



MARKING SCHEME

**LEVEL 3 APPLIED DIPLOMA IN CRIMINOLOGY
UNIT 4
SUMMER 2017
4543U40-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2017 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 APPLIED DIPLOMA IN CRIMINOLOGY

SUMMER 2017 MARK SCHEME

UNIT 4 - Crime and Punishment

Answer **all** questions.

1. According to the Prison Reform Trust (2015) there has been a 91% rise in the prison population in England and Wales over the past twenty years. Between 1993 and 2014 the prison population increased by more than 40,000. It is estimated that the cost of the increased prison numbers has added £1.22bn to government expenditure. Re-offending rates remain high with almost half of adults reconvicted within one year of release. The number of staff employed by the prison service has fallen by 29% in the last four years. However, in March 2015, 70 of the 117 prisons in England and Wales were overcrowded
- (a) Identify **two** of the personnel involved in the criminal justice system that a defendant may encounter before conviction. [2]
 - (b) With reference to the text, outline the limitations faced by the prison service in England and Wales. [4]
 - (c) Explain why imprisonment acts as an external form of social control. [4]
 - (d) Describe the relationship of the prison service with other agencies in the criminal justice system. [7]
 - (e) Evaluate the effectiveness of social control inside prisons. [8]
2. Ian Jones was arrested and charged with 10 offences of theft under The Theft Act 1968. He was found guilty of all charges by a jury at Crown Court. The probation service produced a report explaining that Ian was brought up in a family with criminal tendencies. The report stated that Ian committed the offences to provide a higher standard of living for his family. At the court hearing the judge imposed a period of imprisonment of 12 months.
- (a) Outline, the process used by the government for making laws such as The Theft Act 1968. [3]
 - (b) Describe the role of the judge in a Crown Court trial. [4]
 - (c) Assess how **two** forms of punishments meet their aims. [5,5]

- (d) Analyse the aims of the prison sentence imposed by the judge in Ian's case. **[8]**

3. The town of Fainton has recently suffered from a large number of burglaries. Despite the police investing a great deal of time and resources into investigating and detecting the crimes, they are still continuing.

A senior police officer has been on a fact-finding mission to America to review how environmental design can have an impact on crime control. The police officer has returned and is very impressed with what she has found and is trying to convince the local Police and Crime Commissioner, that he should consider this approach to social control.

- (a) Describe **two** models of criminal justice. **[2,2]**
- (b) Describe **two** environmental measures used by agencies to achieve social control. **[2,2]**
- (c) Using examples, explain what is meant by internal forms of social control. **[4]**
- (d) Explain the role of the police in social control. **[6]**
- (e) Discuss limitations on the police in achieving social control. **[7]**

General Qualification Criminology – UNIT 4

Mark Scheme – Summer 2017

Question	Answer	Mark	LO
1 (a)	<p>Award one mark each for identifying two of the personnel involved.</p> <p>Likely answers may include</p> <ul style="list-style-type: none"> • Police. • Courts. • Barristers, solicitors and judges. • Lay people - magistrates & juries. • Probation service. • Prison officers. <p>Credit any other relevant personnel.</p>	2	LO1
(b)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-2 marks: Answers provide a basic/limited outline of the limitations faced by the prison service in England and Wales. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>3-4 marks: Answers provide a clear outline of the limitations faced by the prison in England and Wales. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Financial restraints – cost per prisoner and limited government funding. • Overcrowding – number of prisoners and facilities available - 91% rise in prison population over the past 20 years. In March 2015, 70 out of 117 prisons in England and Wales were overcrowded. • Shortage of staff – inability to staff, resulting in prolonged periods of confinement. The number of staff employed by the prison service has fallen by 29% in the last four years. • Recidivism rates – re-offending rates and lack of rehabilitation of prisoners. Almost half of adults reconvicted within one year of release. <p>Credit to be given for either breadth and/or depth</p>	4	LO3

