LEVEL 3 MARKING SCHEME

WINTER 2022

LEVEL 3
CRIMINOLOGY – UNIT 4
4543UD0-1

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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.

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LEVEL 3 CRIMINOLOGY – UNIT 4

WINTER 2022 MARK SCHEME

1. (a) Describe the model of justice that reflects Horace's viewpoint. **[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.

- Horace's viewpoint is reflected by the *due process model*.
- This model focuses on the presumption of innocence and the necessity to produce fairness. It is argued that it is important to protect the defendant's legal rights.
- The model proposes that police power must be limited to prevent official oppression, and the rights of individuals should prevent wrongful convictions.
- The model outlines that there must be a thorough investigation of a case with legislative obstacles to protect the rights of the innocent.
- The right to appeal a decision in a criminal case is a feature of this model.
- Examples may be provided, and these may include: the Police and Criminal Evidence Act (1984); and the Human Rights Act (1998).
- It links to the theory of left realism, which focuses on the reasons why people commit crimes.

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(b) Briefly describe what is meant by internal social control. **[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.

- Social control refers to techniques and strategies for preventing criminal behaviour in society.
- Internal social control involves regulating one's own behaviour in accordance with accepted forms
- It can be seen as one's conscience, customs or values.
- It may be linked to religion or family traditions.
- Often, we conform to rules because our sense of self-respect demands it.
- Internal social control allows for the internalisation of social rules and morality
- Some examples may be given and these may be linked to, for example, religious fasts such as Ramadan or Lent, or they may be linked to why people do not steal as it is governed by one's conscience.

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(c) Examine the weaknesses of the Crown Prosecution Service (CPS) 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.

- Candidates may argue that the CPS is an over-centralised and bureaucratic organisation.
- Candidates may refer to official reports such as Glidewell and Narey, which reviewed the effectiveness of this agency.
- The CPS has been found wanting in some areas, and it has been argued to have made a number of prosecuting errors. For example, those relating to Lord Janner and Damilola Taylor.
- Concerns have been raised about the relationship between the CPS and the police. Candidates may exemplify this by noting the difficulties experienced during the efforts to prosecute Abu Hamza.
- Further problems include the failure to disclose evidence in rape cases.
- Candidates may also note that in some cases the CPS has been liable to pay damages. For example, the case of the radio presenter Paul Gambaccini, who was paid damages for prosecution by the CPS regarding unfounded sexual abuse charges.

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(d) Describe the organisation of the criminal justice system as it is experienced by the CPS (Mari) **and** the defence (Horace). **[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 CPS (Mari)

- As a member of the CPS, Mari would work closely with the police service. The CPS provides advice to the police and makes the decision whether to prosecute and, if so, what the appropriate charge will be.
- The CPS may be contacted by the police 24 hours a day by using *CPS Direct*.
- The CPS prepares for the court hearings and keeps the case under review
- It also attends court and carries out the advocacy in the case. This could be either a Magistrates' court or the Crown Court.
- The CPS will also be in contact with defence lawyers, who may negotiate various aspects of criminal cases with representatives from the CPS. For instance plea bargaining, which could include acceptance of a guilty plea to a lower charge.
- The CPS and the defence team will appear in court together.
- The CPS may also appear in an appeal case. This could be in the High Court, Court of Appeal or the Supreme Court.

The defence (Horace)

- Defence lawyers may need to attend the police station to advise clients. They will work with the police during this time and in any subsequent court proceedings.
- A defence lawyer and the CPS appear in court together and conduct the case for the defence and prosecution respectively.
- The CPS will disclose evidence to the defence to enable them to prepare their case.
- The court is likely to be either a Magistrates' court or the Crown Court depending on the seriousness of the case.
- A defence lawyer may need to attend prison to visit a client remanded in custody.
- The probation service may be asked to produce a pre-sentence report on the defendant and may discuss issues with the defence lawyer.

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2. (a) Explain how the police may be perceived 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.

- External social control may be defined as influences that persuade or compel a person to conform with rules so that they do not commit crime.
- The threat of police action, such as arrest and detention, serves as an external form of social control.
- Many people have a fear of punishment and all the consequences of being arrested by the police. It may result in a loss of a job, relationship or housing problems.
- If court proceedings follow, this may serve as a general deterrent to society.
- The shame or embarrassment of being arrested and questioned by the police may act as a method of external social control.
- The police may act as a pressure to try and persuade or compel members of society to conform to the rules.
- The police could be seen as using their power as coercion to achieve a desired result. This may include the threat of future punishment for rule breaking.
- Candidates may refer to control theories such as Travis Hirschi or Walter C Reckless.

