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# **MARKING SCHEME**

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

**SUMMER 2018**

## **INTRODUCTION**

This marking scheme was used by WJEC for the 2018 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

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

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

**LEVEL 3 AWARD IN CRIMINOLOGY - UNIT 4**

**MARK SCHEME - SUMMER 2018**

Question	Answer	Mark	LO
1. (a)	<p>Award a maximum of 3 marks for outlining the role of the prison service in England and Wales.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• To keep those sentenced to prison in custody, helping them lead law-abiding and useful lives, both while they are in prison and after they are released.</li> <li>• To work with courts, police and local councils, as well as voluntary organisations, to do this.</li> </ul> <p>Credit any other relevant answer.</p>	3	LO3
1. (b)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-2 marks:</b> Answers provide a basic description of judicial involvement in law making. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>3-4 marks:</b> Answers provide in detail a description of judicial involvement in law making. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• Judicial law making or judicial precedent is law made by judges in the courts. When a case appears before them they must make a judgement and this forms the law. It must be followed in future cases by the courts in the hierarchy.</li> <li>• Credit relevant examples such as the legal principle in <i>Donoghue v Stevenson</i> was applied in <i>Daniels v White</i>.</li> <li>• A judge in the higher courts may also need to interpret words or phrases in a statute. This is known as statutory interpretation. A judge has a variety of rules that can be used to aid interpretation e.g. literal rule.</li> </ul> <p>Credit any other relevant answer.</p>	4	LO1

Question	Answer	Mark	LO
1. (c)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers explain in basic detail how a judge might achieve public protection by passing sentences. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-5 marks:</b> Answers discuss in detail how a judge might achieve public protection by passing sentences. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• A custodial sentence would protect the public as the defendant would be in prison and away from the public. A judge can give a life sentence and recommend it means life, if appropriate.</li> <li>• A judge can pass orders requiring a defendant to adhere to a curfew which restricts the time they can interact in the open with the public.</li> <li>• Electronic tagging can be seen as a restriction that could protect the public as it will restrict the defendant's movement.</li> <li>• Disqualifications from driving can protect the public, particularly where the offending involves driving.</li> </ul> <p>Credit any other relevant answer.</p>	5	LO2

Question	Answer	Mark	LO
1. (d)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-2 marks:</b> Answers describe in basic detail the effectiveness of the police service in achieving social control. Little or no evaluation Answers convey some meaning but lack detail and may be more of a list. Little or no use of specialist vocabulary.</p> <p><b>3-4 marks:</b> Answers evaluate in some detail the effectiveness of the police service in achieving social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p><b>5-6 marks:</b> Answers evaluate in detail the effectiveness of the police service 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> <p>Effective</p> <ul style="list-style-type: none"> <li>• Official statistics including recorded crime and solved crime.</li> <li>• Public safety – on a daily basis from routine police work.</li> <li>• Crime prevention advice.</li> <li>• Targeting of certain crimes e.g. use of mobile phone whilst driving.</li> <li>• Counter terrorism work – detecting, investigating and preventing terrorist threats and networks.</li> <li>• Information from Her Majesty’s Inspectorate of Constabulary (HMIC) who independently assesses police forces and policing across activity from neighbourhood teams to serious crime and the fight against terrorism.</li> </ul> <p>Not effective</p> <ul style="list-style-type: none"> <li>• Police can only investigate crimes that are reported to them (reference to the dark figure of crime).</li> <li>• Crimes not investigated can sometimes be deemed unsolvable in a process known as ‘screening out’.</li> <li>• Reference to cases from previous units such as Colin Stagg, Stephen Lawrence, Birmingham 6 etc.</li> <li>• Police involvement in the Hillsborough Disaster.</li> <li>• Any examples of police activity both positive and negative. For example ‘The Duke of York has accepted an apology from police after he was mistaken for an intruder in the gardens of Buckingham Palace because “sometimes they get it wrong”’.</li> </ul> <p>Credit any other relevant answer.</p>	6	LO3