Question	Answer	Mark	LO
(c)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-2 marks: Answers provide a basic/limited explanation of why imprisonment acts as an external form of social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>3-4 marks: Answers provide a detailed explanation of why imprisonment acts as an external form of social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • The threat of imprisonment acts to persuade or compel/coerce members of society to conform to the rules. • The fear of punishment/possible imprisonment may deter people from offending. • The idea of a loss of liberty may ensure social control. • The possibility of a substantial term of imprisonment may deter people from committing serious crimes. • Fear of the consequences of a prison sentence in future life, such as loss of employment, may act as a social control mechanism. <p>Credit any other relevant response.</p>	4	LO2
(d)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers provide a basic/limited description of the relationship of the prison service with other agencies in the criminal justice system. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-6 marks: Answers provide in some detail a description of the relationship of the prison service with other agencies in the criminal justice system. Answers communicate meaning with some use of specialist vocabulary.</p> <p>7 marks: Answers provide in detail a description of the relationship of the prison service with other agencies in the criminal justice system. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Prison Service and the courts - prisoners must be brought to and from the court when hearings are listed so administration and communication between the two are important. Prisoners would be held in court cells pending their court hearing and return to prison. • Prison Service and the police - prisoners are held locally once arrested, and are transported to prisons if a remand into custody has been ordered by the courts. Police would arrest a prisoner recalled whilst on probation and ensure return to prison. • Prisons and lawyers – lawyers may seek visits to prisons for legal consultations. • Prison and the judiciary - it is the judge who sets a term of imprisonment, including the length, type and whether it is concurrent or consecutive. 	7	LO1

Question	Answer	Mark	LO
	<ul style="list-style-type: none"> • Prison Service and the probation service - liaison and preparation between the two agencies when prisoners are released, overseeing prisoner once released if on licence or parole, liaison between the two should there be any issues and recall to prison is appropriate. <p>Credit any other relevant response. Credit to be given for either breadth and/or depth.</p>		
(e)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers evaluate in basic/limited detail the effectiveness of social control inside prisons. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-6 marks: Answers evaluate with some detail the effectiveness of social control inside prisons. Answers communicate meaning with some use of specialist vocabulary.</p> <p>7-8 marks: Answers evaluate with detail the effectiveness of social control inside prisons. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy.</p> <p>Likely answers may include:</p> <p>Positive effects:</p> <ul style="list-style-type: none"> • Protection of society • Prevention of crime • Rehabilitation of offenders • Reparation to society • Education/training of offenders <p>Negative effects:</p> <ul style="list-style-type: none"> • Criminal offences are committed e.g. whilst in prison which suggests that social control might not be achieved. • Disturbances in prisons e.g. HMP Birmingham riots in 2016 or riot at HMP Oakwood in 2014. • Significant rise in prison disturbances and callouts of the National Tactical Response group (prison's anti-riot squad). • Serious attacks within prison are at a record high. • Attacks on prison officers. • Use of prohibited drugs and their availability within prisons. • Literacy and numeracy ages. Government proposals to release early if prisoners improve their skills. <p>Credit any other relevant response.</p>	8	LO3
	Total for Question 3	25	

Question	Answer	Mark	LO
2 (a)	<p>Award up to 3 marks for a clear outline of the process used for government law making.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Collection of proposals through consultation, e.g. Green Paper and White Paper. • Bill enters Parliament and proceeds through both the House of Commons and the House of Lords. • Various stages involving debates and voting takes place e.g. First Reading, Second Reading, Committee Stage etc. • Royal Assent given to enable the Bill to become law. 	3	LO1
(b)	<p>Award up to 4 marks for describing the role of the judge in a crown court trial.</p> <p>0 marks: Nothing worthy of any marks. 1-2 marks: Answers provide a basic/limited description of the role of a judge in a Crown Court trial. Answers convey meaning but lack detail. Little or no use of specialist vocabulary. 3-4 marks: Answers provide a detailed explanation the role of a judge in a Crown Court trial. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • The system is adversarial, which means that the parties run their cases, with the judge acting as referee. • The judge has to ensure, as far as possible, that the jury understands the evidence and the issues. • The judge will deal with any points of law that have to be decided and will advise the jury on how to apply the law to whatever facts they find. • The judge will advise the jury on procedure and will explain their duties. • The judge will ensure a fair trial and ensure it is human rights compliant. • The judge will pass sentence if the defendant is found guilty. • Under the Criminal Justice Act 2003, it is possible for a judge to sit alone, without a jury, to determine a verdict. <p>Credit any other relevant response.</p>	4	LO1

