Overview

This Unit takes you on a journey through the criminal justice system. We begin with the initial investigation that takes place once a crime is discovered and then we move through the different stages of arrest, prosecution and conviction of the offender, and finally to any appeal.

We begin by looking at the roles of the different personnel involved once a crime is detected, including police officers, crime scene investigators and forensics specialists. We examine the different techniques investigators use to gather evidence, including forensic laboratory analysis, surveillance, interviewing and offender profiling. Once the evidence against a suspect has been collected, the Crown Prosecution Service has to decide whether to prosecute them. We consider how they reach their decision.

Next we look at the rights of suspects who are arrested, charged and tried, and the safeguards that aim to ensure they receive a fair trial. These safeguards include important rules about what kind of evidence is permitted in court. For example, hearsay evidence and confessions obtained by threatening the suspect are ruled out.

Criminal trials may be held in a magistrates’ court or – for more serious offences – before a jury in the Crown Court. We examine the role that ordinary citizens (laypeople) play as magistrates and jurors, including the factors that may influence a jury’s verdict. For example, are jurors swayed by what they see on social media about the case they are trying?

Miscarriages of justice occur when an innocent person is convicted of a crime or when the trial itself was so unfair that we cannot be sure the defendant is guilty. In such cases, the court’s verdict is unsafe and it may be overturned on appeal. When you have completed this Unit, you will be in a position to review criminal cases, evaluate the evidence and the trial process, and decide for yourself whether the verdict reached by a court is safe and just.
The key personnel in criminal investigations

In this Topic, we look at the key personnel involved in investigating crimes and the roles they perform, and we examine the strengths and limitations of each of them.

The following personnel are the ones most closely involved in criminal investigations:

- **Police officers** are usually first on the crime scene and they secure it for investigation. Police detectives lead the investigation into the crime.
- **Crime scene investigators** gather and preserve evidence from crime scenes for use in investigations.
- **Forensic scientists** examine, analyse and interpret crime scene evidence using their specialist knowledge and skills.
- **Forensic pathologists** specialise in establishing the causes of suspicious deaths.
- **The Crown Prosecution Service** makes the decision about whether to charge and prosecute a suspect.

**Police officers**

A police officer is usually the first person called to a crime scene and they have a vital role at the start of the investigation. Officers need to safeguard the public and attend to anyone seriously injured at the scene, for example by calling an emergency ambulance. If possible, they need to arrest the suspect, though in many cases they will have left the scene.

However, as far as the investigation is concerned, the police officer’s key job is to secure the crime scene in order to conserve the evidence. As far as possible they should avoid contaminating the scene by moving furniture, opening doors etc.

### ACTIVITY

**Police officers**

Go to www.criminology.uk.net
Interviews

Interviewing witnesses to a crime or interviewing forensic and other experts can be an important part of an investigation and court case.

Eye-witness testimony

Eye-witness testimony (EWT) is the evidence given by a witness to a crime. Juries are often willing to accept EWT as an accurate account of an incident and they frequently give more weight to it than to other kinds of evidence. For example, the Devlin Committee in 1976 found that juries convicted in 74% of cases where line-up identification was the only prosecution evidence. However, their faith may be misplaced. For example, the Innocence Project in the USA has found that in over 70% of 352 wrongful convictions that were later overturned on the basis of DNA evidence, eye-witness misidentification played a role in convicting an innocent person – including 15 cases where the person spent time on death row.

ACTIVITY Media

Eye-witness testimony

Go to www.criminology.uk.net

Memory problems of EWT

Many of the problems with relying on EWT concern witnesses’ memories. There are three aspects to memory:

- **acquisition**: witnessing the crime and absorbing what is happening
- **retention**: storing the information in the memory
- **retrieval**: recalling the memory, e.g. when being interviewed by police or identifying someone in a line-up.
By carefully analysing the crime scene, it may be possible to identify the type of offender and their likely characteristics, such as their personality, lifestyle, relationships and motives. The profiler therefore gathers all the available information about the crime scene, the victim and the forensic evidence.

Typological profiling divides crime scenes and offenders into two types: organised and disorganised. The table uses the example of murder cases to show the difference between the two types.

