

CMY3704 (479003)

May/June 2016

FORMAL REACTION TO CRIME

Duration 2 Hours

75 Marks

EXAMINERS

FIRST

SECOND

EXTERNAL

MRS MJ VICTOR-ZIETSMAN

MRS MS THOBANE

DR K BOOYENS

Closed book examination

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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

SECTION A (Answer ALL questions on a mark reading sheet provided)

- 1 Annett is caught red-handed after stealing a loaf of bread from a shop. The shop owner is very angry and demands that she is sentenced to 10 years imprisonment. You are the legal adviser of the business and you indicate that according to the principle, she cannot receive such a harsh sentence.
- 1 just deserts
 - 2 proportionality
 - 3 retribution
 - 4 rehabilitation
- (1)
- 2 Which objective is regarded as the most important aim of punishment?
- 1 *retribution*
 - 2 rehabilitation
 - 3 deterrence
 - 4 mercy
- (1)
- 3 Indicate the most correct option. When a presiding officer gives a sentence, the punishment must be determined according to legality and fairness. This is part of
- 1 traditional triad
 - 2 mitigating factors
 - 3 aggravating factors
 - 4 mercy
- (1)
- 4 When an expert witness compiles a presentencing report, it is important to adhere to the principle of which holds that every individual and his/her circumstances are unique
- 1 selectivity
 - 2 responsibility
 - 3 clarity
 - 4 flexibility
- (1)
- 5 The fact that some prosecutors are afraid that their control over a case will be reduced and that the predictability of the outcome of a case will, as a result, be undermined is one criticism against
- 1 pre-sentence reports
 - 2 element of mercy
 - 3 minimum sentences
 - 4 victim impact statements
- (1)

- 6 The underlying idea of a disturbed legal balance in retribution is that
- 1 the aggrieved person acts against the offender on a private basis
 - 2 the offender deserves punishment that can compensate for the harm to society
 - 3 punishment should be in proportion to the seriousness of the crime
 - 4 the legal order in society can be restored by punishing criminals for their offence
- (1)
- 7 Indicate the most correct option Deterrence, incapacitation and rehabilitation are linked to
- 1 crime prevention
 - 2 retribution
 - 3 revenge
 - 4 just desserts
- (1)
- 8 Which one of the following options is related to utilitarianism?
- 1 Law-abiding citizens receive the message that punishment is attached to the crime
 - 2 Punishment will deter if the disadvantage of punishment is greater than the benefits attached to the crime
 - 3 Criminal behaviour is directed by weighing up enjoyment from the crime against the unpleasantness of punishment
 - 4 Punishment should strive to obtain the greatest pleasure through the least amount of pain for the majority of people
- (1)
- 9 Commissioner X tries to curb the spree of burglaries in a specific neighbourhood by erecting closed-circuit televisions and many street lights He also deploys foot patrollers in civil clothing to patrol the streets during the night and day These crime deterrence efforts can be categorised under deterrence
- 1 absolute
 - 2 partial
 - 3 general
 - 4 marginal
- (1)
- 10 After an intensive manhunt, a serial murderer is arrested He is trialled and sentenced to four life-imprisonments without the option of parole This sentence refers to incapacitation
- 1 collective
 - 2 reflective
 - 3 selective
 - 4 general
- (1)

