



LEVEL 3 MARKING SCHEME

SUMMER 2023

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

INTRODUCTION

This marking scheme was used by WJEC for the 2023 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

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

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

LEVEL 3 CRIMINOLOGY – UNIT 4

SUMMER 2023 MARK SCHEME

1. **Scenario:** The Crown Prosecution Service (CPS) is an important agency in the criminal justice system. It operates across England and Wales and has 14 regional teams prosecuting cases locally. The Director of Public Prosecutions has a key role at the top of the CPS, while each of the 14 Areas is led by a Chief Crown Prosecutor. The CPS works closely with local police forces and other criminal justice agencies.

- (a) (i) Identify **two** aims or objectives of the Crown Prosecution Service (CPS). [2]

0 marks	The response does not meet any of the criteria specified below.
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.

- To prosecute offenders
- To bring about justice
- To be independent, fair, open (transparent) and honest
- To treat everyone with respect
- To strive for excellence
- To treat everyone equally
- To behave professionally
- To advise/work with the police service
- To use the Full Codes test

- (a) (ii) Identify the source of the funding of the CPS. [1]

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

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

- Taxation/the taxpayer (however, accept the state or government)

- (a) (iii) Identify **three** types of court in the criminal justice system in England and Wales. [3]

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

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

- Magistrates' Court
- Crown Court
- High Court
- Court of Appeal
- Supreme Court

- (a) (iv) Describe the relationship between the police and the courts in England and Wales. [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.

- The relationship between the police and the court is not an equal relationship in that the court has power over the police.
- The court can require the police to attend and give evidence.
- The court can grant a warrant of search and/or arrest to the police if the police provide sufficient evidence.
- The police hold the accused person who has been denied bail prior to their court appearance.
- The police can bail the accused pending their court appearance.
- The police and the courts liaise with regard to the date of the accused's court appearance.
- After the initial court hearing, those who are denied bail return to the police cells pending their removal into custody at a prison.

- (b) Briefly describe **one** model of justice that the CPS may follow when prosecuting criminal cases. [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.

Due process model

- This promotes a fair trial.
- The rights of the defence are prioritised.
- It is seen as a model which allows the defendant the time to prepare their defence.
- It is influenced by left realism.

Crime control model

- This promotes quick and efficient justice, similar to a conveyor belt.
- The most important aspect of this model is to seek a conviction and promote crime reduction.
- It promotes the rights of victims and an increase in police powers.
- It is influenced by right realism.

- (c) Evaluate the effectiveness of the CPS 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.

- Independence of the CPS may mean that it is less biased.
- Use of full codes test to produce the due process model of crime control.
- Establishment of CPS Direct.
- References to cases such as Lord Janner and Damilola Taylor.
- Comments such as it being over centralised, bureaucratic and too close to the police.
- Official reports such as Glidewell and Narey.
- Relationship between police and CPS which has been troubled in the past. For example, controversy with the prosecution of Abu Hamza. Discontinuance of cases that have been investigated and prepared by the police can cause hostility between the two.
- Reference to problems surrounding rape prosecutions, including low numbers and non-disclosure of evidence.
- Criticism of the proposed prosecution against Caroline Flack and her subsequent suicide.

2. **Scenario:** Dylan was charged with the offence of possession of a controlled drug with intent to supply it to another person. This is contrary to the Misuse of Drugs Act, 1971. At his trial in the Crown Court, he pleaded not guilty, but was convicted and sentenced to eight years' imprisonment. This was his second conviction for this type of offence. Dylan's solicitor had tried to persuade the judge to give Dylan a community order; however, the judge stated that the offence was very serious and warranted a lengthy custodial sentence.

- (a) Describe the governmental (parliamentary) process for making laws such as the Misuse of Drugs Act 1971. [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.