Question	Answer	Mark	LO
1. (e)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers provide a basic examination of the limitations of achieving social control in prisons. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-5 marks:</b> Answers provide some examination of the limitations of achieving social control in prisons. Answers communicate meaning with some use of specialist vocabulary.</p> <p><b>6-7 marks:</b> Answers discuss in detail an examination of the limitations of achieving social control in prisons. 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"> <li>• Overcrowding in prisons.</li> <li>• Reduced number of prison officers.</li> <li>• Finances.</li> <li>• Industrial action by prison officers.</li> <li>• Attacks on prison officers and rioting in prison -1990 Strangeway riots or at HMP Oakwood in 2014.</li> <li>• Rioting in HMP Birmingham (and others) in 2016.</li> <li>• Significant rise in prison disturbances and callouts of the National Tactical Response group (prison's anti-riot squad).</li> <li>• Use of prohibited drugs and their availability within prisons.</li> <li>• Record number of deaths within prisons.</li> <li>• Use of information and statistics from the Prison Reform Trust and the Bromley Briefings Prison Fact File.</li> </ul> <p>Credit any other relevant answer.</p>	7	LO3
	<b>Total for Question 1</b>	<b>25</b>	

Question	Answer	Mark	LO
2. (a)	<p>Award up to 3 marks for an outline of the role of a jury in a Crown Court case.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• Listen to evidence including witnesses, expert evidence, written testimony, photographs and other exhibits.</li> <li>• Make notes if so desired.</li> <li>• Ask questions, via the judge.</li> <li>• Listen to closing and opening speeches from barristers.</li> <li>• Be advised on the law by the judge.</li> <li>• Consider verdict in secret.</li> <li>• Unanimous and majority verdicts possible.</li> </ul> <p>Credit any other relevant answer.</p>	3	LO1
2. (b)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-2 marks:</b> Answers provide a basic examination of how campaigns for change have highlighted limitations of agencies in the criminal justice system. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>3-4 marks:</b> Answers provide an examination in some detail of how campaigns for change have highlighted limitations of agencies in the criminal justice system. Answers communicate meaning with some use of specialist vocabulary.</p> <p><b>5-6 marks:</b> Answers provide a detailed examination of how campaigns for change have highlighted limitations of 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"> <li>• The campaign for Sarah’s Law highlighted the failure to inform parents and others concerned about the welfare of children about paedophiles living in an area.</li> <li>• Ann Ming’s campaign to abolish the law on double jeopardy for murder and other serious offences highlighted limitations in the law. This was needed to bring justice in the case of Billy Dunlop.</li> <li>• The Snowdrop campaign, following the Dunblane massacre, forced the government to pass new laws banning handguns above 22 calibre and restricting smaller calibre weapons to secure gun clubs.</li> <li>• The campaign for Lilian’s law highlighted the inadequacies of the drug driving law. The new offence, brought in as a result of the campaign, removed the need for police to prove a substance impaired a person’s ability to drive.</li> <li>• Bobby Turnbull’s campaign, which highlighted the limitations in the gun licencing laws, saw amendments to the Firearms Act which prevent a person who receives a suspended sentence of three months or more from purchasing or possessing a firearm.</li> </ul> <p>Credit any other relevant answer.</p>	6	LO3

Question	Answer	Mark	LO
2. (c)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers describe in basic detail how one model of criminal justice could apply to Colin's case. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-6 marks:</b> Answers describe in detail how one model of criminal justice could apply to Colin's case. Answers communicate meaning with some use of specialist vocabulary.</p> <ul style="list-style-type: none"> <li>• The most appropriate model for Colin's case is the crime control model.</li> <li>• This involves the repression of crime being the most important function of criminal justice because order is a necessary condition for a free society. Colin's claims about the police action would be relevant here.</li> <li>• Criminal justice should concentrate on promoting victims' rights rather than on protecting defendants' rights. This could account for the judge giving such a harsh sentence as, according to Colin, he is related to the victim.</li> <li>• The criminal justice process should operate like an assembly-line conveyor belt, moving cases swiftly along toward their disposition. This could account for Colin's claim that the police failed to consider other suspects.</li> <li>• 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. This could explain Colin's claims about his case.</li> <li>• The due process model with links to Colin's case.</li> </ul> <p>Credit any other relevant answer.</p>	6	LO1



