



LEVEL 3 MARKING SCHEME

SUMMER 2022

**LEVEL 3
CRIMINOLOGY – UNIT 4
4543UD0-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2022 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 CRIMINOLOGY – UNIT 4

SUMMER 2022 MARK SCHEME

Scenario: Kate and Philippa are sisters and both work in the criminal justice system. Kate is a police officer and Philippa is a probation officer. They both enjoy their work and each believes that their profession is the more effective in achieving social control.

1. (a) Identify **one** aim of the police service in achieving social control. [1]

0 marks	The response does not meet any of the criteria specified below.
1 mark	Award 1 mark for a correct point

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- To keep law and order
- To protect the public
- The prevention and detection of criminal offences
- The exercise of police powers such as arrest, detention and interview

- (b) Explain the reach, and other working practices, of the police service in achieving social control. [6]

0 marks	The response does not meet any of the criteria specified below.
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- In England and Wales the police service has both a national and local reach
- It is divided into 43 territorial police force areas: 39 in England and 4 in Wales, for example Cleveland, Kent and Heddlu De Cymru (South Wales Police)
- Each force area has police officers working on patrol and general duties, responding to emergency and non-emergency calls from the public
- The service is operative 24 hours a day, 365 days a year
- The police exercise powers including arrest, stop and search, and detention. Many of these powers are contained in the Police and Criminal Evidence Act 1984
- After a probationary period of working on the beat, many police officers opt for more specialised areas of work. Such roles include Criminal Investigation Department (CID), drug squad, dog handlers and specialist operations such as firearms, royal protection and counter terrorism
- There is a hierarchy in the police service, including various ranks such as constable, sergeant, inspector, superintendent and chief constable

- (c) Examine how finance can be a limitation for agencies in achieving social control. [9]

0 marks	The response does not meet any of the criteria specified below.
1–3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4–6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7–9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- All the agencies in the criminal justice system face financial pressures with a reduced budget. This includes the police and probation services
- There have been many references in the press to a reduced police budget, for instance the central grant to police has decreased by 25% in real terms between 2010/11 and 2014/15. Inevitably, this will limit the number of police officers available to investigate and detect crimes. Her Majesty's Inspectorate of Constabulary (HMIC) issued a warning that a shortage of detectives and investigators amounts to a "national crisis"
- Prison services also suffer from budget cuts. According to the *Prisonphone* website (2017) between 2011/12 and 2014/15, the former National Offender Management Service (NOMS) decreased its budget by a quarter, which equated to £900 million. Clearly this had a significant impact on the prison population, including incidences of suicide, self-harm and attacks on staff. The Prison Officers' Association has warned that inmates with mental health problems are in extra danger without a boost in resources. A lack of finances may have also contributed to unrest and rioting in prisons, for example HMP Birmingham in 2016
- The CPS is not immune to financial problems, and has experienced staff cuts, which has arguably led to a marked decline in its performance with inadequate case progression and preparation. Clearly, this could lead to miscarriages of justice, and therefore decreases the effectiveness of social control.
- The effectiveness of groups such as the Prison Reform Trust is impeded by the lack of secure funding due to their reliance on voluntary contributions. If they do not receive public donations, they are unable to function. In addition, any government grants that the organisations are able to claim also are being reduced
- There are problems within the probation services and this has affected the resources available and the efficiency of support. The work of the Community Rehabilitation Companies (CRC) has also been affected by resources. Some have gone into liquidation

- (d) Evaluate Philippa's viewpoint regarding the effectiveness of the probation service in achieving social control. [9]

0 marks	The response does not meet any of the criteria specified below.
1–3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4–6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7–9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Probation Officers are academically qualified and highly experienced in managing offenders, including those of high risk, those undertaking community orders or those on release from prison
- Community orders can be much more effective than other punishments such as custody. The probation service usually oversees the community orders
- The probation service can assist offenders in accessing treatment for drugs and alcohol addiction
- The probation service manages “approved premises” to provide offenders with accommodation as they try to settle back into the community
- There has been much criticism over the past few years of both the National Probation Service and privatised Community Rehabilitation Companies (CRCs)
- Part-privatisation of the probation service was criticised in a joint report in June 2017 by HM Inspectorate of Probation and HM Inspectorate of Prisons by the Chief Inspectors of Probation and Prisons who stated that staff are focused on paperwork and targets at the expense of prisoners' welfare
- There are criticisms that the work carried out by the 21 Community Rehabilitation Companies are having a negligible impact on reducing prisoner offending rates. In June 2020 the government announced it would terminate all CRC contracts by June 2021 and services would be transferred to the newly formed Probation Service run by the government.
- The June 2017 report named above contains many criticisms that have an impact on the effectiveness of the probation service. These criticisms include too many prisoners having 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 their release
- Examples may include: Usman Khan who killed two people on London Bridge in November 2019 following a prisoner rehabilitation conference; David Braddon who was on probation – with a CRC – when he murdered, by beating to death, 18-year-old Conner Marshall in 2015; or the killing of 5-year-old Alex Malcolm by Marvyn Iheanacho who was on probation with the National Probation Service at the time of Malcolm's murder

