

FOR2601

May/June 2017

FORENSIC METHODS AND TECHNIQUES II (MODULE A)

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

SECOND

EXTERNAL

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Closed book examination

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This examination question paper consists of six (6) pages

INSTRUCTIONS

- 1 Answer all the questions in this examination question paper

QUESTION 1

- 1 Provide seven (7) differences between interviewing and interrogating (14)
 - 2 What are three (3) means that can be used to detect crime and transgressions in an organisation? (6)
 - 3 Provide a specific term for the following descriptions
 - 3 1 An anonymous activity by a person with the intention of disclosing information in the public interest which may be regarding a crime or a transgression in an organisation
 - 3 2 An act of accepting, agreeing or offering to accept any gratification from any other person whether for the benefit of self or the other person that leads to unauthorised or improper inducement to do or not to do something
 - 3 3 An association of employees whose principal purpose is to regulate the relations between employees and employers including any employers' organisation
 - 3 4 Any number of employers associated together for the purpose of regulating relations between employers and employees or trade unions
 - 3 5 A process by which employers and organised employees seek to reconcile their differences through a process of demands and concede to reach an agreement (10)
- [30]**

QUESTION 2

Four options are provided as possible answers to the following questions Choose the answer and write only the alphabet (A–D) next to the question number.

- 1 Section 35 of the Constitution deals with, amongst others, the rights of
 - A investigated people
 - B detained people
 - C witnesses in court
 - D investigating officials

[TURN OVER]

- 2 The public protector can be best described as
- A government entity
 - B chapter 9 institution
 - C chapter 2 institution
 - D investigation agency
- 3 Private law is a branch of law which regulates a relationship between
- A statutory bodies
 - B government and citizens
 - C an investigator and a suspect
 - D individuals in a community
- 4 For which of the following conditions can an Anton Piller order be obtained?
- A The actual or potential damage must be calculated
 - B The applicant must be a member of a law enforcement agency
 - C The applicant's actual or potential damage must be very serious
 - D Clear evidence must exist that the respondents have in their possession incriminating evidence, although it is not possible to destroy such material
- 5 Identify a law of natural justice which provides for the right of both parties to be heard
- A *ad litem*
 - B *consensus ad idem*
 - C *amicus curiae*
 - D *audi alteram partem*
- 6 Which one of the following is a main event in the investigation process?
- A case construction
 - B preliminary research
 - C release of the suspect
 - D giving evidence in court

- 7 Which one of the following is a means of detection for crimes, transgressions, or incidents?
- A statutory reporting obligations
 - B statutory reports
 - C accounting responsibilities
 - D corporate gossip
- 8 Which one of the following is an example of a red flag?
- A corporate system
 - B behaviour
 - C switching off
 - D bank statements
- 9 Which one of the following organisations hosts the National Anti-Corruption Hotline?
- A Special Investigating Unit
 - B Public Service Commission
 - C South African Police Service
 - D National Prosecuting Authority
- 10 The financial management in the local government sphere is regulated by
- A the Public Finance Management Act
 - B the Prohibition and Combatting of Corrupt Activities Act
 - C the Local Government Transition Act
 - D the Municipal Finance Management Act

[10]

[TURN OVER]

Read the following scenario and answer the questions that follow

SCENARIO 1

Mr Pako Mothobi is the municipal manager of Ratlou Local Municipality. The Council of the municipality requested him to contact prospective bidders for the provision of water tankers. Since the amount in question was below R200 000, he had to request quotations. He requested quotations from three private companies. However, before he had received all the quotations, he allegedly contacted one of the bidders, Mr Magents Ramasilo, and told him the amounts quoted by the other two bidders. This information allegedly enabled Mr Ramasilo to make his quotation lower than the other two quotations, leading to him being awarded the contract. The communication between Mr Mothobi and Mr Ramasilo took place by means of electronic messages, but Mr Mothobi may have printed the messages and kept them in his office at work. There is also an allegation that money was deposited into the municipal manager's bank account by Mr Ramasilo's accounting department. The accountant normally prints the deposit slips and keeps them in a lever arch file.

This matter was reported to the Office of the Public Protector by Mr Tsholo Sooke. He is a councillor and he feels that the municipality has been brought into disrepute and robbed. You are an investigator attached to the Office of the Public Protector and this matter was allocated to you for investigation. Mr Sooke provides you with a statement and is prepared to give testimony in court.

Your investigation is not easy, however. First, you get a phone call from the mayor of the municipality who tries to influence the outcome of investigation. It also transpires later that one of your colleagues, who is also an investigator, has stolen your case file and given it to the municipal manager in exchange for a kickback. As if that is not enough, Mr Mothobi lays a charge against you, claiming that you assaulted him during an interview. Further, Mr Mothobi calls some of your witnesses and threatens them. He tells them that they will lose their jobs and that he will harm their families. Despite all of these obstacles, you manage to secure Mr Mothobi's arrest and he is charged. However, after he is released on bail, he disappears and is nowhere to be found during the second appearance in court. Although the name Magents Ramasilo is continuously mentioned, you still want to investigate the matter further and only obtain a warning statement from Mr Ramasilo without charging him.

[TURN OVER]

QUESTION 3

- 1 The investigation process in the given scenario is likely to follow a series of sequential actions, from the time the crime or transgression is reported until the case is concluded in court. Identify five (5) events that will take place during the investigation process after the crime has been reported (5)
- 2 Indicate the purpose of the following pieces of legislation as they may relate to the above scenario
- 2.1 the Public Finance Management Act
- 2.2 the Local Government Municipal Finance Management Act
- 2.3 the Criminal Procedure Act
- 2.4 the Promotion of Access to Information Act
- 2.5 the Financial Services Board Act (15)
- [20]

QUESTION 4

- 1 Critically discuss the concept of 'whistle-blowing' in forensic investigations. Your answer should include the following
- 1.1 the definition of 'whistle-blowing'
- 1.2 the purpose of 'whistle-blowing'
- 1.3 internal 'whistle-blowing'
- 1.4 external 'whistle-blowing' (20)
- 2 Provide a brief description of the 'no-knock' rule in the given scenario (2)
- 3 Explain the establishment of the office of the public protector including the body that they are reporting to (4)
- 4 Identify and briefly describe four instances or bodies that can be investigated by the public protector (8)
- 5 What are three requirements that a search and seizure warrant by the public protector must meet in the given scenario? (6)
- [40]

GRAND TOTAL · 100