Question	Answer	Mark	LO
2. (d)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-4 marks:</b> Answers discuss in basic detail retribution and rehabilitation as aims of sentencing. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>5-8 marks:</b> Answers discuss in some detail retribution and rehabilitation as aims of sentencing. Answers communicate meaning with some use of specialist vocabulary.</p> <p><b>9-10 marks:</b> Answers discuss in detail retribution and rehabilitation as aims of sentencing. 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"> <li>• Retribution - Idea based on an offender's behaviour is deserving of punishment. It does not seek to alter future behaviour merely to inflict punishment in proportion to the offence. Let the punishment fit the crime. An eye for an eye. If a person's offending has adversely affected the public or if the public requires protection then a prisoner must go to prison. For example an increased sentence for crimes with a racial motive. Retribution contains an element of revenge, in that society and the victim are being avenged for the wrong done. For example, longer prison sentences for causing death by dangerous driving were justified in this way. The maximum prison sentence was increased from 5 to 10 years for this offence in 1993, and in the Criminal Justice Act 2003 it was increased again to 14 years.</li> <li>• Rehabilitation - A forward-looking aim with a hope that the offender's behaviour will be altered and they will not re-offend. Prison aims to provide direction and rehabilitate prisoners back into society. Rehabilitative sentences can also be controversial since it may appear that the offender is being "rewarded" for committing crimes (such as "holidays" for youth offenders). This can cause a great deal of outrage in society. Such sentences are also expensive and require investment of resources. It is also debatable as to whether it is justifiable for the state to change the way people think, rather than just punish them for their wrongful conduct. This can be seen in community sentences. The abuse of drugs causes many crimes and there have been new punishments introduced to help rehabilitate the offenders. For example drug testing and treatment orders. Reformation is a very important element in the sentencing philosophy for young offenders.</li> </ul> <p>Credit any other relevant answer.</p>	10	LO2
	<b>Total for Question 2</b>	<b>25</b>	

Question	Answer	Mark	LO
3. (a)	<p>Award up to 1 marks for identifying how the agencies in the Ministry of Justice are funded.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• The agencies are government funded and are paid through taxes.</li> </ul> <p>Credit any other relevant answer.</p>	1	LO3
3. (b)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers that explain in limited detail the role of the National Probation Service in achieving social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-5 marks:</b> Answers that explain in detail the role of the National Probation Service in achieving social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• The priority of the National Probation Service is 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.’</li> <li>• Preparing pre-sentence reports for courts, to help them select the most appropriate sentence.</li> <li>• Managing approved premises for offenders with a residence requirement on their sentence.</li> <li>• Assessing offenders in prison to prepare them for release on licence to the community, when they will come under supervision.</li> <li>• Helping all offenders serving sentences in the community to meet the requirements ordered by the courts. Probation would be expected to challenge offending behaviour, work towards positively changing an offender’s attitude, protect the public and work with partners to reduce re-offending.</li> </ul> <p>Credit any other relevant answer.</p>	5	LO3

Question	Answer	Mark	LO
3. (c)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers assess in basic detail the effectiveness of one (or more) charity in achieving social control. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-5 marks:</b> Answers assess in detail the effectiveness of one (or more) charity in achieving social control. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• The Prince’s Trust – it could be argued that this is an effective charity. It was founded in 1976 and has helped 825,000 young people across the U.K. It helps 13 to 30 year-olds who are unemployed or struggling at school to transform their lives. More than 3 in 4 people will achieve a positive outcome, moving into jobs, education and training. There are several initiatives including one which aims to help ex-offenders make a positive transition back into the community. Individual success stories should also be credited.</li> <li>• The Howard League for Penal Reform is the oldest penal reform charity in the UK having been established in 1866. It aims for less crime, safer communities and fewer people in prison. It has run many successful campaigns such as ‘Books for Prisoners’ campaign which won a charity award in 2015 and a campaign to reduce the criminalisation of children by working closely with police forces in England &amp; Wales. This resulted in the number of child arrests falling by 58% between 2010 and 2015. Individual success stories should also be credited.</li> </ul> <p>Credit any other relevant answer.</p>	5	LO3

