 12 As far as the offender's part in the traditional triad is concerned, which of the following factors must be considered during sentencing?
- 1 Physical, mental and emotional state, existence or absence of previous convictions, motive for the crime
  - 2 Impact of long-term incarceration, remorse and willingness to compensate, public opinion
  - 3 Existence or absence of previous convictions, impact of long-term incarceration, physical, mental and emotional state
  - 4 Motive for the crime, vigilantism must be discouraged, the nature and gravity of the crime
- (1)
- 13 During a strike that turned violent, a shop owner was assaulted by one of the strikers named Lawrence. Lawrence was arrested and during the trial his colleagues testified that he is a gentle person and that this crime is contrary to his nature. An expert witness is called to explain Lawrence's behaviour and mentions the occurrence where an individual can be radically transformed by the behaviour of a group of which he forms part, to the extent of developing a collective mind. The view of this witness refers to
- 1 undue influencing
  - 2 contagion theory
  - 3 rehabilitation potential
  - 4 correctional motive
- (1)
- 14 Which one of the following options is regarded as the central theme offered as the rationale behind imprisonment as a punishment objective?
- 1 Capacity elimination
  - 2 Social defense
  - 3 Offence probability decrease
  - 4 Crime prevention
- (1)
- 15 There is a demand that the scope of the legal system be enlarged so that the future life of the offender in the community is considered, both during sentencing and in the correctional phase. This demand is based on
- 1 reintegration
  - 2 rehabilitation
  - 3 justice
  - 4 assessment
- (1)

16 Indicate the most correct option. The primary consideration in penance is not the harm done by the crime, but rather the

- 1 motive for the crime
- 2 feelings of society
- 3 effect on the victim
- 4 moral blame of the offender

(1)

17 The duration of periodic imprisonment to which an offender can be sentenced can vary from 100 to 2000 hours and the sentence is served over periods of at least

- 1 12 hours
- 2 24 hours
- 3 36 hours
- 4 48 hours

(1)

18 Compulsory minimum sentencing might impinge on the principle of \_\_\_\_\_ and could be unconstitutional

- 1 rationality
- 2 equity
- 3 reliability
- 4 proportionality

(1)

19 The philosophy underlying the classical school of criminology is based on certain premises. Indicate which of the following options are related to the classical school of criminology

- (a) The greatest happiness or pleasure through minimum pain should be pursued for the greatest number of people
- (b) The justification for punishment is to be found in the retribution
- (c) The hedonistic principle, namely that every person strives for pleasure and avoids pain
- (d) Offenders pay their debt to the crime victim and society and thus become reconciled to the legal order that existed before the balance was disturbed by the crime
- (e) The assumption that every person has a free will to distinguish between right and wrong

Choose the most correct combination

- 1 (a), (b)
- 2 (b), (c)
- 3 (c), (e)
- 4 (a), (d)

(1)

- 20 Nadene, aged 84, is tried on a charge of murder after killing her life-partner, Pete, by deliberately giving him an overdose of pain killers. During the trial, it comes to light that Pete, who suffered a lot of pain and who was terminally ill, begged Nadene to kill him. Nadene, who is of a very low intelligence, experienced a lot of stress as a result of her life-partner's illness. During the trial she is very tearful and shows a lot of remorse for what he has done.

How many mitigating factors are present in the above scenario?

- 1 2 factors
- 2 3 factors
- 3 4 factors
- 4 5 factors

(1)

- 21 Julian is convicted of culpable homicide and driving under the influence of alcohol after colliding with a cyclist, killing him instantaneously. Julian is instructed by the court to pay the cyclist's family a certain amount of money. In terms of the Criminal Procedure Act, Act 51 of 1977, this refers to

- 1 compensation order
- 2 restitution order
- 3 restorative justice
- 4 community fine

(1)

- 22 Sentencing is one of a presiding officer's most difficult tasks. Which of the following combinations represent Van der Merwe's three approaches of sentencing?

- 1 The constitutional, consistent and indeterministic approach
- 2 The intuitive, rational and empirical approach
- 3 The deterministic, balanced and hard hearted approach
- 4 The aggravating, rational and empirical approach

(1)

- 23 When a person is punished, the aim should not merely be punishment for the sake of punishment. Effective programmes should be utilised to rehabilitate and prevent crime. Which programme, according to Muntingh, would be most effective in this regard?

- 1 Social integration
- 2 Restorative justice
- 3 Multisystemic
- 4 Meta-analytical

(1)

- 24 Which one of the following options is **NOT** a punitive objective?

