LEVEL 3 MARKING SCHEME

AUTUMN 2020

LEVEL 3
CRIMINOLOGY – UNIT 4
4543UD0-1

INTRODUCTION

This marking scheme was used by WJEC for the 2020 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

AUTUMN 2020 MARK SCHEME

1. (a) Briefly explain the role of **one** charity involved in achieving 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.

Candidates may refer to any relevant charity. Examples of these include: The Prison Reform Trust; The Prince's Trust; and the National Association for the Care and Resettlement of Offenders (NACRO). Those candidates who refer to the role of the charity suggested in the scenario—the Howard League for Penal Reform—may outline its role as follows:

- It petitions to have fewer people in prison and to transform prisons for those who remain behind bars.
- It works with Parliament, the public, the media and numerous other agencies in the criminal justice system.
- It is independent from the government and is funded by voluntary donations and membership subscriptions.
- It works to educate the public on social control issues. For example, its *Citizenship and Crime* project in primary and secondary schools has reached over 22,000 children aged from 10 to 16.
- It has secured welfare support for children in and out of custody.

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(b) Briefly describe the limitations of charities in achieving 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.

- Charities may be limited by their financial resources. They are generally funded through voluntary donations and/or membership subscriptions. However, income is not guaranteed and this may have an impact on their effectiveness.
- Charities cannot force a government to note, act upon nor implement their proposals.
- Much of their work is dependent upon publicity and raising awareness of their aims via the media.
- Several charities are active in the area of social control; as such, support for their activities may be shared with other charitable organisations.
- Charities working in this sector must work in partnership with other agencies to be effective. They are, therefore, often dependent on those agencies' support of their aims.

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(c) Briefly explain how recidivism can cause limitations for the prison service in achieving 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.

- Recidivism or persistent reoffending rates have increased, leading to a rise in the prison population.
- While recidivism is taking place, prisoners are not being rehabilitated and the increasing prison population is having an impact on the ability to rehabilitate. In other words it becomes a vicious circle.
- Statistics from the Bromley Fact Files suggest a 41,000 increase in the number of prisoners from between 1993 and 2015.
- There is a lack of rehabilitation, which can add to the size of the prison population.
- A limited budget must be spent on an increasingly large prison population. This further reduces the available resources.
- The ratio between staff and prisoners has widened, leading to an increase in violence directed towards both prisoners and staff.
- With an increase in released prisoners, social provision is limited and this can lead many prisoners to feel that they have few options and so they reoffend. This limited provision may include finance, housing and employment.

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(d) Briefly explain how a lack of resources can be a limitation within prisons. **[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.

- Limited funding leads to a lack of resources in the prison system. This has an impact on a range of provisions available.
- Prison conditions may be argued to be poor in some cases, for example HMP Liverpool.
- Too few staff/prison officers means the prisoners are confined to their cells for most of the day. Consequently this can restrict rehabilitation.
- Limited resources may lead to prisoner unrest, for example prison riots such as those in HMP Birmingham in 2016.
- Limited resources may also affect the offer of education within prisons. This in turn may limit rehabilitation, especially given many prisoners' low levels of literacy and numeracy.
- Statistics from the Bromley Fact Files suggest that 51% of those entering prison are assessed as having literacy skills equivalent to those of an 11-year-old child. Numeracy skills are equivalent to those of a 9-year-old child.

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(e) Describe the relationships between the courts and agencies of formal punishment (the prison service and the probation service) within the criminal justice system. **[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 services and other agencies such as the police attend MAPPA (Multi-agency public protection arrangements) meetings to assess and report on an offender's risk to the public.
- The probation services may be required to attend either the magistrates' court or Crown Court to provide a report about offenders (pre-sentence report).
- The probation pre-sentence report is used by the court for guidance on the appropriate sentence.
- The probation service may attend court to provide information about how the offender is progressing on a community order.
- Where there is a breach of a community/probation order, the offender may be returned to court for further sentencing and a possible prison sentence.
- The probation service may liaise with the prison when an offender is about to be released. They attend meetings in prison and provide reports to prison governors that help determine whether a prisoner should be released and under what conditions.
- If a prisoner has served between 2 days and 2 years, on release they must serve a probation order of a minimum of 12 months.
- If an offender is on remand, the courts and prison service must liaise with each other to ensure the defendant appears before the court.
- The prison service may need to produce the offender for a court appearance via a video link rather than in person at a court.