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(b) Briefly describe how the judiciary can contribute to law making. **[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.

- The judiciary provides law making through both judicial precedent and statutory interpretation.
- Judicial precedent involves following previous legal decisions of a similar nature within the court hierarchy. Methods of avoidance, such as distinguishing, may produce new legal decisions. Where there is no existing decision, a judge would create law by an original precedent. An example is the case of Donoghue v Stevenson, 1932.
- Statutory interpretation involves a judge deciding the meaning of a word or phrase in an Act. Rules such as the literal rule are available for guidance. This interpretation forms part of the law for future cases.
- An example is the case of Whiteley v Chappell, 1868 when the meaning of the phrase “entitled to vote” had to be considered.

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(c) (i) Describe the aims of the suspended sentence given to Rory. **[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

- The suspended sentence will only be activated if Rory commits a further offence: if he does not re-offend, he will not go to prison.
- This threat is held over him for 12 months.
- It may be successful in deterring him from committing any further crimes.
- This would be seen as an individual deterrence.

Retribution

- This is an idea based on an offender's behaviour being deserving of punishment. It is also considered to be revenge.
- In Rory's situation, retribution may be seen as the ongoing threat of prison for the next 12 months.
- Retribution does not seek to alter future behaviour and is a backwards facing punishment.

Incapacitation or protection of the public

- This idea suggests that punishments must serve a useful purpose for society.
- The 12-month monitoring of Rory may provide some protection for society as he may be deterred from committing further offences due to the fear of going to prison.

Rehabilitation

- This is a forward-looking aim. It anticipates that Rory's criminal behaviour will be altered and he will not re-offend.
- Rory knows that if he commits further crime then he will go to prison.
- This threat may cause him to be rehabilitated.

Denunciation

- Through denunciation, society expresses its disapproval of criminal activity. It shows that justice is being done.
- Denunciation reinforces the moral boundaries of acceptable conduct and can mould society's view.
- In this scenario, Rory is constantly being reminded that his behaviour is not acceptable to society.

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(ii) Evaluate the effectiveness of the police **and** 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.

Police

- The police work in the community to prevent crime, keep the public safe, and to combat anti-social behaviour.
- They issue notices ordering people to cease unacceptable behaviour and referring matters to a court if necessary.
- There are many specialist units trained to deal with issues such as terrorism or incidents involving weapons.
- They are often the first to appear at the scene of a crime and are always contacted in an emergency.
- They provide crime prevention advice.
- Police can only investigate crimes that are reported to them (reference to the dark figure of crime).
- Criticisms over failing to record crimes reported to them.
- Crimes not investigated can sometimes be deemed unsolvable in a process known as “screening out”.
- Reference to cases from previous units, such as Colin Stagg, Stephen Lawrence, and the Birmingham Six may be made.
- Police involvement in the Hillsborough Disaster may be addressed.

Probation Service

- Their main priority is to protect the public.
- They are frontline professionals who provide a localised delivery of services to offenders.
- They supervise high-risk offenders and try to reduce reoffending.
- 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 (CRCs) 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 that 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. Or David Braddon who, on probation with a CRC, murdered – by beating to death – 18-year-old Conner Marshall in 2015.

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3. (a) (i) Identify how state prisons are funded. **[1]**

Up to 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.

Candidates may argue that the state prisons are funded by:
- the Ministry of Justice;
- the government;
- taxation.

(ii) Identify **two** aims of prisons. **[2]**

Up to 2 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.

Candidates may argue that the aims of prisons include:
- the punishment of offenders, or retribution for their offence;
- the rehabilitation of offenders;
- protection of the public or incapacitation;
- the deterrence of future crime;
- the denunciation by society for the wrong done.

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(b) Briefly explain the role of charities, such as Broken System, in social control. **[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.

Obviously, as Broken System is a fictitious charity, it is impossible to state their role (as per the specification AC 3.1). For example, all charities will have their own values, philosophy, aims and objectives. Candidates may refer to "charities" generally: they do not have to identify a charity or charities for this question.

