

# WJEC Criminology

## Unit 4: Crime and Punishment

### Knowledge Organiser



# AC 1.1: Describe processes used in law making

## Parliament is made up of:

**House of Commons:** made up of MP's voted in by the public from their constituency

**House of Lords:** contains hereditary peers whose families are born lords as well as individuals who have been appointed Lords i.e Lord Sugar.

**Monarch:** The Queen/King who is head of state in the UK. All bills have to get approval from the monarch before being passed as a law.

## To create a new law, it starts with:

**A Green Paper:** Allows public consultation on a potential new law to be discussed.

**White Paper:** After consultation a White Paper is created with formal proposals. This allows a draft act (a bill) to be created & presented to Parliament.



## Judicial Processes

### Judicial precedent

- Law made by judges in courts. When a case appears before them they must make a judgement and this forms the law. It must be followed in similar cases in the future.
- This is called 'common law', that is judge made law.
- There is a court hierarchy system and lower courts (magistrate courts) must abide by the decisions and rules made by higher courts.

### Statutory Interpretation

- This is where judges in superior courts (Court of Appeal) are called upon to interpret words and phrases within a law. They have the ability to interpret the meaning of the law and make a verdict on the case.

## Government Processes

1. **First Reading:** Name of the bill and main aims read out. Formal vote taken.
2. **Second Reading:** Main debate of bill followed by another vote.
3. **Committee stage:** A group of representatives look at the bill to address any issues and suggest possible changes.
4. **Report stage:** Committee report back to the House who then vote on any proposed amendments.
5. **Third Reading:** Final vote on the Bill takes place.
6. **Royal Assent:** The Monarch signs the bill. She cannot refuse as it is now only a symbolic stage as the Head of State.

**The Bill then becomes an Act of Parliament.**



# AC 1.2: Describe the organisation of the criminal justice system

## Police

- Work with courts to ensure defendants, in custody are brought before them.
- Give evidence in court.
- Work with probation in managing an offender nearing release.
- Work closely with the CPS in trying to charge and prosecute offenders.



## Ministry of Justice

- Oversee the work of Courts
- Oversee the work of probation services
- Oversee the prison systems
- Deal with legislation and guidelines for working in different organisations of the CJS

## Crown Prosecution Service

- Advise the police on charging a suspect.
- Work with the police to check evidence collated & if there is enough evidence to charge a suspect.
- Appear in courts to conduct the advocacy of a case.

## Prison Service

- Work with probation services when a prisoner is to be released
- Lawyers may ask for prison visits to have legal consultations with client
- Defendants denied bail by courts and police are remanded to prison.
- Judge & courts decide prison term for offenders



## Courts/Sentencing Council

- Contributes to law creation through judicial precedent and statutory interpretation
- Liaise with police and prisons to ensure the safe delivery of prisoners to court.
- Arrange video links if a prisoner cannot attend court
- Prisoners held in court cells pending their court hearing & return to prison



## Probation service

- Arrest a prisoner recalled to prison whilst on probation
- Liaise with police should there be any issues whilst a person is on probation
- Work with other charity organisations to help prisoners leave prison successfully & have support

# AC 1.2: Relationship between the CJS

**Law Creation:** Criminal law is made in parliament

**Police** enforce the law by investigating criminal activity. They arrest, detain and interview suspects.

**Crown Prosecution Service:** will advise the police on the appropriate charge.

Suspect brought before the **court**

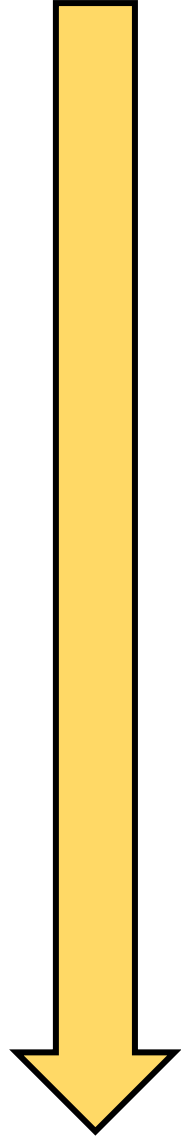
Defendant released on bail or remanded into **custody**

A guilty plea results in sentencing & a plea of not guilty results in a trial. This includes a **judge & jury**

If convicted, formal punishment is given by the judge. **Sentencing council** provides guideline. May be sent to **prison**

**Prison** service oversees welfare of prisoner & enforces punishment

When released, a prisoner is usually on licence & supervised by the **probation service**