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2. (a) Identify **four** features of the parliamentary [governmental] law-making process. **[4]**

Up to 4 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.

- The usual way for laws to be made is through parliament, which is made up of the elected members of the House of Commons, the House of Lords and the monarch.
- The pre-parliamentary stages include the Green Paper, which is a consultation stage and the White Paper, which contains firm proposals for the new law.
- A Bill enters either House and passes through several stages, including First Reading, Second Reading and the Committee Stage.
- All the stages are then repeated in the other House.
- A proposed law may be sent back and forth between the two Houses with suggested amendments (ping pong).
- The final stage is Royal Assent, in which the monarch gives approval and the Bill becomes an Act.

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(b) Discuss the aims of the community order imposed on Ellie. **[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.

Retribution

- This is an idea based on an offender's behaviour being deserving of punishment. It is also considered to be revenge.
- Candidates may refer to the number of hours ordered (300 hours is the maximum that a court is allowed to order) as retribution on Ellie for the crime she committed.
- Retribution does not seek to alter future behaviour, instead it is a backwards-facing punishment.

Incapacitation or protection of the public

- This proposes that punishments must serve a useful purpose for society.
- For the duration of the order, Ellie is monitored and therefore the public—and Poppy—should be protected.

Rehabilitation

- This is a forward-looking aim that seeks to alter criminal behaviour and prevent reoffending.
- The 300 hours of work is likely to be carried out at a community project. By the end of the order, it is hoped that Ellie will be able to return to society and that she will not reoffend.

Denunciation.

- Through this, society expresses its disapproval of criminal activity and demonstrates that justice is being done. It reinforces the moral boundaries of acceptable conduct and can mould society's view.
- By the granting of the community order, Ellie is being told her behaviour is not acceptable.

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(c) Describe the contribution of environmental measures such as CCTV 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 refer to any relevant environmental measures used to achieve social control. Examples of these include: gated lanes; and *Crime Prevention Through Environmental Design* (CPTED) ideas. Those candidates who refer to the measure suggested in the scenario—CCTV—may describe its contribution as follows:

- Closed-circuit television (CCTV) is a key surveillance tool that is used regularly by the police in criminal investigations.
- This high-level technology can provide images to help secure a conviction.
- CCTV usage is widespread in communities, with local authorities, individuals and business premises utilising them.
- Cameras can be disguised so offenders are unaware that they are being filmed.
- CCTV may be used to demonstrate innocence as well as guilt.
- Candidates may support their description with an example. In the case of CCTV, this could be the London riots in 2011.
- CCTV may act as a deterrent and prevent people from committing offences for fear of being caught.
- However, it may be suggested that the high cost of CCTV may limit its widespread effectiveness.

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(d) Discuss the role of social control agencies involved in bringing Ellie to justice.
[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

- Ellie will have been arrested, detained and interviewed by the police under their powers outlined in the Police and Criminal Evidence Act (1984).
- They receive and act upon contact from the public, for instance Poppy will have reported the burglary to the police.
- The police have specialist teams such as the CID (Criminal Investigation Department) who specialise in serious crimes such as burglary.
- Aspects such as structure, funding, working practices and reach may also be credited.

Crown Prosecution Service (CPS)

- The police will have sought permission from the CPS to charge Ellie with burglary.
- They will prepare the case for court and attend the hearings to conduct the prosecution on behalf of the Crown.
- They use a Full Codes Test to decide whether or not to prosecute, namely the Evidential and Public Interest Test.
- Aspects such as structure, funding, working practices and reach may also be credited.

Courts (including judiciary)

- As burglary is an either-way offence, there will be a mode of trial hearing to decide which court will deal with Ellie's case.
- The courts involved may include the magistrates' court and Crown Court.
- The magistrates' court will have a bench of three lay magistrates who decide both the outcome of a case and the punishment. In a trial in a Crown Court there will be a jury, who decide guilt or innocence. There is also a judge who will pass sentence if the case is proved.
- Aspects such as structure, funding, working practices and reach may also be credited.

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Probation

- The probation service will monitor the community order placed upon Ellie.
- An offender manager will ensure compliance of the order.
- The probation service tries to protect the public by the effective rehabilitation of high-risk offenders by tackling the causes of offending and enabling offenders to turn their lives around.
- If Ellie fails to carry out the terms of the order, the probation service may seek her return to court for breach.
- Aspects such as structure, funding, working practices and reach may also be credited.