NACRO (National Association for the Care and Resettlement of Offenders)

- NACRO's role is to change lives, build stronger communities and reduce crime.
- It supports people, including those who have mental illnesses, who are in custody, who have a drug addiction, young people and veterans.
- Between 2017 and 2018, NACRO helped 32,000 people and, 71% moved on to sustainable accommodation.
- Their philosophy includes to focus on outcomes, and to be courageous, inspiring, reliable and proud.
- Working practices include offering support online for matters such as resettlement advice.
- They develop individually tailored resettlement action plans for people.
- They offer apprenticeships, traineeships and work programmes.

Prison Reform Trust

- This charity works to create a just, humane and effective penal system.
- Their objectives include to reduce unnecessary imprisonment and promote community solutions to crime. Improve treatment and conditions for prisoners and their families and to promote equality and human rights in the justice system.
- They do not receive funding from the government and are entirely dependent on voluntary donations.
- They carry out research on prison life and run campaigns to improve the penal system, for example "Out of Trouble", which sought to reduce the number of children and young people in prison.

The Howard League for Penal Reform

- This is the oldest penal reform charity in the UK.
- It aims for less crime, safer communities and fewer people in prison.
- It works with Parliament, the media, numerous agencies in the criminal justice system and members of the public.
- The charity is independent of the government and is funded by voluntary donations and membership subscription.
- It runs campaigns such as "Books for Prisoners", which won a charity award in 2015.

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(c) Describe the contribution of environmental tactics and measures that are used by agencies to achieve 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.

- Candidates may refer to *Crime Prevention Through Environmental Design* (CPTED). This proposes that the form and arrangements of buildings and open spaces may encourage or discourage crime.
- There may be reference to examples of design, including those that encourage the use of transparent materials and green areas.
- Candidates may also refer to gated lanes/alley gates. These restrict access to lanes for potential criminal activity. They have been introduced in several British towns and cities including Cardiff, Glasgow, Liverpool and London.
- Other innovations may include traffic light and/or speed cameras and roadside checkers, which strengthen formal surveillance.
- Candidates may use a range of examples to supplement their descriptions. These may include successfully implemented environmental measures such as changes to the New York bus terminal or Birmingham's Bull Ring market stalls.
- There may also be reference to prison design, for example the deployment of the panopticon and super-max designs as well as the use of open prisons.

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(d) Assess how prison sentences **and** 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.

Prison sentences

- While a prisoner is in custody, they cannot commit crimes in society. Hence the aim of crime reduction may be met. This aligns with the Right Realism theory, for example if the prison sentence was to be served in a Category A prison, this sentence would be focused on incapacitation and public protection.
- By the reduction of a prisoner's freedom and some liberties it could be argued that retribution is met. This is especially the case for long-term sentences or life sentences. Again, this aligns with Right Realism, adherents of which are focused on the retribution-related features of punishment, for example, the mandatory life sentence for a murder conviction.
- While in prison, inmates may be able to access rehabilitation schemes relating to drug and/or alcohol abuse, and education (including literacy and numeracy). This could be linked to Left Realism, for which the aim is to remove the desire to re-offend.
- In their assessment, some candidates may also identify shortcomings of prison sentences. Aspects covered may include the fact that crimes are committed within prisons, and the rise in prison numbers, as indicated in the *Bromley Briefings*, which show that prison numbers have doubled in the past 20 years.

Community orders

- Community orders can be a combination of requirements tailored to meet the offenders' needs, for example unpaid work or curfew.
- This can address particular aspects of sentencing or particular offences such as curfew to prevent night-time burglaries. This allows the punishment to focus on the aim of prevention of crime.
- These orders may include a treatment programme to deal with anger control, drug or alcohol abuse. This allows for the possibility of behaviour modification, which may achieve the aim of rehabilitation.
- A community order can require up to 300 hours of unpaid work. This may include tasks such as removing graffiti or cleaning overgrown areas. This can be seen as achieving the aim of reparation.
- In addition an order requiring an offender to use their spare time to carry out work for the benefit of the community may be seen as retribution.
- Use of examples such as legal cases, particular offences or statistics in support of answer.
- In their assessment, some candidates may also identify shortcomings of community orders. For example, these can be breached, which results in a lack of public protection.

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