

CMY3704 (494754)
SECOND PAPER

May/June 2017

FORMAL REACTION TO CRIME

Duration 2 Hours

75 Marks

EXAMINERS

FIRST

SECOND .

EXTERNAL .

MRS MJ VICTOR-ZIETSMAN

DR MS THOBANE

DR K BOOYENS

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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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****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. For a sentence to be regarded as an indeterminate sentence, it must be longer than . years
1. five
 2. seven
 3. twelve
 4. twenty
- (2)
2. A suspended sentence serves the purpose of deterrence
1. individual
 2. specific
 3. general
 4. future
- (2)
3. Which type of sentence is described as an “appreciable sentence”?
1. correctional supervision
 2. community service
 3. direct incapacitation
 4. periodic imprisonment
- (2)
4. Jenny is attacked and raped after going to a movie. She is blamed by her family and community for the rape, as she was warned not to go to the movies alone. The fact that Jenny is blamed by the community is an indication that she is .
1. responsible for her victimisation
 2. a victim of primary victimisation
 3. a victim of secondary victimisation.
 4. not subjected to any victimisation
- (2)
5. The duration of periodic imprisonment to which an offender may be sentenced can vary from to.. hours
1. 24, 150
 2. 72, 1200
 3. 100; 2000
 4. 150, 1672
- (2)
6. The presentencing report forms the core of the of the offender
1. personality and make-up
 2. personal circumstances and environment
 3. factual and diagnostic study
 4. history and background
- (2)

- 7 Treating offenders is a complicated task that involves various experts and departments. This refers to .. treatment.
- 1 behavioural
 2. meta-analytical
 3. cognitive
 - 4 multi-systemic (2)
8. Sally is convicted of culpable homicide and driving under the influence of alcohol after colliding with a motorist who was killed instantly. Sally is instructed by the court to pay the motorist's family a certain amount of money. In terms of the Criminal Procedure Act, Act 51 of 1977, this payment refers to ...
1. compensation
 - 2 restitution
 - 3 restorative justice
 - 4 community fine (2)
- 9 Sentencing is one of a presiding officer's most difficult tasks. Which of the following combinations represent Van der Merwe's (1996) three approaches to sentencing?
- 1 the constitutional approach, the consistent approach and the indeterministic approach
 2. the intuitive approach, the rational approach and the empirical approach
 3. the deterministic approach, the balanced approach and the hardhearted approach
 - 4 the aggravating approach, the rational approach and the empirical approach (2)
- 10 Rehabilitation is one of the aims of punishment. Should punishment be part of rehabilitation?
1. Yes, punishment has certain inherent qualities that can contribute to the rehabilitation of the offender.
 - 2 No, rehabilitation deals with the pursuit of a new value system, and punishment does not form part of it.
 3. No, punishment does not provide the opportunity for positive behaviour change
 - 4 Yes, but it is only of limited value and there is no indication of moral influencing (2)
- 11 Periodic imprisonment is a competent sentence in respect of any crime, except for crimes where a minimum sentence is prescribed by law. Offenders serve their sentences in periods of , and are released after this period to resume their normal work and family responsibilities.
1. between 24 and 48 hours at a time
 - 2 between 16 and 24 hours at a time
 3. between 24 and 72 hours at a time
 - 4 between 16 and 48 hours at a time (2)

12. South Africa is a country that is characterised by high crime rates. Rapid changes and the high rate of urbanisation are also contributing to this situation. According to Mogoeng (2006), which of the following factors might contribute to a more stable community?
1. accurate justice
 2. predictable and effective actions
 3. belief and trust in justice
 4. responsible and affordable sentencing (2)
13. According to Garkawe (2006) some experts criticise victim impact statements. Which one of the statements below does not form part of the criticism?
1. The victim impact statement may lead the court to put too little emphasis on the effect that the crime had on the victim
 2. It could place an additional load on an already overloaded justice system in that it could extend the trial and make it more expensive
 3. It could have a negative effect on the consistency of sentences, especially if it is not submitted in all serious cases
 4. It could emphasise the retribution and revenge aspect of punishment (2)
14. Which of the following theories concentrate on personal responsibility as opposed to retribution in deciding on a suitable punishment for an offender?
1. social reintegration
 2. multi-systemic
 3. neo-utilitarian
 4. restorative justice (2)
15. The "Inkanyezı yentathakusa" project is part of the NICRO programme. The objectives are to .
1. enhance family involvement and contact with the offender
 2. increase awareness of the rights and responsibilities of families while at home.
 3. involve the communities in the rehabilitation and reintegration of offenders
 4. engage group discussions and contact with the community (2)
16. Sentencing is regarded as a humane process. Which one of the following options includes the elements of sentencing as a humane process?
1. juridical balance; discretion of presiding officer; fair sentencing, sentencing is not aimless
 2. judge's view of humankind, consistent sentencing; judgement decision making inspired by humaneness
 3. juridical balance, judge's view of humankind, discretion of presiding officer; consistent sentencing
 4. discretion of presiding officer, consistent sentencing, fair sentencing, judgement decision making inspired by humaneness (2)

