



MARKING SCHEME

SUMMER 2019

**LEVEL 3 AWARD IN CRIMINOLOGY - UNIT 4
4543UD0-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2019 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

It is hoped that this information will be of assistance to centres but it is recognised at the same time that, without the benefit of participation in the examiners' conference, teachers may have different views on certain matters of detail or interpretation.

WJEC regrets that it cannot enter into any discussion or correspondence about this marking scheme.

LEVEL 3 AWARD IN CRIMINOLOGY - UNIT 4

MARK SCHEME - SUMMER 2019

Question			Answer	Mark	LO
1	(a)	(i)	Award 1 mark for correctly identifying who would have found Sarah guilty in the Crown Court. Likely answer may include The jury are responsible for the verdict of guilty.	1	LO1
1	(a)	(ii)	Award 1 mark for correctly identifying who would have imposed the prison sentence. Likely answer may include The judge would be responsible for imposing the prison sentence.	1	LO1
1	(b)		0 marks: Nothing worthy of any marks. 1-2 marks: Answers describe in limited detail the crime control model of criminal justice referred to by Sarah's lawyer. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 3-4 marks: Answers describe in detail the crime control model of criminal justice referred to by Sarah's lawyer. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: - This model involves the repression of crime being the most important function of criminal justice, because order is a necessary condition for a free society. - It concentrates on promoting victims' rights rather than on protecting defendants' rights. - The method suggests that the criminal justice process should operate like an assembly-line conveyor belt, moving cases swiftly along toward their disposition. - If the police make an arrest and the CPS brings a charge, the accused should be presumed guilty because the fact-finding of police and CPS is highly reliable. - An example of a case, such as Colin Stagg. - Examples of relevant areas of law may include abolition of the double jeopardy rule and extended pre-charge detention for terrorist suspects. Credit any other relevant response.	4	LO1

Question	Answer	Mark	LO
1 (c)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers describe in limited detail one behavioural tactic used by prisons to achieve social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-5 marks: Answers describe in detail one behavioural tactic used by prisons to achieve social control. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: Token economies • May be used to control behaviour. They are based on the psychological concept of behaviour modification. This means rewarding positive behaviour and punishing negative behaviour. An institutional management draws up a list of behaviours they wish to promote. The Incentives and Earned Privileges system • Introduced in 1995, this is an essential tool of prison management. It promotes conforming behaviour through rational choice. Enabling people to earn benefits in exchange for responsible behaviour encourages prisoners to engage with sentence planning and ensures a more disciplined and controlled environment that is safer for staff and prisoners. Other outcomes include a reduced risk of self-harm and improved staff–prisoner relationships. Prison Rules • Prisons must impose rules to keep control and prevent further crime occurring. The following are examples of rules of behaviour that are prohibited in prison: behaving in a way that could offend, threaten or hurt someone else; stopping prison staff from doing their jobs; causing damage to the prison; not doing what prison staff say. The following are examples of punishments if prison rules are broken: you could get a caution; your privileges (such as having a TV in the cell) could be taken away for up to 42 days; up to 84 days' of any money earned could be stopped; locked in a cell alone, away from other prisoners for up to 35 days. This is called cellular confinement. Credit any other relevant response.	5	LO3

Question	Answer	Mark	LO
1 (d)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers that discuss in limited detail two possible aims of the prison sentence imposed on Sarah. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-6 marks: Answers that discuss in detail two possible aims of the prison sentence imposed on Sarah. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: Deterrence • S142 Criminal Justice Act 2003 mentions deterrence as an aim of punishment. General deterrence to send out a clear message to potential offenders that prison is a possibility. • Individual deterrence to Sarah, as she must serve the prison sentence and would be likely to return to prison for future re-offending. Retribution • Idea based on an offender's behaviour being deserving of punishment. This could include the length of the sentence – 3 years – and the fact that a weapon – a knife – was used. It does not seek to alter future behaviour. Incapacitation or protection of the public • Punishments must serve a useful purpose for society. While Sarah is in prison, the public are not being affected by her criminal activity. The public are safe from someone using a knife as a weapon. Rehabilitation • A forward-looking aim with a hope that the offender's behaviour will be altered and they will not re-offend. Prison would provide direction and rehabilitation, allowing Sarah to return to society. Denunciation • Society expressing disapproval of criminal activity. It shows that justice is being done. It reinforces the moral boundaries of acceptable conduct and can mould society's view. Sarah is being told that her behaviour is not acceptable. Credit any other relevant response.	6	LO2