- Green paper – this is a consultative stage.
- White paper – this is where formal proposals are set out.
- A Bill enters Parliament – into either the House of Commons or the House of Lords.
- There are several stages for a Bill to pass through each House: First Reading, Second Reading, Committee Stage, Report Stage and Third Reading.
- Changes may be suggested several times and the proposals are discussed in the other House. This is informally known as “ping-pong”.
- When both Houses have agreed and voted on the Bill, Royal Assent is needed before the proposals become an Act of Parliament (and thus law).

- (b) Identify **one** non-governmental (non-parliamentary) process of making law. [1]

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

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

- Statutory interpretation
- Judicial precedent

(c) Discuss the aims of the prison sentence imposed on Dylan.

[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.

Deterrence

- Section 57 Sentencing Act 2020 mentions deterrence as an aim of punishment. General deterrence sends out a clear message to potential drug dealers that prison is likely as a sentence, as such this may deter others from acting in a similar way.
- There may also be individual deterrence, as Dylan must serve the prison sentence and would be likely to return to prison for future re-offending.

Retribution

- An idea based on the idea that Dylan's behaviour is deserving of punishment. It does not seek to alter future behaviour but is a backwards-looking aim: Dylan is being punished for offending. It does not necessarily encourage him to rehabilitate.

Incapacitation or protection of the public

- This aim sees punishments serving a useful purpose for society. While Dylan is in prison, the public are not being affected by his criminal behaviour.

Rehabilitation

- This is a forward-looking aim that aspires to alter Dylan's future behaviour and prevent him from reoffending. It is hoped that prison would provide Dylan with direction and rehabilitate him into society.

- (d) Assess how a community order may have achieved the aims of punishing Dylan. [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.

Deterrence

- Generally, a community order may act as a general deterrent as other criminals know they are likely to face such a punishment.
- There could also be an element of individual deterrence to Dylan as breach of the order is likely to result in a prison sentence.
- However, people often believe the situation would not apply to them as they do not think they will be caught.
- Further, as this is Dylan's second drug dealing conviction, the order may not be a deterrent to him.
- Adhering to conditions attached to a community order, such as probation supervision (attending sessions with an offender manager) or community payback (carrying out unpaid work in the community) may deter Dylan from further offending.
- Community sentences are now outperforming short prison sentences and are 8.3 % more effective in reducing re-offending rates.

Retribution

- A community order could restrict Dylan's liberty and therefore could be seen as him receiving his just deserts.
- As Dylan has had a negative impact on society by drug dealing, revenge is served by the order, which could restrict his freedom. A condition of community payback would see Dylan working in the community for free.
- However, society may not feel retribution from the sentence because he hasn't received a custodial order, despite it being his second offence.

Incapacitation or protection of the public.

- Whilst Dylan is subject to the community order, he may have restrictions on where he can go, be prohibited regarding activities, be subject to a curfew, or be restricted from associating with specified others.
- However, there may still be opportunities for further crime, and this could be seen as less effective in terms of protecting the public.

Rehabilitation.

- The community order could provide Dylan with direction and rehabilitate him as a member of society. Any appropriate rehabilitative requirements(s) could be attached to the order, such as drug treatment.
- The community order could have a probation supervision requirement which could see him being monitored and supervised by an offender manager and he could be provided with access to courses and training about drugs and the dangers and the harm that they cause.
- Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.
- However, rehabilitation may not be achieved and he may return to offending during or at the end of the order.
- In 2013 more than 3 out of 4 people sent to prison the previous year had at least one previous community sentence. This suggests rehabilitation and deterrence are not achieved.

3. **Scenario:** Sidra has recently been appointed as a governor of a new prison. She wants to achieve social control by strictly enforcing prison rules and disciplinary procedures. Sidra hopes that these tactics and measures will reduce reoffending as she believes that the prison service is an effective way of establishing social control. She believes this is the best way to achieve both retribution and public protection.

- (a) Briefly explain, using **one** example, what is meant by rational ideology as an internal form 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.