## Practice Questions

1. Describe the relationship of the prison service with other agencies in the criminal justice system (7)
2. Describe relationships between the various organisations of the criminal justice system (8)
3. Describe the relationship between the Crown Prosecution Service and the police (5)
4. Outline briefly, the process used by a government for making laws (3)
5. Outline statutory interpretation in the process of law making (3)



# AC 1.3: Describe models of criminal justice

## Crime Control Model

- Seek to deal with criminal cases quickly and efficiently. Seeking a conviction at any cost.
- Aim is to punish criminals and stop them committing further crimes.
- Focus on 'Zero Tolerance' approach. Links to Right Realism theory.
- Focus on protecting the rights of the victims rather than the defendant.
- Argue police should have enhanced powers to ensure a conviction is achieved.
- Doesn't address the causes of crime or that crime can be deterred through detection and conviction.

## Areas of law:

- Introduction of 'bad character' evidence & previous convictions information for courts to consider when deciding a verdict.
- Removal of the 'double jeopardy' rule for murder and other serious offences.
- Extended pre-charge detention time for terrorist activities.
- **Examples of cases:** Colin Stagg

**GUILTY**

## Due Process Model

- Opposite of crime control. Focuses on innocent until proven guilty.
- Promotes fairness & protecting the defendant's legal rights.
- Argues that police powers should be limited to prevent oppression of the individual.
- Argues the justice system should safeguard an individual's rights to avoid miscarriages of justice & wrongful convictions.
- An investigation should be thorough to ensure a correct verdict can be reached.
- Relates to the Left Realism approach.

## Areas of law:

- All interviews being recorded and suspects having the right to legal representation
- Police having procedural safeguards they must follow through the PACE Act, 1984.
- **Examples of cases:** Thompson and Venables (James Bulger Killers)

**NOT GUILTY**

# AC 2.1: Explain forms of social control

## Internal forms



### Rational Ideology:

An idea to achieve social control. Your conscience guides you to follow laws and rules due to experiencing feelings of guilt, anxiety or worry from within.

### Internalisation of social rules:

When a person agrees and believes in social norms and therefore internalises them & follows them. A societal norm is to not commit crime; therefore, most people internalise this and behave accordingly.

### Tradition:

Conforming to social norms and rules through a person's traditions and upbringing teaching you and re-enforcing you to not break the law.

### Coercion:

Can be physical or non-violent. Examples incl. imprisonment, bodily injury, strikes and boycotts. Prisons use this with the threat of loss of liberty.

### Fear of punishment:

Using punishment as a deterrent to stop people from offending.

***Individual deterrence:*** punishment on offenders to prevent/deter them from committing further crimes.

***General deterrence:*** Fear of punishment that prevents others from committing similar crimes e.g. death penalty, lengthy prison terms.

## External forms



**Control Theory (Reckless):** Tries to explain why people do not commit crimes. Support the view that people require nurturing in order to develop attachments that are key in producing internal controls i.e. your conscience. Crime is caused by a lack of bonds.

## AC 2.2: Discuss the aims of punishment

### Aims of sentencing

- To punish offenders
- To reduce crime
- To rehabilitate offenders
- To protect the public
- To repatriate victims when needed

### Deterrence

- Aim of *individual deterrence* is to ensure an offender does not reoffend.
- A suspended sentence is an example of individual deterrence as imprisonment will occur if further crimes are committed. This is hoped will prevent future offending.
- However, recidivism rate would suggest that many prisoners are not deterred from committing crimes as reoffending rate is nearly 50% within a year of release.
- Aim of *general deterrence* is to prevent potential offenders from committing a crime. However, often the impact of a sentence with a deterrent element is weakened by it relating to someone else.

### Retribution (Punishment)

- Based on the idea an offender needs to be punished.
- Does not seek to alter future behaviour of the offender, only to inflict a punishment for the crime.
- Aims to provide an adequate level of justice to the victims of the offenders' crimes.
- Contains an element of revenge, whereby the victims and society are avenged for the wrong done by the individual.

### Rehabilitation

- Aim is to reform offenders and reintroduce them to society.
- Presumes criminal behaviour is due to free will & choice. Believe criminals can change their behaviour.
- Rehabilitation can be seen in community sentences & probation orders.

### Repatriation

- Often involves compensating the victim of a crime by ordering the offender to pay a sum of money to the victim.
- Also aims to ensure offenders 'pay back' and repatriate society by completing unpaid community work.
- Restorative Justice schemes also created whereby offenders and victims meet. Offenders can make direct repatriation through writing letters of apology, repairing any damage caused and explaining the event/reasons for the crime face to face.

