

CMY3704

(489757)

May/June 2018

FORMAL REACTION TO CRIME

Duration 2 Hours

75 Marks

EXAMINERS

FIRST

SECOND

EXTERNAL

PROF BW HAEFELE

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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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 After arguments for mitigation and aggravation of sentence have been dealt with, the _____ has to make a determination on an appropriate sentence
- 1 court
 - 2 community
 - 3 ombudsman
 - 4 judicial commission
- (1)
- 2 What, according to many experts, is the most difficult task of the court?
- 1 Cross-examination
 - 2 Subpoenaing
 - 3 Sentencing
 - 4 Releasing
- (1)
- 3 _____ factors refer to the reduction of the moral culpability of the accused and/or the blameworthiness of the accused's action
- 1 Extenuating
 - 2 Aggravating
 - 3 Justifying
 - 4 Mitigating
- (1)
- 4 Aggravating factors generally result in a _____ sentence
- 1 lenient
 - 2 moderate
 - 3 inhumane
 - 4 heavier
- (1)
- 5 Which one of the options below describes a sentencing decision that is tempered by humanity and compassion?
- 1 Forgiveness
 - 2 Justice
 - 3 Empathy
 - 4 Mercy
- (1)
- 6 An appropriate punishment should give expression to the _____ and _____ of criminality
- 1 prevalence, frequency
 - 2 modus operandi, level
 - 3 nature, seriousness
 - 4 frequency, location
- (1)

- 7 is regarded as the most important aim of punishment and consists of two components, namely to prevent the offender from committing a crime again and to discourage potential criminals
- 1 Retribution
 - 2 Rehabilitation
 - 3 Deterrence
 - 4 Probation
- (1)
- 8 The premise that the causes of criminal behaviour can be found, not only in the person of the offender, but also in environmental factors, or a combination of person and environment, is part of
- 1 modern rehabilitation
 - 2 medical philosophy
 - 3 adjustment model
 - 4 reintegration view
- (1)
- 9 Carl is found guilty on a charge of housebreaking and theft 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
 - 2 individual deterrence
 - 3 general deterrence
 - 4 imprisonment
- (1)
- 10 The criterion applied by courts when imposing correctional supervision as punishment is
- 1 It must be affordable to the Department of Correctional Services
 - 2 It must be convenient to the offender's family
 - 3 The offender must need supervision and benefit from it
 - 4 It must be in relation to the availability of correctional supervision officers
- (1)
- 11 The part of the traditional triad that is firstly considered, before the court determines an appropriate sentence, is known as the
- 1 offender
 - 2 society
 - 3 crime
 - 4 suspect
- (1)

- 12 Treatment of offenders involving various experts and departments refers to treatment
- 1 behavioural
 - 2 meta-analytical
 - 3 cognitive
 - 4 multi-systemic
- (1)
- 13 In South Africa, a pre-sentencing investigation and report are sometimes a requirement under the following circumstances
- 1 When the social history of the offender is under examination
 - 2 When it is advisable to include the personal circumstances of the accused
 - 3 When correctional supervision is proposed as a suitable sentence
 - 4 When an expert is asked to write a report on the accused
- (1)
- 14 Which of the options below is **NOT** part of the information included in the victim impact statement?
- 1 The circumstances of the crimes and the modus operandi
 - 2 The effect of the crime on the community
 - 3 The identity and character of the victim
 - 4 The effect of crime on the victim and the victim's family
- (1)
- 15 Which one of the following viewpoints holds a central message that people are regarded as rational beings that direct their behaviour in line with the principles of hedonism and utilitarianism?
- 1 Deterministic
 - 2 Proportionality
 - 3 Indeterministic
 - 4 Decisive
- (1)
- 16 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 and safe custody are all aspects related to
- 1 sanitation
 - 2 management
 - 3 overcrowding
 - 4 standards
- (1)

- 17 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)
- 18 In the Constitutional Court case of _____ it was found that the death penalty is an unconstitutional form of punishment.
- 1 S v Sparks 1972 (3) SA 396 (A)
 - 2 S v Zinn 1969 (2) SA 537 (A)
 - 3 S v Makwanyane 1995 (3) SA 391 (KH)
 - 4 S v Rabie 1975 (4) SA 855 (A)
- (1)
- 19 Periodic imprisonment is a permissible sentence in respect of any crime, except for crimes where a _____ is prescribed by law.
- 1 suspended sentence
 - 2 minimum sentence
 - 3 alternative sentence
 - 4 community sentence
- (1)
- 20 The Criminal Procedure Act, Act 51 of 1977, makes provision, in various ways, for the payment of damages to the victim or the victim's family. This is known as _____.
- 1 compensation
 - 2 restitution
 - 3 restoration
 - 4 integration
- (1)
- 21 The pre-colonial societies in Africa concentrated more on the _____ of crime.
- 1 statistics
 - 2 victims
 - 3 society
 - 4 perpetrator
- (1)
- 22 Which of the following is a philosophy of punishment that only has meaning if remorse is present in the offender and punishment is regarded as an opportunity to pay for the crime?
- 1 Rehabilitation
 - 2 Vengeance
 - 3 Retribution
 - 4 Penance
- (1)

- 23 Indicate which philosophers are regarded as the most involved thinkers in advocating the application of utilitarian principles in the punishment of offenders
- 1 Lombroso and Conklin
 - 2 Hirschi and Bandura
 - 3 Beccaria and Bentham
 - 4 Gottfredson and Garofalo
- (1)
- 24 The growing interest in incapacitation coincided with the development of _____ in criminology
- 1 post-modernism
 - 2 positivism
 - 3 classicalism
 - 4 new right realism
- (1)
- 25 The ideal of rehabilitation is traditionally associated with the _____ model
- 1 traditional
 - 2 positivist
 - 3 integration
 - 4 medical
- (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 Provide a detailed discussion of non-custodial forms of punishment [25]
- 2 Discuss the strategies for solving/alleviating the problem of prison overcrowding (overpopulation) in South African correctional facilities [25]

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

- 3 Discuss the six (6) assumptions underlying incapacitation [15]
- 4 Debate Van der Merwe's (1996) three (3) approaches to the methodology of sentencing that are commonly followed in the sentencing process [15]

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

- 5 Explain the partnership between government and civil society, and interdepartmental relationships in the promotion of effective social reintegration [10]
- 6 What are the identified advantages of a victim impact statement specifically for the criminal justice system? [10]
[50]

Total. 75 marks

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 ❶ to ❿ refer to spaces on your mark reading sheet which you should fill in as follows

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

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

WRITE

0	1
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 for the first paper and

0	2
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 for the second. If only one paper, then leave blank

- ❸ Fill in your initials and surname
- ❹ Fill in the date of the examination
- ❺ Fill in the name of the examination centre
- ❻ 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
- ❼ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ❽ 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)
- ❾ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ❿ 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