Scenario: A group called Eco Protesters are campaigning for a more ecologically sustainable environment. They are protesting by sitting on a train track and are refusing to move. Their methods anger some commuters who want them to be arrested; however, others believe they have the right to protest in such a manner. Two of the protesters have appeared in court and were given the longest prison sentence allowed.

2. (a) Briefly describe the parliamentary (governmental) process of making laws. [4]

0 marks	The response does not meet any of the criteria specified below
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- A collection of proposals is put together through consultation in the form of a Green Paper
- Firm proposals are then put forward in a White Paper
- A bill enters parliament and proceeds through both the House of Commons and the House of Lords
- There are various stages involving debates, and voting takes place including the First Reading, Second Reading, Committee Stage
- Royal Assent must be given to enable the bill to become law

(b) (i) Identify **three** features of the due process model of criminal justice. [3]

0 marks	The response does not meet any of the criteria specified below.
Up to 3 marks	Award 1 mark for each correct point

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- This puts the defendant at the heart of the case
- It allows all legal rights
- It links to the theory of left realism
- It aims to minimise police powers
- It emphasises the presumption of innocence (until proven guilty)

- (ii) Identify **three** features of the crime control model of criminal justice. **[3]**

0 marks	The response does not meet any of the criteria specified below.
Up to 3 marks	Award 1 mark for each correct point

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- This puts the victim at the heart of the case
- It tries to restrict legal rights
- It links to the theory of right realism
- It aims to maximise police powers
- It adopts a conveyor-belt approach to crime control, where speed is of the essence

- (c) Explain how the court system acts as an external form of social control. **[6]**

0 marks	The response does not meet any of the criteria specified below.
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- It is the court system that determines the decision in a criminal case. This may be the magistrates, who determine both liability and impose a punishment, or – in the Crown Court – a jury which decides liability, and a judge who imposes the sentence
- The process of attending court may act as a deterrent due to the consequences of punishment and also the shame and embarrassment of attending court
- There is an individual deterrent, with the sentence for an individual, and a general deterrent to prevent others from breaking the law and receiving similar punishment
- The court tries to persuade or compel people to abide by the law or conform to the punishment given
- The fear of punishment and consequences such as loss of liberty or financial punishment means that courts are an external form of social control
- There may be reference to a control theory to explain why people do not commit crime, for example Reckless or Hirschi

- (d) Describe the relationship between the police, courts and prisons during the process of a criminal case. [9]

0 marks	The response does not meet any of the criteria specified below.
1-3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4-6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7-9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- The police service is the agency that investigates crimes prior to court hearings. This includes interviewing witnesses and collecting relevant evidence
- The police will ensure a charged suspect is placed before the court where bail is refused. If bail is granted, the police will give a date to the defendant to attend the local magistrates' court
- All criminal cases will start in the magistrates' court. All summary offences remain there but either way offences may be sent to the Crown Court for a jury trial and indictable offences must go to the Crown Court
- The police often attend court to give evidence in a criminal case, and they may attend court to seek search and arrest warrants
- The court is the agency that passes custodial sentences and ensures that the defendant is taken to prison
- If a prisoner on remand needs to be brought before the court, the prison and court must liaise to make the appropriate arrangements
- If someone is released from prison on licence or parole and is thought to be in breach of their conditions, the police will arrest them and place them before the court
- The police and prison services will liaise when a prisoner is to be released and requires further monitoring. There will be a multi-agency meeting to ensure the public are protected, for example MAPPA (multi-agency public protection arrangements)

Scenario: Jake is before the local Crown Court on two charges of grievous bodily harm with intent. Due to the seriousness of the charges, the Crown Prosecution Service has asked the judge to impose an immediate prison sentence. However, the defence lawyer has submitted that a period of unpaid work in the community, imposed by a community order, would be the most appropriate punishment. After careful consideration, the judge decides to impose a prison sentence of 12 months.