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3. (a) (i) Identify **three** features of the crime control model of justice. **[3]**

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.

- The repression of crime is the most important function of criminal justice because order is a necessary condition for a free society.
- Criminal justice should concentrate on promoting victims' rights rather than protecting defendants' rights.
- The criminal justice process should operate like an assembly line or conveyor belt, moving cases swiftly along toward their disposition.
- If the police make an arrest and a prosecutor files criminal charges, the accused should be presumed guilty because the fact-finding of police and prosecutors is highly reliable.
- The model links to zero-tolerance where no crime is acceptable.
- The model is similar to the theory of right realism requiring punishment for an offence, no matter what the reason behind the commission.

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

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 model focuses on the presumption of innocence and the necessity of producing fairness by protecting the defendant's legal rights.
- It asserts that police powers should be limited to prevent official oppression of the individual.
- The justice system should safeguard all the rights of an individual to provide against a wrongful conviction.
- Justice should involve a thorough investigation where there is protection of the innocent by legislative obstacles to overcome before a conviction can occur.
- This relates to the left realism approach to criminality with a focus on the inequalities created by a capitalist society. A more equal and caring society would eventually eliminate crime.

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(b) Briefly describe how prisons serve as a method of 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.

- The term social control refers to the techniques and strategies for preventing criminal behaviour in any society.
- The most visible form of external social control is exercised by people and organisations specifically empowered to enforce conformity to society's law. This can include prisons.
- Prison provides coercion or force to achieve the desired result of incarceration.
- Prison also acts as a deterrent, as some people fear it.
- Deterrence has two aspects: individual and general.

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(c) Discuss retribution and rehabilitation as aims of punishment for offences such as driving while using a mobile telephone. **[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 refer to any relevant offence. Examples of these include offences where the public is put at risk of harm from the offending. These may include several driving offences and crimes of violence such as assault and robbery. Those candidates who refer to the offence suggested in the scenario—driving while using a mobile telephone—may discuss retribution and rehabilitation as follows:

Retribution

- Retribution may include ideas such as “just desserts”, “an eye for an eye” or “let the punishment fit the crime”. For example, where an offence has adversely affected the public, or when the public requires protection from the perils of drivers who use mobile telephones when driving, then a prisoner may go to prison.
- Retribution could be achieved by the increased prison sentence sought by the campaign group.
- Retribution does not seek to alter future behaviour, merely to inflict punishment in proportion to the offence.
- Retribution contains an element of revenge, in that society and the victim are being avenged for the wrong done.
- It may be linked to the criminological theory of right realism.

Rehabilitation

- Rehabilitation seeks to reform an offender and change their thinking. It is a forward-thinking punishment that aims to discourage an offender from reoffending.
- Also known as *reformation*, this aim presumes that criminal behaviour is a result of free will and rational choice. In other words, it is caused by factors that the defendant can actually do something about.
- A person does not need to use a mobile telephone while driving and has the free will to avoid its use.
- If an offender appreciates the dangers of driving while using a mobile telephone, they may cease such behaviour.
- Courses making a defendant aware of the dangers of this offence may be ordered by a court.
- It may be linked to individualistic theories of criminality such as behaviour modification.

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(d) Assess how forms of punishment meet the aim of public protection in cases where individuals drive while using a mobile telephone. **[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.

- Custodial sentences are likely to protect the public from individuals who drive while using a mobile telephone. This is due to the fact they are isolated from society and prevented from driving.
- However this protection only lasts during the period of imprisonment and may not be a deterrent once the individual is released from custody.
- A suspended sentence may offer public protection, as an individual faces an immediate period of imprisonment if they carry out further criminal activity during the period of suspension.
- A *disqualification from driving order* would remove the individual's right to drive a vehicle and hence provide protection by way of incapacitation. However, an individual could decide to drive while being disqualified and hence there is little protection provided.
- A community order may require an individual to attend a training programme to educate them on the dangers of using a mobile telephone while driving. This education may result in rehabilitation and a changed view, where the offender no longer wishes to drive while using a mobile telephone.
- A financial penalty or a fine may lead to protection if the offender struggles to meet the payment and is therefore discouraged from reoffending. However, failure to pay the fine may result and a fine default situation can occur.
- Some candidates may argue that protection is not achieved by any punishment. This is an acceptable viewpoint.

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