

**FOR1502
SECOND PAPER**

May/June 2018

Investigation of Selected Crimes and Transgressions

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

EXTERNAL

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Closed book examination

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This examination paper consist of four (4) pages

Answer all the questions in this question paper

Question 1

Indicate whether the following statements are **True** or **False**

- 1 1 It is your responsibility as the investigating officer to institute disciplinary proceedings against an offending employee (1)
- 1 2 Disciplinary action is never instituted against an employee for poor work performance. (1)
- 1 3 In civil matters, the standard of proof is much higher than in criminal cases (1)
- 1 4 Malicious damage to property is considered a less serious crime than other common law crimes (1)
- 1 5 It is racist to call a transgender female a lesbian (1)
- 1 6 It is acceptable to lie under oath if it helps to convict a rapist (1)
- 1 7 Within a corporate environment, it is not necessary to have a workplace policy that deals with matters of discipline (1)
- 1 8 The burden of proof refers to the side that must prove a case to succeed (1)
- 1 9 It is considered theft if I take something that has been thrown in the dustbin outside the office building (1)
- 1 10 The reason a company undertakes disciplinary action against an employee has to do with substantive fairness (1)

[10]

Question 2

List five (5) examples of expressions that may amount to racism.

[5]

Question 3

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

[4]

Question 4

Discuss the elements of malicious damage to property

[9]

QUESTION 5

Briefly discuss misuse of company property

[7]

Question 6

Explain the origin of "nepotism" and provide a definition of the term (in your own words)

[5]

Question 7

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

[10]

Question 8

Explain the difference between defeating and obstructing the course of justice. Provide practical examples in your discussion

[10]

Question 9

Ms Sylvia Khumalo is the manager of Archive Records. On Wednesday 10 October 2018, 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. You are tasked to investigate the incident.

Based on scenario, answer the following questions

- 9.1 Explain what transgression/offence (if any) has been committed Give reasons for your answer (3)
- 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 Make sure that you discuss 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 (5)
- 9.2.5 Demarcation of investigation (2)
- 9.2.6 Investigation process (5)
- 9.2.7 Findings (4)
- 9.2.8 Conclusion (3)
- 9.2.9 Appendices (3)
- [30]

Question 10

It may seem that theft is a reasonably simple crime to prove Discuss the element of crime with regard to theft [10]

Total: [100]