- 17 When compiling a presentencing report one needs to remember that the aim of the report is to assist the court in its assessment of ...
- 1 who the offender is and what the best action would be to take against the offender
 - 2 who the offender is and whether the offender is guilty of crime.
 - 3 who the offender is and whether the offender is not guilty of crime
 - 4 who the offender is and what crime the offender committed. (2)
- 18 It is said that there are so many criminal factors present inside a prison environment that it is likely that a person will learn even more about crime inside the prison. You are appointed as the new prison head, and your approach is to focus strictly on neutralising criminality and criminogenic factors inside the institution. Which approach to treatment in the institution are you utilising?
- 1 rehabilitative approach
 - 2 broad approach
 3. ethical approach
 4. aetiological approach (2)
- 19 The premise that offenders are responsible for their own behaviour and have the ability to lead law-abiding lives is part of the . model.
- 1 medical
 - 2 adaptation
 - 3 adjustment
 - 4 reintegration (2)
- 20 A teenager who was vandalising lion cages at the Pretoria Zoo was sentenced to community service. The sentence specifies that the teenager will have to clean cages at the zoo for one year. What is the amount of hours the teenager may be working at the Zoo each month?
1. 12 hours
 - 2 16 hours
 3. 24 hours
 4. 48 hours (2)
- 21 The Department of Correctional Services (DCS) embarked on a process of transformation where humane . . are at the centre of their core business
- 1 treatment and safety
 - 2 punishment and treatment
 - 3 custody and rehabilitation
 - 4 treatment and rehabilitation (2)

22. Victims have always felt left-out by the criminal justice system. Consequently a need was expressed to involve victims in the judicial decision-making process and to entitle them to certain services. Indicate which of the following options are **NOT** related to this statement.

- (a) A right to call upon financial and practical support in the period following the offence
- (b) The right to be consulted on whether or not to prosecute the offender
- (c) The right to be consulted on bail and punitive decisions
- (d) The right to make an input during parole decisions

Choose the most correct combination

- 1 (a) and (b)
- 2 (a) and (c)
- 3 (b) and (c)
- 4 (c) and (d) (2)

23. The crime, the accused and the interests of the community have to be taken into consideration when deciding on an appropriate sentence. These three factors are generally referred to as .

- 1 the traditional triad
- 2 objectives of punishment
- 3 circumstances of purpose
- 4 proportionality principles (2)

24. The aims to enhance community based programmes established on multi-disciplinary approaches involves

- 1 effective supervision of prisoners released on parole
- 2. partnerships between Department of Correctional Services (DCS) and the community.
- 3 the promotion of effective community policies.
- 4 the protection of the community (2)

25. You are addressing a group of students and you are asked what "crime clearance rate" refers to. You answer that it refers to the

- 1. percentage of crime known to the police that results in the tracking down and arrest of suspects
- 2 percentage of criminals that are awaiting trial prisoners.
- 3 percentage of criminals that were arrested and convicted
- 4. amount of crime that is never detected. (2)

[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 three (3) elements of the traditional triad that are used in sentencing. In your answer also refer to the fourth element as mentioned in the cases of Kumalo 1973(3) SA697 (A) and Sparks 1972(3) SA396(A) [25]
- 2 It is important that a criminologist should know about the presence of mitigating and aggravating factors. Provide a detailed discussion on these factors [25]

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

- 3 Describe the role of retribution in punishment on the basis of the principle of just deserts [15]
- 4 "According to the indeterministic paradigm, people are viewed as rational beings who direct their behaviour according to the principles of hedonism and utilitarianism." Explain these assumptions as a basis for deterrence [15]

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

- 5 Discuss the general principles that are applicable when a sentence of "ordinary" imprisonment is imposed [10]
- 6 Discuss the general principles underlying the imposition of community-based sentences [10]

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100-K
STUDE-EENHEID by PSY100-K

1

PAPER NUMBER
VRAEGSTELNOMMER

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INITIALS AND SURNAME
VOORLETTERS EN VAN

3

DATE OF EXAMINATION
DATUM VAN EKSAMEN

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EXAMINATION CENTRE (E.G. PRETORIA)
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For use by examination invigilator
Vir gebruik deur eksamenopsiener

IMPORTANT

- 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 UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD

BELANGRIK

- 1 GEBUIK SLEGS N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
- 2 MERK AS VOLG
- 3 KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- 5 KONTROLEER DAT U DIF KORREKTE STUDENTENOMMER VERSTREK HET
- 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
- 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- 8 MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

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Specimen only

MARK READING SHEET INSTRUCTIONS

Your mark reading sheet is marked by computer and should therefore be filled in thoroughly and correctly

USE ONLY AN HB PENCIL TO COMPLETE YOUR MARK READING SHEET

PLEASE DO NOT FOLD OR DAMAGE YOUR MARK READING SHEET

Consult the illustration of a mark reading sheet on the reverse of this page and follow the instructions step by step when working on your sheet

Instruction numbers ① to ⑩ refer to spaces on your mark reading sheet which you should fill in as follows

- ① Write your paper code in these eight squares, for instance

P	S	Y	1	0	0	-	X
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- ② The paper number pertains only to first-level courses consisting of two papers

WRITE

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- ③ Fill in your initials and surname
- ④ Fill in the date of the examination
- ⑤ Fill in the name of the examination centre
- ⑥ WRITE the digits of your student number HORIZONTALLY (from left to right). Begin by filling in the first digit of your student number in the first square on the left, then fill in the other digits, each one in a separate square
- ⑦ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ⑧ WRITE your unique paper number HORIZONTALLY
NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)
- ⑨ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ⑩ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-].

◆ For official use by the invigilator. Do not fill in any information here