- 1 Retribution
- 2 Clemency
- 3 Deterrence
- 4 Rehabilitation

(1)

25 Justice in sentencing consists of two elements, namely and

- 1 proportionality, revenge
- 2 revenge, retribution
- 3 consistency, proportionality
- 4 revenge, consistency

(1)  
[25]

**SECTION B** Answer **THREE** questions **ONE 25 mark question;**  
**ONE 15 mark question, and**  
**ONE 10 mark question**

**Answer one question (Number your answers exactly as they appear on the question paper)**

- 1 Discuss the modern philosophy of rehabilitation (25)
- 2 Elaborate on correctional supervision as a form of punishment (25)

**Answer one question (Number your answers exactly as they appear on the question paper)**

- 3 Indicate and briefly discuss which factors can contribute to overpopulation in South African prisons (15)
- 4 Explain how restorative justice can play a role in the reintegration process (15)

**Answer one question (Number your answers exactly as they appear on the question paper)**

- 5 Indicate how retribution can play a role in restoring a disturbed legal balance (10)
  - 6 Discuss "ordinary" imprisonment as one of the different forms of punishment (10)
- [50]

**Total: 75 marks**



PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100 X  
STUDIE EENHEID by PSY100 X

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PAPER NUMBER  
VRAESTELNOMMER

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STUDENT NUMBER  
STUDENTENOMMER

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INITIALS AND SURNAME  
VOORLETTERS EN VAN

DATE OF EXAMINATION  
DATUM VAN EKSAMEN

EXAMINATION CENTRE (E.G. PRETORIA)  
EKSAMENSTENTRUM (BY PRETORIA)

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UNIQUE PAPER NO  
TUNIEKE VRAESTEL NR

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For use by examination invigilator  
Vir gebruik deur eksamenopsiener

IMPORTANT

BELANGRIK

- 1 USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
- 2 MARK LIKE THIS
- 3 CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
- 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
- 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
- 6 CHECK THAT THE UNIQOU NUMBER HAS BEEN FILLED IN CORRECTLY
- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD
- 1 GEBUIK SLEGS 'N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
- 2 MERK AS VOLG
- 3 KONTOLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- 5 KONTOLEER DAT U DIF KORREKTE STUDENT-NOMMMER VERSTREK HET
- 6 KONTROLLER DAT DIE UNIKE NUMMER REG INGEVUL IS
- 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- 8 MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

