

**FOR1502**

May/June 2017

**INVESTIGATION OF SELECTED CRIMES AND TRANSGRESSIONS**

Duration : 2 Hours

100 Marks

**EXAMINERS :**

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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.**

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

**This examination consists of 9 questions. Answer all the questions.**

**QUESTION 1**

Match the phrase in column A with the phrase/ statement in column B by writing the answer down as indicated below:

**EXAMPLE**

COLUMN A		COLUMN B	
<b>A</b>	The person that you want to arrest for a crime is called the	<b>1</b>	Witness
<b>B</b>	A person who saw the crime take place is called a	<b>2</b>	Victim
<b>C</b>	The person who was attacked is called the	<b>3</b>	Suspect

**ANSWER:**

A – 3

B – 1

C – 2

COLUMN A		COLUMN B	
<b>A</b>	The principle of legality is derived from the Latin term	<b>1</b>	Code of Good Practice Dismissals
<b>B</b>	Offences in terms of the Second-Hand Goods Act	<b>2</b>	Prior to the institution of disciplinary proceedings
<b>C</b>	Schedule 8 of the Labour Relations Act	<b>3</b>	Considered a serious disciplinary matter
<b>D</b>	Malicious damage to property	<b>4</b>	<i>Poor performance</i>
<b>E</b>	Employee consistently fails to attain the standard of work set by the employer	<b>5</b>	<i>nullum crimen sine lege</i>
<b>F</b>	To hear the other persons side	<b>6</b>	Offences related to theft
<b>G</b>	Determine the nature of the misconduct and the seriousness	<b>7</b>	Related to theft
<b>H</b>	<i>aberratio ictus</i>	<b>8</b>	<i>audi alteram partem</i>
<b>I</b>	Misuse of company property	<b>9</b>	Regarded as one of the most disloyal acts
<b>J</b>	To steal from your employer	<b>10</b>	Going astray of the blow

[10]

[TURN OVER]

**QUESTION 2**

Indicate whether the following statements are True or False.

- 2.1** Misconduct is an offence in terms of the labour law. (1)
- 2.2** It is your responsibility as the investigating officer to institute disciplinary proceedings against an offending employee. (1)
- 2.3** The standard of proof required for a departmental trial is on a balance of probabilities. (1)
- 2.4** The burden of proof refers to the side that must prove a case in order to succeed. (1)
- 2.5** Within a corporate environment it is not necessary to have a workplace policy that deals with matters of discipline. (1)
- 2.6** It is considered racist to call a German person a Jerry. (1)
- 2.7** It is considered theft if I take something that has been thrown in the dustbin outside the office building. (1)
- 2.8** You do not have to physically touch a person to be guilty of assault, a verbal threat is sufficient under certain circumstances. (1)
- 2.9** When you undertake an investigation for a company as a private investigator, it is not necessary to obtain anything in writing. (1)

[TURN OVER]

**2.10** The reason why a company undertakes disciplinary action against an employee has to do with substantive fairness.

(1)

[10]

**QUESTION 3**

Explain the difference between disciplinary misconduct and a criminal offence. Give an example of each.

[10]

**QUESTION 4**

Sophie has been the secretary for a director at a marketing company for six years. She has recently completed her BCom Honours degree. Sophia and Jeremiah apply for the same position as the secretary of the chief executive officer (CEO). The job requirements are three or more years' experience with the company and a post-graduate qualification. Jeremiah is the nephew of the CEO and has a Human Resources certificate. She has been with the company for six months. Mary is appointed. Based on this situation, answer the following questions:

**Question 4.1**

Is the appointment of Jeremiah lawful? Please motivate your answer.

(3)

**Question 4.2**

Describe how you would go about investigating this incident

(10)

[13]

[TURN OVER]

**QUESTION 5**

Joseph Manamela is the Janitor at AJAX International. On Tuesday, 2017-04-29, he reports to the Risk Manager that Mr Moorcroft made a racist remark towards him by referring to him as the "Tswana gentleman who cleans the tea room". You are tasked to investigate this incident. Based on this situation, answer the following questions:

**Question 5.1**

Has Mr Moorcroft committed a disciplinary transgression? Give reasons for your answer by explaining which transgression (if any) has been committed.

(3)

**Question 5.2**

Describe what steps you would take to investigate this incident. Substantiate your discussion.

(10)

[13]

**QUESTION 6**

Consider each of the examples below and say whether you think the act amounts to theft. Explain your answer.

**Question 6.1**

While away on a business trip, Jane takes her manager's cellphone to call her husband without permission but returns it.

(2)

**Question 6.2**

Amy eavesdrops on her colleague sharing a creative strategy for cutting costs in the company. She writes a memo to the CEO explaining the strategy and as a result gets a performance bonus.

(2)

[TURN OVER]

**Question 6.3**

William takes a box of paper home. He gives it to his son to use when making photocopies for an assignment.

(2)

**Question 6.4**

Julius takes the new Samsung S7 cell phone out of the secretary's handbag. He removes the SIM card and deletes the information on the phone and gives it to his girlfriend as a gift.

(2)

**Question 6.5:**

Karen takes a juice bottle from the fridge, drinks the contents and puts the empty container back into the fridge.

(2)

**[10]****QUESTION 7**

How many types of perjury does the South African law provide for? Name them.

**[4]****QUESTION 8**

Explain the difference between defeating the ends of justice and obstructing the course of justice. Provide a practical example of each.

**[8]****QUESTION 9**

Ms Sylvia Khumalo is the Manager of Archive Records. On Wednesday 6 June she asks her office clerk, Mr Jason Nthomeni, to work late. Once they are alone in the office she drapes her arm around his shoulders and begins to unbutton her shirt. She whispers in his ear that she can make life easy for him if he plays along and treats her like a lady. Jason gets such a big fright that he runs out of the office. He reports the matter to the Forensic division the next day. Based on this situation, answer the following questions:

**[TURN OVER]**

**Question 9.1**

Explain what transgression/offence (if any) has been committed. Give reasons for your answer.

**(3)****Question 9.2**

You are tasked to investigate this incident. Once you have completed your investigation, write a report that covers the elements numbered 9.2.1 to 9.2.9 listed below. Make sure that you address the bullet points for each of these elements.

- 9.2.1 Name and designation of the investigator [2]
- 9.2.2 Allegation being investigated [1]
- 9.2.3 Details of person being investigated [2]
- 9.2.4 Background of investigation: [4]
- From whom did the mandate to investigate this incident come? (½)
  - What gave rise to this situation? (½)
  - What actions (if any) have already been taken? (½)
  - Provide brief information on the person being investigated (employment history/disciplinary record). (½)
  - Has this person been suspended (yes/no) or redeployed? Give reasons for any actions taken. (2)
- 9.2.5 Demarcation of investigation [2]
- What allegations are being investigated? (1)
  - Under which policy is this investigation being carried out? (½)
  - What policies (if any) have been transgressed? (½)
- 9.2.6 Investigation process [2]
- Explain how the investigation progressed. (½)
  - Give a brief overview of the investigative methods used (CCTV footage/interviews) and for what purpose. (½)
  - Provide a timeline of the investigation, with an explanation for delays. (½)
  - Provide a brief explanation of who was interviewed and why. (½)

**[TURN OVER]**

**9.2.7 Findings**

- Provide a summary of the findings in relation to 9.2.5.

**9.2.8 Conclusion****[2]**

- Provide a concise conclusion in relation to the findings reported in 9.2.7.

**9.2.9 Appendixes****[2]**

- Provide a chronological list of evidence gathered under 9.2.6.

**[22]****TOTAL: 100 MARKS**