Question	Answer	Mark	LO
(c)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers assess in basic/limited detail how one form of punishment meets its aims. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-5 marks: Answers assess in detail how one form of punishment meets its aims. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include any two of the following:</p> <ul style="list-style-type: none"> • Imprisonment & rehabilitation - comments on reoffending rates, training programmes, use of examples such as legal cases, particular offences or statistics in support of answer. Differences between long and short custodial sentences. • Community sentences & rehabilitation - sentence can be a combination of requirements tailored to meet offender's needs e.g. unpaid work or curfew. This can address particular aspects of sentencing or particular offences such as curfew to prevent night-time burglaries. May include treatment programme to deal with anger control, drug or alcohol abuse. Use of examples such as legal cases, particular offences or statistics in support of answer. • Suspended sentence & deterrence - a period of imprisonment suspended by up to two years, possibility of prison if re-offending takes place may prevent the individual from further offending. Use of examples such as legal cases, particular offences or statistics in support of answer. • Imprisonment & retribution - acts as a revenge for the victim and society for the wrong done, deprives offender of their liberty, e.g. mandatory life sentence for offence of murder. Use of examples such as legal cases, particular offences or statistics in support of answer. • Fines and retribution – common punishment for minor offences where offender is made to pay financially for wrong doing. Limits the amount of money offenders have to spend. Use of examples such as legal cases, particular offences or statistics in support of answer. If the offence causes harm to a victim, the offender can also be required to make a compensation payment (reparation). <p>Credit any other relevant response.</p>	[5,5]	LO2

Question	Answer	Mark	LO
(d)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers provide a basic/limited analysis of the aims of the prison sentence imposed by the judge in Ian's case. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-6 marks: Answers analyse in some detail the aims of the prison sentence imposed by the judge in Ian's case. Answers communicate meaning with some use of specialist vocabulary.</p> <p>7-8 marks: Answers provide a detailed analysis of the aims of the prison sentence imposed by the judge in Ian's case. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Deterrence S142 Criminal Justice Act 2003 actually mentions deterrence as an aim of punishment. Deterrence in general to send out a clear message to potential burglars that prison is likely as a sentence. Individual deterrence for Ian who must serve the prison sentence and would be likely to return to prison for future re-offending. • Retribution Idea based on the offender's behaviour as deserving punishment. It does not seek to alter future behaviour. 'An eye for an eye'. Ian's offending has adversely affected the public and now he must go to prison. • Incapacitation or protection of the public. Punishments must serve a useful purpose for society. Whilst Ian is in prison, the public are not being affected by his criminal activity. • 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 rehabilitate him into 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. Ian, and others, are being told his behaviour is not acceptable. <p>Credit can be given for either depth and/or breadth of an answer.</p>	8	LO2
	Total for Question 2	25	