### Public Protection

- Punishment must serve the purpose of protecting society from dangerous criminals.
- Through incapacitation, an offender is prevented from having their freedom.
- Examples of punishments can include long prison sentences and electronic tagging which aim to punish individuals and protect the public from serious criminals.



# AC 2.3: Assess how forms of punishment meet the aims of punishment

## Imprisonment

😊 Long sentences incl. life sentences achieve the aim of protecting society.

😊 Anyone who has a sentence of less than 2 years is released on licence, having to conform to bail conditions and supervision. This helps the aim of rehabilitation to be achieved & hopefully stop re-offending occurring.

😞 Has been an increase in the number of people recalled to custody. Numbers have increased by nearly 1000 people.

😞 The high rates of re-offending and high numbers of those being recalled to prison could show that prisons do not rehabilitate individuals.



## Community Sentences

😊 Combines the aims of punishment & repatriation with individuals being punished by working unpaid & also paying/giving back to society.



😊 Community sentences are nearly 9% more effective at reducing one-year re-offending rates compared to imprisonment.

😞 However, in 2013 more than ¾ of those sent to prison the previous year had already at least one community sentence.

😞 This suggests that community sentences do not meet the aim of rehabilitation fully. Plus, it doesn't always act as a deterrent to not commit further criminal activity.

## Fines

😊 Main purpose is to provide deterrence and punishment for the offender. Financial punishment given through payment of fine.

😊 Fines can be escalated if not paid. Possible prison time can be given for non-payment of fines.

😞 Many fines are written off (61%) if the offender cannot be traced & there is no realistic chance of collection.

😞 Due to the figures, fines are not an effective method of achieving retribution or deterrence. Furthermore, the threat of prison for failing to pay does not seem to have an impact.



## Discharges

😊 Can be either conditional or absolute. Conditional discharge is used frequently for first time minor offences. Aims to stop re-offending & deterrence by having the caveat that if re-offending occurs, a more severe punishment can be given.

😊 Absolute discharge is rare but is when no penalty is imposed. It's the lowest level of punishment. A court believes the process and experience of being arrested, court etc is enough deterrence to ensure no further crimes are committed.

😞 This would not work for those who do not respect the system as they would likely be back in court for re-offending.



# AC 3.1: Explain the role of agencies in social control

## Police

- Aim is to arrest, detain, search and interview suspects.
- Funding & main income comes from central government. Some income is also raised through council tax.
- Working duties include responding to emergency/non-emergency calls, general beat duties. Specialist teams deal with more specialised areas of crime incl. anti-terrorism, firearm teams & dog handler teams.
- PCSOs work on the front line dealing with anti-social behaviour.
- Special constables are trained volunteers who provide additional policing support.
- Police & Crime Commissioners regionally elected who hold the police to account & aim to cut crime within their regional areas.

## CPS

- Must decide which cases should be prosecuted, determine the charge in serious & complex cases and advise the police.
- Have the aim of preparing cases and presenting them at court as well as provide information and support to victims/prosecution witnesses.
- Funding comes from Parliament. CPS also gains funding through recovering criminal assets.
- CPS consists of 13 geographical areas across England & Wales. CPS Direct is available 24/7 with charging advice.
- A code of practice is used to help decide if a prosecution should take place. Evidential and public interest test must be satisfied for a prosecution to take place.

## Judiciary

- Judiciary divided into superior & inferior judges. Role of a judge is to make decisions about the law through interpretation, apply the law and manage a trial.
- At the end of a trial, they will sum up the evidence for the jury & pass a sentence if appropriate.
- Funding is decided by the Salaries Review Body (SSRB) who provide independent advice to the Prime Minister & government officials.
- Working practices include having responsibility for decisions regarding freedom, having to take two oaths to ensure they work independently from government influence and are fair & consistent.

## Prison service

- Aim is to keep those sentenced to prison in custody & help them lead law-abiding, useful lives whilst in prison. Work with police, councils and charities to do this.
- Funding comes from government through taxation.
- Most prisons are public sector & run by government. However, there are 14 private prisons run by private security companies.
- Prisons divided into 4 levels: Category A – Category D. Category A is high risk, maximum security, through to Cat. D: low risk/open prisons.

## Probation service

- Probation service supervises high-risk offenders released into the community. Work with around 30,000 offenders a year helping to try & rehabilitate offenders.
- Whilst on probation, offenders may have to do unpaid work, complete education/training and have regular meetings with an 'offender manager'.
- Probation service is funded through income taxation by the National Offender Management Service (NOMS)

## Charities & Pressure groups

- They are not government funded so can bring independent advice and can challenge functions in the CJS. They rely on voluntary donations.
- They are non-profit organisations. Examples include: The Prison Reform Trust
- Main objectives of the PRT is: reduce unnecessary imprisonment, improve the treatment & conditions for prisoners and promote human rights in the CJS.