- 11 Sam is living on the streets and does not have any income or family to care for him. He steals to survive and claims that he has no other option as his circumstances determine his behaviour. Sam has a/an _____ view of his criminal acts.
- 1 indeterministic
 - 2 hedonistic
 - 3 deterministic
 - 4 discretionary
- (1)
- 12 The difference between revenge and retribution is sometimes not clear. Revenge and retribution are distinguished by the _____ in which sentencing takes place.
- 1 attitude and spirit
 - 2 time and place
 - 3 situation and circumstances
 - 4 time and circumstances
- (1)
- 13 When a crime is committed, it creates a breach between the offender and the community from which the offender comes. Jessy (a social worker that deals with offenders) believes that when dealing with crime the focus should be on building as well as repairing the close ties between the offender and the community. Her argument is based on the _____ model.
- 1 medical
 - 2 adaptation
 - 3 reintegration
 - 4 aetiological
- (1)
- 14 In an effort to assist the victim of crime, the Criminal Procedure Act 51 of 1977 makes provision in various ways for the payment of damages to the victim. This is known as (a) _____.
- 1 compensation order
 - 2 restitution order
 - 3 community fine
 - 4 restorative justice
- (1)
- 15 The criteria applied by courts when imposing correctional supervision as punishment is that it must be _____.
- 1 affordable to the Department of Correctional Services
 - 2 convenient to the offender's family
 - 3 in relation to the correctional supervision officers available
 - 4 meted out to an offender who needs supervision and can benefit from it
- (1)

- 16 Two important elements have been identified as aspects which may enhance the success of reintegration, namely
- 1 therapeutic influencing and level of acceptance
 - 2 risk assessment and treatment plan
 - 3 classification plan and release mechanism
 - 4 human individuality and reintegration preparation
- (1)
- 17 The optimal preventative effect of punishment is implied by deterrence
- 1 partial
 - 2 absolute
 - 3 marginal
 - 4 indirect
- (1)
- 18 Desmond is found guilty on a charge of motor vehicle theft. He is the breadwinner of his family and has five kids. His lawyer requests a pre-sentence report and the criminologist compiling the report indicates that a suitable sentence in Desmond's case would be (a) which refers to a wide variety of measures whose common characteristics are that they are implemented outside prison
- 1 suspended sentence
 - 2 community service
 - 3 periodic imprisonment
 - 4 correctional supervision
- (1)
- 19 The Offender Rehabilitation Path-model assists in the rehabilitation of all offenders who enter the correctional system and is based
- 1 allocation
 - 2 justice
 - 3 needs
 - 4 integration
- (1)
- 20 Indicate the most correct option. Which of the following statements can be regarded as a characteristic of retribution?
- 1 It is a reaction to crime
 - 2 It aims to restore the social equilibrium, not the legal balance
 - 3 There is no correlation between the extent of retribution and restoring the imbalance
 - 4 It is an informal rejection of criminal behaviour
- (1)

- 21 The fact that structural causes of offending behaviour should be addressed, is part of shaming
- 1 stigmatic
 - 2 reintegrative
 - 3 selective
 - 4 societal
- (1)
- 22 The intervention that enhances family involvement and contact with the offender and increases awareness of rights and responsibilities of families during imprisonment and after release, refers to the
- 1 Khulisa
 - 2 Phoenix Project
 - 3 TEP programme
 - 4 Integrated Youth Offender Programme
- (1)
- 23 According to Munting (2000) must ensure commitment of the offender as part of the community of good citizens and act according to the principles of mutual respect and non-exploitation
- 1 punishment
 - 2 reintegration
 - 3 rehabilitation
 - 4 retribution
- (1)
- 24 What does the term “crime clearance rate” refer to?
- 1 It is the percentage of crime known to the police
 - 2 It is the percentage of trialled criminals
 - 3 It is the percentage of convicted criminals
 - 4 It is the amount of undetected crime
- (1)
- 25 What are the objectives of the “Are you Tough Enough” programme by NICRO?
- 1 rehabilitation and reintegration
 - 2 development of skills and improving relationships
 - 3 restitution and rehabilitation
 - 4 compensation and restoration
- (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 Give a detailed discussion of non-custodial forms of punishment (25)
- 2 Provide a detailed discussion on mitigating and aggravating factors (25)

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

- 3 Discuss the crime, the offender and society as elements of the traditional triad (15)
- 4 Provide a detailed discussion of factors contributing to prison overcrowding (15)

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

- 5 Retribution restores a disturbed legal balance Briefly discuss this statement (10)
- 6 Give your view on the value of imprisonment by referring to the advantages as well as the disadvantages of imprisonment (10)
[50]