Question	Answer	Mark	LO
1 (e)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers discuss in basic detail how theories of criminology have influenced the aims of sentencing. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-6 marks: Answers discuss in some detail how theories of criminology have influenced the aims of sentencing. Answers communicate meaning with some use of specialist vocabulary. 7-8 marks: Answers discuss in detail how theories of criminology have influenced the aims of sentencing. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy. Likely answers may include: Rehabilitation - Individualistic theories of criminality would support rehabilitation as an aim of punishment. For instance, behaviour modification treatment, such as anger management courses, focus on techniques to extinguish undesirable behaviours and promote desirable ones. Retribution - A right realist approach would consider retribution as a fitting method of punishment. This is because it ensures the defendant is being punished to an appropriate level, without consideration of the reasoning behind the crime or prevention of future offending. Individual Deterrence - The social learning theory would consider individual deterrence as an appropriate aim. Prisons are often classed as universities of crime so it may be that some offenders are learning how to commit more crime from fellow prisoners. The prevalent subculture, such as a peer group, is one of the main ways observational learning takes place. So it is important to deter this approach. General deterrence - The social structure theory, and in particular Marxism, is likely to view criminality and punishment as inevitable given the capitalist society in which we live. Sentences are a means to control the working class who are heavily policed in comparison to the upper classes.	8	LO2

Question	Answer	Mark	LO
	Reparation - The left realist approach may see such an aim as a way of providing practical measures to reduce crime and produce a long-term change to a more equal, caring society. Denunciation - A functionalist approach to criminality would see social control as a means of achieving solidarity in society. The setting of boundaries of acceptability towards crime strengthens social cohesion and the willingness of members of society to cooperate with one another. - In addition, it could be argued that labelling offenders as criminal produces further crime, as offenders start to view themselves as criminals. This can lead to a self-fulfilling prophecy, where offenders start to internalise the label and begin acting and behaving in a way that mirrors the label. Credit any other relevant response.		
	Total for Question 1	25	

Question		Answer	Mark	LO
2	(a)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers describe in limited detail what the crown prosecutor might say about the role of the Crown Prosecution Service in the organisation of the criminal justice system. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-5 marks: Answers describe in detail what the crown prosecutor might say about the role of the Crown Prosecution Service in the organisation of the criminal justice system. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: • established under the Prosecution of Offences Act 1985 • power to decide charge in all but minor offences under the Criminal Justice Act 2003 • must decide which cases should be prosecuted, keeping them all under continuous review • determine the appropriate charges in more serious or complex cases and advise the police, particularly during the early stages of investigations • prepare cases and present them at court using a range of in-house advocates, self-employed advocates or agents • provide information, assistance and support to victims and prosecution witnesses • use of evidential test and the public interest to determine whether or not to prosecute • funding, philosophy and working practices. Credit any other relevant response.	5	LO1

Question		Answer	Mark	LO
2	(b)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers discuss in basic detail the role of the police service in social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-5 marks: Answers discuss in detail the role of the police service in social control. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: • The aim of the police is to reduce crime and maintain law and order. This involves the protection of life and property and preservation of the peace and prevention and detection of criminal offences. • They do this by working alongside communities and having the statutory powers of arrest, detention, search and interview. Their powers are substantially contained in the Police and Criminal Evidence Act (PACE) 1984. • All police forces have teams of officers who are responsible for general beat duties and respond to emergency and non-emergency calls from the public. • Nearly all police officers begin their careers in this area of policing, with some moving on to more specialist roles. For instance, 'neighbourhood officers and Criminal Investigation Department (CID) dealing with serious/complex crimes • funding, philosophy and working practices. Credit any other relevant response.	5	LO3

Question	Answer	Mark	LO
2 (c)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers examine in limited detail how crime committed by those with moral imperatives is a limitation in achieving social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-6 marks: Answers examine in detail how crime committed by those with moral imperatives is a limitation in achieving social control. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: • A moral imperative is a strongly felt principle that may compel a person to act illegally. In other words, offenders can commit crime as they believe they are doing the right thing from a moral viewpoint. • Assisted suicide could be argued to be a crime committed with a compassionate motive. In the UK, helping someone to die is a criminal offence. However, a family member may resort to such action if they believe it is at the express wish of the victim. Example Kay Gilderdale. • Anti-vivisection protestors also believe their actions are the right thing to do. Attempts to protest against experiments on live animals can result in criminal offences. • It can be difficult to change the mind-set of offenders with a moral imperative. Hence this can be a limitation in achieving social control. Punishment is unlikely to alter their views. Credit any other relevant response.	6	LO3

Question	Answer	Mark	LO
2 (d)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers evaluate in limited detail the effectiveness of the police service and the Crown Prosecution Service in achieving social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-6 marks: Answers evaluate in some detail the effectiveness of the police service and the Crown Prosecution Service in achieving social control. Answers communicate meaning with one aspect evaluated in detail and some use of specialist vocabulary. 7-9 marks: Answers evaluate in detail the effectiveness of the police service and the Crown Prosecution Service in achieving social control. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy. Likely answers may include: Police • examples of successful policing, including work in the community preventing crime and protecting the public. • prevention of anti-social behaviour • credit any local force initiatives such as the Durham force with Checkpoint • reference to cases that have an impact on the effectiveness of the police, such as Stephen Lawrence • statistics, such as those from the Office for National Statistics. CPS • independence of the CPS. Use of full codes test to produce the due process model of criminal justice • establishment of CPS Direct • references to cases such as Lord Jannar and Damilola Taylor • comments such as it being over centralised, bureaucratic and too close to the police • official reports such as Glidewell and Narey • failure to disclose evidence in rape cases. Credit any other relevant response.	9	LO3
	Total for Question 2	25	