- People do not engage in criminal activity as they believe the laws of the land are right and proper and exist to protect the population.
- They abide by the law as they believe it is the best means of achieving social control.
- An example could include abiding by road traffic regulations and not speeding or driving while using a mobile phone to ensure road safety for other users.
- Other, non-criminal activities may also be considered, for example queueing in shops to prevent public disorder.

- (b) Explain how the prison service acts as an external form of social control. [6]

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

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

- The prison service may be seen as an external form of social control and so ensure people abide by the law. Coercion is the use of force to achieve a desired end. It may be physical or non-violent. For example, the prison service has the power to restrict the liberty of a person.
- Fear of punishment is inherent in deterrence: punishment is used as a threat to deter people from offending. The concept of deterrence has two key assumptions, individual deterrence and general deterrence. A prison sentence will ensure that people are prevented from committing further crimes.
- External pressures persuade or compel members to conform to their rules. Prisons are built within a community and are regularly reported upon in the media. The most visible form of external social control is exercised by people and organisations specifically empowered to enforce conformity to society's laws.
- Control theory – e.g. Walter C Reckless argued that a combination of internal psychological containments and external social containments prevents people from deviating from social norms.

- (c) Describe how Sidra's strict enforcement of prison rules and disciplinary procedures may contribute to the achievement of social control in her prison. [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.

The Incentives and Earned Privileges system

- Introduced in 1995, this is an essential tool of prison management.
- Sidra may enforce this scheme as it promotes conformity through rational choice, enabling people to earn benefits in exchange for responsible behaviour.
- Sidra may also experience other outcomes such as a reduced risk of self-harm and improved staff-prisoner relationships.
- By enforcing this policy Sidra would hope to ensure a more disciplined and controlled environment which is safer for staff and prisoners.
- There are currently three main incentive levels. Basic level is for those prisoners who have not abided by the behaviour principles. Standard level is for those prisoners who adequately abide by the behaviour principles. Finally, enhanced level is for those prisoners who exceed standard level by abiding by the behaviour principles and demonstrating the required types of behaviour to a consistently high standard.

Prison Rules

- Sidra must impose rules to keep control and prevent further crime occurring. The following are examples of rules of behaviour that are prohibited in prison.
 - Behaving in a way that could offend, threaten or hurt someone else, stopping prison staff from doing their jobs, causing damage to the prison, not doing what prison staff tell you to do.
- The following are examples of punishments:
 - If prison rules are broken, you could get a caution
 - Privileges (such as having a TV in your cell) could be withdrawn for up to 42 days
 - Up to 84 days' worth of any money earned could be stopped
 - Cellular confinement (a prisoner being locked in a cell alone) for up to 35 days

- (d) With reference to **two** examples, evaluate the effectiveness of pressure groups **and/or** charities 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.

Prison Reform Trust

Weaknesses

- It does not receive government funding and therefore it can lack funds to help bring about social control.
- It runs on voluntary donations and must therefore persuade people to donate so that they can provide support within the criminal justice system.

Strengths

- It strives to work towards a humane and effective penal system. This will help increase social control inside prisons.
- A successful campaign has been 'Care not Custody' which prompted the government to develop mental health services within police stations and courts for vulnerable suspects. Their work has helped secure £50 million from the government for such schemes.

Prince's Trust

Weaknesses

- People may not want to provide funds that help those who have broken the law.

Strengths

- Provides support for young people aged 11–30, empowering them to obtain jobs and education. This includes young people who have broken the law. Thus helping to create social control.
- A principal funding raising event, 'Invest in Futures', has raised over £22 million to invest in the lives of young people since 2005.

Howard League for Penal Reform

Weaknesses

- There are many charities working in the criminal justice system and they are competing with each other for support.

Strengths

- Aims for less crime, safer communities and fewer people in prison. This would help achieve social control
- The 'Books for Prisoners' campaign argued against restrictions on prisoners receiving books from friends and family. The campaign was successful and the charity won an award in 2015 in recognition of its work. The books helped prisoners find focus and went towards achieving social control