Question	Answer	Mark	LO
3. (d)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers describe in basic detail relationships between the police, the Crown Prosecution Service and the courts as a case proceeds through the criminal justice system. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-6 marks:</b> Answers explain in detail relationships between the police, the Crown Prosecution Service and the courts as a case proceeds through the criminal justice system. Answers communicate meaning with some use of specialist vocabulary.</p> <p>Likely answers may include:</p> <ul style="list-style-type: none"> <li>• The police will investigate a potential crime and liaise with the CPS regarding charge. The police will ensure arrested suspects held in police custody are brought before the courts. They will also arrest a prisoner recalled whilst on probation and ensure their return to prison.</li> <li>• The CPS will advise the police during the early stages of an investigation. They will review cases submitted by the police for prosecution, prepare cases for court and present those cases at court. In each case reviewed, the prosecutor will consider whether there is sufficient evidence and, if so, whether the public interest requires a prosecution</li> <li>• The CPS will also carry out the advocacy for hearings in either the magistrates' court or the crown court.</li> <li>• All cases will start in the magistrates' court with summary offences staying there for determination. Either way cases where trial by jury is selected and all indictable offences will proceed to the crown court.</li> </ul> <p>Credit any other relevant answer.</p>	6	LO1

Question	Answer	Mark	LO
3. (e)	<p><b>0 marks:</b> Nothing worthy of any marks.</p> <p><b>1-3 marks:</b> Answers discuss in basic detail, why individuals abide by the law. Answers convey meaning but lack detail. Little or no use of specialist vocabulary.</p> <p><b>4-6 marks:</b> Answers discuss in some detail why individuals abide by the law. Answers communicate meaning with some use of specialist vocabulary.</p> <p><b>7-8 marks:</b> Answers discuss in detail why individuals abide by the law. 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"> <li>• Internal forms of social control such as conscience, upbringing and family traditions may make individuals abide by the law.</li> <li>• Coercion is the use of force to achieve a desired end. It may be physical or non-violent. For example the police and prison services have the power to restrict liberty of person. The police have rights of arrest and detention mainly under the Police and Criminal Evidence Act 1984. Enforced detention is overseen by HM Prison Service.</li> <li>• Fear of punishment is inherent in deterrence where punishment is used as a threat to deter people from offending. The concept of deterrence has two key assumptions, individual deterrence and general deterrence. The courts will impose sentences to prevent people from committing further crimes. For example a suspended sentence or a conditional discharge.</li> <li>• External pressures persuade or compel members of society to conform to their rules. The most visible form of external social control is exercised by people and organisations specifically empowered to enforce conformity to society's laws.</li> <li>• Control theory - Walter C. Reckless argued that a combination of internal psychological containments and external social containments prevents people from deviating from social norms.</li> <li>• Travis Hirschi stresses the importance of the individual's bond to society in determining conforming behaviour.</li> <li>• The Police Service, the courts, the National Probation Service and the HM Prison Service are the most obvious agents of external social control.</li> <li>• The Ministry of Justice introduces sentencing policies to use coercion and the fear of punishment to control crime. For example mandatory minimums such as life for murder, 7 years for 3<sup>rd</sup> drug offence and 3 years for 3<sup>rd</sup> burglary.</li> </ul> <p>Credit any other relevant aspects.</p>	8	LO2
	<b>Total for Question 3</b>	<b>25</b>	

Question Number	LO1	LO2	LO3	Total
1(a)			3	3
1(b)	4			4
1(c)		5		5
1(d)*			6	6
1(e)			7	7
2(a)*	3			3
2(b)*			6	6
2(c)*	6			6
2(d)		10		10
3(a)			1	1
3(b)*			5	5
3(c)			5	5
3(d)*	6			6
3(e)*		8		8
<b>Total LO</b>	<b>19</b>	<b>23</b>	<b>33</b>	<b>75</b>
<b>% LO</b>	<b>25-35%</b>	<b>30-40%</b>	<b>35-45%</b>	<b>100%</b>
<b>Marks</b>	<b>19-26</b>	<b>23-30</b>	<b>26-34</b>	<b>75</b>

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