- Working duties include having to prepare pre-sentence reports for courts, help in selecting the most appropriate sentence for an individual. They also help to prepare individuals for release from prison, supervise offenders once released from prison & communicate with victims of serious crimes when offenders are due to be released.

## Howard League of Penal Reform

- This is the oldest penal reform charity in the UK. It aims for less crime, safer communities and fewer people in prison.
- Work with parliament, the media and other agencies in the CJS to achieve these aims.
- Entirely independent of the government & is funded by voluntary donations.
- Runs many successful campaigns i.e. Books for Prisoners.



### Practice Questions

1. Describe two models of justice (4)
2. Using examples, explain what is meant by internal social control (4)
3. Explain the main aims of punishment (5)
4. Assess how two forms of punishment meet their aims (10)
5. Does a prison sentence achieve any aims of punishment? Discuss. (6)



# AC 3.2: Describe the contribution of agencies to achieving social control

## Environmental Design

- Involves what a neighbourhood looks like & how it is designed to lower crime in the area.
- CPTED – based on the idea that crime happens due to the opportunities presented by the physical environment. If you alter the environment, crime should decrease.
- Crime can be reduced by: creating open spaces with strong lighting, no blind spots, low level bushes, CCTV & surveillance.
- Gated lanes – gates installed at the entrance to rear alleyways in order to deter burglars from using alleys to gain entry to a property.



## Prison Design

- Traditional prison design is the panopticon shape (all seeing).
- Allows the observer to view all prisoners without the prisoners being aware they're being watched.
- Prisoners can be seen but cannot communicate with other prisoners/prison officers.
- Other prison designs include supermax jails where people are segregated by the crime they committed and their risk factor.
- New UK prisons have accommodation divided into smaller units for easier management of inmates.
- Norway has designs that are like 'holiday camps' where prisoners live in houses with mostly free movement around the vicinity.

## Behavioural tactics

- Tactics used by agencies to change a person's behaviour to make them more socially compliant.
- ASBOs were introduced to limit & correct low level anti-social behaviour.
- CBOs are now used against anti-social offenders who have committed behaviour that has caused alarm and distress.
- If you have one of these orders, you would be banned from taking part in certain activities/going to certain places & have to try to change the behaviour through treatment programmes.
- Token economies are used to control behaviour by rewarding positive behaviour & punishing negative behaviour. Prisons use this often through rewards & sanctions for positive/negative behaviour.

## Institutional tactics

- Institutions have their own methods of controlling undesired behaviour through rules and punishments if these rules are broken.
- In prisons, you would not be following the rules if you: caused damage to the prison, ignored the instructions of prison staff or threatened/attacked someone else.
- In these situations, punishments are given such as cautions, privileges being taken away, extended prison time and being confined in your prison cell.

## Gaps in state provision

- Unreported crime: Police can only detect crime if it is brought to their attention and reported. This is why there is a 'dark figure of crime'.
- If no crime is reported, punishment cannot be sought after and therefore criminality can continue.
- Examples of crimes with low reporting rates incl. domestic violence and white-collar crime.
- Budget cuts to the police can negatively impact convictions due to a lack of police officers on the ground & having to many cases to deal with effectively.
- Laws being implemented that can impact other laws impact i.e. Terrorists being unable to be deported due to Human Rights legislation.

# AC 3.3: Examine the limitations of agencies in achieving social control

## **1. Repeat offenders/Recidivism**

- If offenders fail to rehabilitate & continue to commit crime then social control will never be achieved.
- Recidivism is one of the main reasons why the prison population has increased over the past 20 years.
- Recidivism rates & recalls to prison have increased over recent years with nearly 50% of those convicted returning to prison within a year.

## **2. Civil liberties and legal barriers**

- Basic rights and freedoms granted to citizens of a country.
- These include: freedom of speech, movement, religious worship etc.
- These can limit social control as they restrict police from achieving social control i.e. foreign nationals with criminal convictions who cannot be removed from the UK due to prisons being in danger in their home country.

## **3. Access to resources and support**

- Limit prisoners from being able to rehabilitate & therefore limits success of social control.
- Prisoners face problems with finance, accommodation and employment once released from prison.
- Lack of support/resources may mean prisoners are tempted to return to crime in order to survive.