Question	Answer	Mark	LO
3 (a)	Award a maximum of 3 marks for a description of how the Probation Service is funded. [3] AC3.1 Likely answers may include: • This is a government sponsored agency that manages high-risk offenders within the community. The government provides funding from income tax revenue. • The agency is part privatised. The medium and lower risk offenders are managed by 21 Community Rehabilitation Companies. These are businesses and are self-funded, working for profit.	3	LO3
3 (b)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers evaluate in limited detail the effectiveness of the Probation Service. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-5 marks: Answers evaluate in detail the effectiveness of the Probation Service. Answers communicate meaning with some use of specialist vocabulary. Likely answers may include: • issues regarding the part privatisation of the agency. A joint report in June 2017 (HM Inspectorate of Probation and HM Inspectorate of Prisons, 2017) by the Chief Inspectors of Probation and Prisons says staff are focused on paperwork and targets at the expense of prisoners • criticisms that the work done by the 21 Community Rehabilitation Companies (CRC) are having a negligible impact on reducing prisoner offending rates. The above report contains many criticisms that have an impact on the effectiveness of the probation service • criticisms include too many prisoners have been released not knowing where they would sleep that night. Also, in too many cases, prisoners' risk to the public has been inadequately assessed before release • credit relevant examples, such as triple killer Joanne Dennehy, who was under the supervision of probation workers when she murdered three men in 2013. David, or Braddon, who was on probation, – with a CRC – when he murdered, by beating to death, 18 year old Conner Marshall in 2015. • A strength is provided through the monitoring and support of offenders, for example drug treatment. Credit any other relevant response.	5	LO3

Question			Answer	Mark	LO
3	(c)	(i)	Award a maximum of 1 mark for identification of each of the two aims of a probation order as a court punishment. Likely answers may include: • rehabilitation • retribution • deterrence • reparation • Protection of society/incapacitation.	1,1	LO2
3	(c)	(ii)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers explain in limited detail how probation orders act as an external form of social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-5 marks: Answers explain in some detail how probation orders act as an external form of social control. Answers communicate meaning with some use of specialist vocabulary. 6-7 marks: Answers explain in detail how probation orders act as an external form of social control. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy. Likely answers may include: • Probation is an external form of social control that acts as a pressure to try and persuade or compel members of society to conform to the rules. • Probation uses coercion to achieve a desired result. A threat of future punishment for the law breaking. • Probation orders also act as a deterrent or threat to stop people from further offending. • There is an individual deterrence with a continued threat of custody for future breaking of the law, including a breach of the terms of the order. • Probation orders could be seen as a general deterrence by members of society. This includes the fear that a probation order be given together with the restrictions and conditions it imposes. People can envisage the potential consequences of breaking the law. • There may be reference to a control theory to explain why people do not commit crime. For example Walter C Reckless or Travis Hirschi. • Probation Service works with other agencies to safeguard the public, for example MAPPA (multi-agency public protection arrangements). Credit any other relevant response.	7	LO2

Question	Answer	Mark	LO
3 (d)	0 marks: Nothing worthy of any marks. 1-3 marks: Answers analyse in limited detail the relationship between the Probation Service and other agencies in the criminal justice system. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 4-6 marks: Answers analyse in some detail the relationship between the Probation Service and other agencies in the criminal justice system. Answers communicate meaning with some use of specialist vocabulary. 7-8 marks: Answers analyse in detail the relationship between the Probation Service and other agencies in the criminal justice system. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy. Likely answers may include: • The Probation Service is part of HM Prison and Probation Service, formally called National Offender Management Service (NOMS). This is part of the Ministry of Justice, which also includes the courts and prisons. • The National Probation Service (NPS) oversees prisoners once released from prison, if on licence or parole. • The police may be called upon to assist if a person on probation reoffends. The police will arrest an offender released from prison who breaches the terms of his or her release and is recalled. • The NPS will liaise, and make preparations, other agencies when prisoners are about to be released. • There will be overseeing with all of the prisoners who have served a sentence of up to two years, and released on licence, for a minimum of 12 months. • Probation officers will attend the court and provide advice about any breaches. They may be called upon to prepare a report for the court, especially if the court is considering imposing a probation order. The judge or magistrate could order such a probation report. Credit any other relevant response.	8	LO1
	Total for Question 3	25	

Question Number	LO1	LO2	LO3	Total
1(a)(i)*	1			1
1(a)(ii)	1			1
1(b)	4			4
1(c)			5	5
1(d)		6		6
1(e)*		8		8
2(a)*	5			5
2(b)*			5	5
2(c)			6	6
2(d)*			9	9
3(a)			3	3
3(b)			5	5
3(c)(i)		2		2
3(c)(ii)		7		7
3(d)*	8			8
Total LO	19	23	33	75
% LO	25-35%	30-40%	35-45%	100
Marks	19-26	23-30	26-34	75

* These questions are synoptic and require the candidate to draw on knowledge and understanding from units 1, 2 and 3.