3. (a) Identify **three** aspects of the role of a judge in a criminal case. [3]

0 marks	The response does not meet any of the criteria specified below.
Up to 3 marks	Award 1 mark for each correct point

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- To make any decision concerning points of law
- To ensure any case is fair and human rights compliant
- To inform the jury about the law and their role
- To impose a punishment following a guilty verdict or guilty plea
- To decide bail applications

(b) Identify **three** features of financial penalties as a form of punishment. [3]

0 marks	The response does not meet any of the criteria specified below.
Up to 3 marks	Award 1 mark for each correct point

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- A monetary payment, ordered by a court, to be paid by a defendant
- Often the sentence is given for minor offences such as minor driving offences or minor theft
- A frequent punishment from a magistrates court
- A court will take account of the defendant's financial circumstances before giving a financial penalty
- Financial penalties for summary offences are on an increasing scale
- Compensation may be paid to a victim of a crime, or the Victim Surcharge Fund
- A financial contribution to the prosecution's costs could be ordered by the court.

(c) Discuss the aims of Jake's prison sentence.

[6]

0 marks	The response does not meet any of the criteria specified below.
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Deterrence

- S.142 Criminal Justice Act 2003 actually mentions deterrence as an aim of punishment, so the court may have this aim in mind when ordering a prison sentence
- A general deterrence sends out a clear message to potential offenders that prison is a possible option
- Individual deterrence lets the individual know that further custody is available to a court for reoffending
- Individual deterrence lets Jake know that further custody is available to a court for reoffending

Retribution

- This idea is based on an offender's behaviour being deserving of punishment. This idea is based on Jake's behaviour being deserving of a prison sentence
- It does not seek to alter future behaviour, but deprive Jake of his liberty
- It can be seen as the punishment fitting the crime as Jake's offending is so serious only a custodial sentence can be justified
- It is seen as revenge or "an eye for an eye" as the seriousness of the offence warrants Jake losing his freedom

Incapacitation or public protection

- Jake's prison sentence can serve a useful purpose for society
- The public are safe from a dangerous offender
- The restrictions include a loss of liberty and confinement

Rehabilitation

- A forward-looking aim with a hope that the offender's behaviour will be altered and they will not reoffend
- A forward-looking aim with a hope that Jake's behaviour will be altered and he will not reoffend
- The aim of prison is to provide direction and rehabilitation for Jake. This could include programmes such as anger management and managing relationships

(d) Assess how community orders meet the aims of punishment.

[9]

0 marks	The response does not meet any of the criteria specified below.
1-3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4-6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7-9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- The aims of punishment can include retribution, reparations, rehabilitation and deterrence
- A community order combines punishment with activities carried out in the community. For example, up to 300 hours of unpaid work and tasks can include removing graffiti or cleaning overgrown areas
- Rehabilitation in the form of treatment is possible, for example, relating to drugs or alcohol
- According to the Bromley Briefings, the use of community sentences has nearly halved since 2006 and account for just over 9% of all sentences
- However they are 8.3% more effective than short custodial sentences at reducing reoffending rates. This suggests some success with the aim of rehabilitation
- Some studies have suggested that more than three quarters of those sent to prison have at least one previous community sentence. This would suggest that they do not rehabilitate and prevent reoffending
- 70% of offenders complete their community orders. This could suggest that deterrence is provided by this sentence. However, 30% are in breach of the conditions, for example, by reoffending and are returned to court for an alternative sentence. This suggests that deterrence is not effective
- Community sentences are also much less expensive than a prison sentence which is an advantage when budgets are limited
- Examples may include Eric Cantona, who was – ultimately – sentenced to training young footballers after he kung-fu kicked an opposition supporter; or footballers Wayne Rooney and Joey Barton who were both sentenced to unpaid work in the community. This could link to success of retribution as an aim of punishment
- In Scandinavia, community orders are the main form of sentencing and recidivism is very low, therefore it could be argued that the sentence succeeds as a deterrent

- (e) Briefly describe how internal forms of social control contribute to individuals abiding by the law. [4]

0 marks	The response does not meet any of the criteria specified below
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Values and norms can influence rational ideology
- Tradition is an incentive to some individuals
- Family and the social milieu in which individuals are socialised may have an impact
- Religious teachings can have a strong influence on individuals' outlooks
- Conscience and a personal sense of morality may encourage individuals to abide by the law
- Candidates may refer to theories such as those of Freud, Hirschi and/or Reckless