1 ( ) ( ) ( ) ( ) ( )	36 ( ) ( ) ( ) ( ) ( )	71 ( ) ( ) ( ) ( ) ( )	106 ( ) ( ) ( ) ( ) ( )
2 ( ) ( ) ( ) ( ) ( )	37 ( ) ( ) ( ) ( ) ( )	72 ( ) ( ) ( ) ( ) ( )	107 ( ) ( ) ( ) ( ) ( )
3 ( ) ( ) ( ) ( ) ( )	38 ( ) ( ) ( ) ( ) ( )	73 ( ) ( ) ( ) ( ) ( )	108 ( ) ( ) ( ) ( ) ( )
4 ( ) ( ) ( ) ( ) ( )	39 ( ) ( ) ( ) ( ) ( )	74 ( ) ( ) ( ) ( ) ( )	109 ( ) ( ) ( ) ( ) ( )
5 ( ) ( ) ( ) ( ) ( )	40 ( ) ( ) ( ) ( ) ( )	75 ( ) ( ) ( ) ( ) ( )	110 ( ) ( ) ( ) ( ) ( )
6 ( ) ( ) ( ) ( ) ( )	41 ( ) ( ) ( ) ( ) ( )	76 ( ) ( ) ( ) ( ) ( )	111 ( ) ( ) ( ) ( ) ( )
7 ( ) ( ) ( ) ( ) ( )	42 ( ) ( ) ( ) ( ) ( )	77 ( ) ( ) ( ) ( ) ( )	112 ( ) ( ) ( ) ( ) ( )
8 ( ) ( ) ( ) ( ) ( )	43 ( ) ( ) ( ) ( ) ( )	78 ( ) ( ) ( ) ( ) ( )	113 ( ) ( ) ( ) ( ) ( )
9 ( ) ( ) ( ) ( ) ( )	44 ( ) ( ) ( ) ( ) ( )	79 ( ) ( ) ( ) ( ) ( )	114 ( ) ( ) ( ) ( ) ( )
10 ( ) ( ) ( ) ( ) ( )	45 ( ) ( ) ( ) ( ) ( )	80 ( ) ( ) ( ) ( ) ( )	115 ( ) ( ) ( ) ( ) ( )
11 ( ) ( ) ( ) ( ) ( )	46 ( ) ( ) ( ) ( ) ( )	81 ( ) ( ) ( ) ( ) ( )	116 ( ) ( ) ( ) ( ) ( )
12 ( ) ( ) ( ) ( ) ( )	47 ( ) ( ) ( ) ( ) ( )	82 ( ) ( ) ( ) ( ) ( )	117 ( ) ( ) ( ) ( ) ( )
13 ( ) ( ) ( ) ( ) ( )	48 ( ) ( ) ( ) ( ) ( )	83 ( ) ( ) ( ) ( ) ( )	118 ( ) ( ) ( ) ( ) ( )
14 ( ) ( ) ( ) ( ) ( )	49 ( ) ( ) ( ) ( ) ( )	84 ( ) ( ) ( ) ( ) ( )	119 ( ) ( ) ( ) ( ) ( )
15 ( ) ( ) ( ) ( ) ( )	50 ( ) ( ) ( ) ( ) ( )	85 ( ) ( ) ( ) ( ) ( )	120 ( ) ( ) ( ) ( ) ( )
16 ( ) ( ) ( ) ( ) ( )	51 ( ) ( ) ( ) ( ) ( )	86 ( ) ( ) ( ) ( ) ( )	121 ( ) ( ) ( ) ( ) ( )
17 ( ) ( ) ( ) ( ) ( )	52 ( ) ( ) ( ) ( ) ( )	87 ( ) ( ) ( ) ( ) ( )	122 ( ) ( ) ( ) ( ) ( )
18 ( ) ( ) ( ) ( ) ( )	53 ( ) ( ) ( ) ( ) ( )	88 ( ) ( ) ( ) ( ) ( )	123 ( ) ( ) ( ) ( ) ( )
19 ( ) ( ) ( ) ( ) ( )	54 ( ) ( ) ( ) ( ) ( )	89 ( ) ( ) ( ) ( ) ( )	124 ( ) ( ) ( ) ( ) ( )
20 ( ) ( ) ( ) ( ) ( )	55 ( ) ( ) ( ) ( ) ( )	90 ( ) ( ) ( ) ( ) ( )	125 ( ) ( ) ( ) ( ) ( )
21 ( ) ( ) ( ) ( ) ( )	56 ( ) ( ) ( ) ( ) ( )	91 ( ) ( ) ( ) ( ) ( )	126 ( ) ( ) ( ) ( ) ( )
22 ( ) ( ) ( ) ( ) ( )	57 ( ) ( ) ( ) ( ) ( )	92 ( ) ( ) ( ) ( ) ( )	127 ( ) ( ) ( ) ( ) ( )
23 ( ) ( ) ( ) ( ) ( )	58 ( ) ( ) ( ) ( ) ( )	93 ( ) ( ) ( ) ( ) ( )	128 ( ) ( ) ( ) ( ) ( )
24 ( ) ( ) ( ) ( ) ( )	59 ( ) ( ) ( ) ( ) ( )	94 ( ) ( ) ( ) ( ) ( )	129 ( ) ( ) ( ) ( ) ( )
25 ( ) ( ) ( ) ( ) ( )	60 ( ) ( ) ( ) ( ) ( )	95 ( ) ( ) ( ) ( ) ( )	130 ( ) ( ) ( ) ( ) ( )
26 ( ) ( ) ( ) ( ) ( )	61 ( ) ( ) ( ) ( ) ( )	96 ( ) ( ) ( ) ( ) ( )	131 ( ) ( ) ( ) ( ) ( )
27 ( ) ( ) ( ) ( ) ( )	62 ( ) ( ) ( ) ( ) ( )	97 ( ) ( ) ( ) ( ) ( )	132 ( ) ( ) ( ) ( ) ( )
28 ( ) ( ) ( ) ( ) ( )	63 ( ) ( ) ( ) ( ) ( )	98 ( ) ( ) ( ) ( ) ( )	133 ( ) ( ) ( ) ( ) ( )
29 ( ) ( ) ( ) ( ) ( )	64 ( ) ( ) ( ) ( ) ( )	99 ( ) ( ) ( ) ( ) ( )	134 ( ) ( ) ( ) ( ) ( )
30 ( ) ( ) ( ) ( ) ( )	65 ( ) ( ) ( ) ( ) ( )	100 ( ) ( ) ( ) ( ) ( )	135 ( ) ( ) ( ) ( ) ( )
31 ( ) ( ) ( ) ( ) ( )	66 ( ) ( ) ( ) ( ) ( )	101 ( ) ( ) ( ) ( ) ( )	136 ( ) ( ) ( ) ( ) ( )
32 ( ) ( ) ( ) ( ) ( )	67 ( ) ( ) ( ) ( ) ( )	102 ( ) ( ) ( ) ( ) ( )	137 ( ) ( ) ( ) ( ) ( )
33 ( ) ( ) ( ) ( ) ( )	68 ( ) ( ) ( ) ( ) ( )	103 ( ) ( ) ( ) ( ) ( )	138 ( ) ( ) ( ) ( ) ( )
34 ( ) ( ) ( ) ( ) ( )	69 ( ) ( ) ( ) ( ) ( )	104 ( ) ( ) ( ) ( ) ( )	139 ( ) ( ) ( ) ( ) ( )
35 ( ) ( ) ( ) ( ) ( )	70 ( ) ( ) ( ) ( ) ( )	105 ( ) ( ) ( ) ( ) ( )	140 ( ) ( ) ( ) ( ) ( )

Specimen only