## **4. Finance**

- Funding is limited and budget cuts have impacted the effectiveness of agencies in achieving social control.
- This then leads to a shortage of police officers on the streets, a lack of prison staff and specialist teams.
- This impacts the experience of prisoners by having less 'free time', more time in cells and higher rates of suicide/mental health issues.

## **5. Local & National Policies**

- Local police forces prioritise certain crimes over others depending on the scale of the problem in that area. This can mean some crimes are not investigated.
- National Government policies focus on certain crimes at times i.e. Knife Crime, Gang related crimes.
- Can lead police to focus on certain crimes over others, leading to unreliable crime data.

## **6. Environment**























- When prisoners are released their home environment can have a large impact on whether or not they stay out of prison.
- If an offender returns to the same environment with limited opportunities for social mobility and with criminal friends then it is likely an offender could return to prison.
- If an offender moves to a new environment, they may have more opportunities.

## **7. Crime committed by those with moral imperatives**

- A moral imperative is a strongly felt principle that compels a person to act.
- Offenders can commit crime as they believe they are doing the right thing from a moral point of view.
- Assisted suicide is an example of a crime that could be argued has been committed with a compassionate motive.
- When this happens, social control is limited as a person's moral compass surpasses rules of social control.



# AC 3.4: Evaluate the effectiveness of agencies in achieving social control

|  |   |
|--|---|
| <h2>Police</h2> <p> Effective at working in the community to prevent crime &amp; keep public safe. Also issuing notices and having specialist teams to deal with particular issues.</p> <p> Police have been labelled institutionally racist by the media following the Stephen Lawrence case.</p> <p> Police closed almost half of offences with no suspect identified. This suggests a lack of effectiveness of social control.</p> <p> Police believe crime is on the increase through statistics i.e. 20% increase in gun and knife crime, however statistics have to be used cautiously due to validity issues.</p> | <h2>CPS</h2> <p> Is an independent agency in charging and prosecuting individuals. It is a fair agency that allows a due process model of justice to occur.</p> <p> Occasions when the CPS has failed to bring about social control due to funding problems and the amount of bureaucratic 'red tape'.</p> <p> There has at times been a lack of effort to take formal action against known offenders i.e. Abu Hamza.</p>  |
| <h2>Judiciary</h2> <p> Suggested lack of effectiveness of the judiciary due to the increased number of appeals following lenient sentences by judges/courts.</p> <p> The media portray judges as being 'out of touch' with real society so cannot apply relevant knowledge to a case and subsequent suitable verdict.</p> <p> Judges have at times made inappropriate comments during trials, leading to sentences thought to be unsuitable given the circumstances. For example: Judge lets off a thief and commends his 'enterprise' or a model caught stealing from Harrods is spared jail after judge praised her 'TALENTS'</p>   | <h2>Prison service</h2> <p> Many statistics show that the prison service is limited in achieving social control i.e. prisons have a poor record for reducing reoffending.</p> <p> Within prisons, there are questions over social control due to the rising numbers of prison disturbances. Riots are becoming more common within the UK prison system.</p> <p> Drug use and their availability is increasing inside prisons, again suggesting a lack of social control.</p> <p> Assaults on prison staff by prisoners are rising.</p> |
| <h2>Probation service</h2> <p> In certain areas, probation has been shown to be of good quality with strong leadership.</p> <p> Reports suggest probation staff spend too much time and focus on paperwork and targets at the expense of prisoners.</p> <p> Too many prisoners have been released without knowing where they would sleep that night.</p> <p> Lack of mentors for offenders released from prison &amp; risk assessments not always being carried out adequately.</p>  | <h2>Charities &amp; Pressure groups</h2> <p> Champion many campaigns to work towards an effective penal system.</p> <p> Many campaigns designed and promoting topics on mental health and vulnerable individuals.</p> <p> Work with other agencies of society such as police &amp; the NHS on campaigns.</p> <p> Effectiveness can be limited by only being able to put pressure on governments, they cannot force them to take action.</p>   |

## Howard League of Penal Reform

☺ Has run many successful campaigns – Books for Prisoners & a campaign to reduce the criminalisation of children by working with police forces. This results in the number of child arrests dropping by over 50%. There have been many individual success stories.



### Practice Questions

1. Assess the tactics used by agencies to contribute to social control (10)
2. Describe two environmental measures used by agencies to achieve social control (4)
3. Explain how prison design can help to achieve social control (4)
4. Examine two limitations of achieving social control (6)
5. Evaluate the effectiveness of the prison service in achieving social control (10)
6. Assess the effectiveness of the probation service in achieving social control (7)