Question	Answer	Mark	LO
3 (a)	<p>Award up to 2 marks for a full description of each relevant model of criminal justice.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Due process model The most important function of criminal justice is to provide due process, or fundamental fairness under the law. Criminal justice should concentrate on defendants' rights, not victims' rights. Police powers should be limited to prevent official oppression of the individual. • Crime control model The repression of crime should be 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 on protecting defendants' rights. Police powers should be expanded to make it easier to investigate arrest, search, seize, and convict. Legal technicalities that restrict the police should be eliminated. 	2,2	LO1
(b)	<p>Award up to 2 marks for describing each environmental measure used by agencies in an attempt to achieve social control.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Crime Prevention Through Environmental Design (C.P.T.E.D.). • Suggestion that the form and arrangements of buildings & open spaces can encourage or discourage crime. • Promotion of reduction of opportunity to commit crimes and fostering of positive use of space. • Reference to C Ray Jeffrey & CPTED used in numerous countries especially America. • Examples of design such as transparency & green areas. • Gated lanes / alley gates – restricting access to housing and so prevent access to lanes for potential criminal activity. • Red traffic light camera – to strengthen formal surveillance. • Roadside checker - to alert conscience. • Examples of uses and success of design such as changes to the New York bus terminal or Birmingham City Bull Ring market stalls. • Gated lanes - introduction in many major towns and cities such as Glasgow, London, Liverpool and Cardiff. • Prison design such as pentopticon, open prisons and super max designs. <p>Credit any other relevant response.</p>	2,2	LO3

Question	Answer	Mark	LO
(c)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-2 marks: Answers give a basic/limited explanation of what is meant by internal forms of social control; or the answer may give limited examples without explanation. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>3-4 marks: Answers give a detailed explanation, with relevant examples, of what is meant by internal forms of social control. Answers clearly communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <p>Social control involves pressures to persuade or compel members of society to conform to the rules.</p> <p>Internal forms - regulating own behaviour in accordance with accepted forms</p> <ul style="list-style-type: none"> • Rational ideology - such as an individual's conscience, feelings of guilt, anxiety or worry from within. May be a result of upbringing. For example stealing a pen from school. • Tradition – could relate to religion or culture. For example religions which ban consumption of alcohol or Christians eating red meat on Good Friday. • Internalisation of social rules and morality –knowing what is right or wrong based upon social values. For example queue jumping or failing to return excess change. <p>Credit any other relevant response.</p>	4	LO2
(d)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers explain in basic/limited detail the role of the police in social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-6 marks: Answers explain in detail the role of the police in a social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Divided into force areas and managing own budgets. • Monitor all criminal activity - respond to emergency calls. • Provide a policing service to the community - patrols. • Reduce crime. • Work in partnership with other community organisations. • Work with & support other agencies in the criminal justice system such as courts and probation service. • Investigate crime - arrest, detain & question suspects in accordance with legal obligations. • Testify in court. • Neighbourhood policing - local areas. • Police Community Support Officers (PCSO) – support police officers with some powers. <p>Credit any other relevant response.</p>	6	LO3

Question	Answer	Mark	LO
(e)	<p>0 marks: Nothing worthy of any marks.</p> <p>1-3 marks: Answers give a basic/limited discussion of limitations on the police in achieving social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p>4-6 marks: Answers provide some discussion of limitations on the police in achieving social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p>7 marks: Answers discuss in detail the limitations on the police in achieving social control. Answers are well structured and clearly expressed. Specialist terms are used with ease and accuracy.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> • Legislation and its constraints. • Budget issues. • Police by consent - co-operation of public required. • Keeping up to date, e.g. rapid spread of new forms of communication, changes in technology and the increase in cross border criminality. • Growing income inequality and the fragmentation of families and communities. • Staffing issues including numbers, visibility and skills. • Civil unrest such as London riots 2011. • Statistics including those relating to ineffective crime recording and investigations • Relationships with other agencies such as CPS or courts. • Insufficient powers. <p>Credit any other relevant response.</p>	7	LO3
	Total for Question 1	25	

Question Number	LO1	LO2	LO3	Total
1(a)*	2			
1(b)			4	
1(c)		4		
1(d)*	7			
1(e)			8	
2(a)	3			
2(b)*	4			
2(c)		10		
2(d)		8		
3(a)	4			
3(b)			4	
3(c)		4		
3(d)*			6	
3(e)*			7	
Total LO	20	26	29	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.