<table>
<thead>
<tr>
<th>Type of murder</th>
<th>Likely characteristics of the murderer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organised crime</strong></td>
<td>• The crime is planned, e.g. murderer takes weapon and restraints to the crime scene</td>
</tr>
<tr>
<td></td>
<td>• Attempts to control the victim</td>
</tr>
<tr>
<td></td>
<td>• Leaves few clues at the crime scene (removes evidence)</td>
</tr>
<tr>
<td></td>
<td>• The victim is a targeted stranger.</td>
</tr>
<tr>
<td></td>
<td><strong>Organised murderer</strong></td>
</tr>
<tr>
<td></td>
<td>• Above average intelligence (but possibly an underachiever)</td>
</tr>
<tr>
<td></td>
<td>• Manipulative, cunning, outwardly normal, concealing sadistic personality</td>
</tr>
<tr>
<td></td>
<td>• Socially and sexually competent</td>
</tr>
<tr>
<td></td>
<td>• Usually living with a partner</td>
</tr>
<tr>
<td></td>
<td>• Angry/depressed at time of the attack</td>
</tr>
<tr>
<td></td>
<td>• Follows media coverage of the attack</td>
</tr>
<tr>
<td><strong>Disorganised crime</strong></td>
<td>• Spontaneous – little planning or preparation, e.g. weapon improvised at the crime scene</td>
</tr>
<tr>
<td></td>
<td>• Random, disorganised behaviour</td>
</tr>
<tr>
<td></td>
<td>• Minimum use of constraint</td>
</tr>
<tr>
<td></td>
<td>• Little attempt to hide evidence at the crime scene, e.g. leaves murder weapon behind.</td>
</tr>
<tr>
<td></td>
<td><strong>Disorganised murderer</strong></td>
</tr>
<tr>
<td></td>
<td>• Lives alone, near to the crime scene</td>
</tr>
<tr>
<td></td>
<td>• Sexually and socially inadequate</td>
</tr>
<tr>
<td></td>
<td>• Suffers severe forms of mental illness</td>
</tr>
<tr>
<td></td>
<td>• Physically or sexually abused in childhood</td>
</tr>
<tr>
<td></td>
<td>• Frightened and confused at time of the attack</td>
</tr>
</tbody>
</table>

The profile can then be used by police to identify likely suspects and narrow down their search. It can also be used to predict the likely future behaviour of the offender, such as whether and where they might strike next.

Typological profiling was originally developed in the 1970s in the USA by the FBI. Since then, further typologies have been developed to classify rapists, based on their behaviour when offending. For example, the ‘power assertive’ type uses rape to assert his masculinity, while the ‘power reassurance’ type is motivated by fear of sexual inadequacy. Other types include ‘anger-reparative’ and ‘anger-excitement’ rapists.

**Evaluation of typological profiling**

The investigative psychologist David Canter makes several criticisms of this approach:

- Information available at the crime scene may be quite limited and not collected under strict conditions.
- Speculations about the offender’s likely personality, relationships or motives are not much help to police in finding them.
- The profile is based on the profiler’s subjective opinion about which evidence is important, so different profilers might produce completely different profiles of the same case.
- The typology is based on interviews that the FBI conducted with just 36 convicted serial killers and rapists. This is a very small sample, and the offenders may be untypical of those who are not caught, as well as being manipulative and dishonest.

However, typological profiling has helped to solve some high-profile crimes in several countries. It can also help police to predict the likelihood of future crimes.
“Wherever the offender steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him. Not only his fingerprints or his footprints, but his hair, the fibres from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. It is factual evidence. Physical evidence cannot be wrong, it cannot be wholly absent. Only human failure to find it, study and understand it can diminish its value.”

**Locard’s principle**

Go to [www.criminology.uk.net](http://www.criminology.uk.net)

---

**Collecting, transferring and storing physical evidence**

Different types of physical evidence need to be collected, transferred (e.g. to a forensics laboratory) and stored in order to preserve them and to prevent contamination. Most contamination occurs by handling items without gloves or by breathing, sneezing or coughing over them.

In the case of serious crimes (e.g. rape, murder or arson), investigators wear protective clothing when collecting materials, to avoid contamination and sometimes to protect themselves from hazardous substances. This includes a mask, a hooded ‘scene suit’, overshoes and two pairs of gloves. For less serious crimes, only a mask and gloves are required.

**Bodily fluids and tissues**

Bodily fluids such as blood, semen and saliva, and tissue such as skin flakes and hairs, can provide important identification evidence, because DNA can be extracted from them and

---

Belfast, 2013. A fully-suited CSI gathers evidence after pipe bombs were thrown at police.
• there is ‘new and compelling evidence’ of an acquitted defendant’s guilt. This only applies to very serious cases and may result in a re-trial, as in the case of the murderers of Stephen Lawrence.

The Court of Appeal’s powers

The Court of Appeal cannot re-try a case, but if it finds that the original verdict was unsafe, it can order a re-trial, vary the conviction or decrease the sentence. Any further appeal would be to the Supreme Court.

Appeals to the Supreme Court

This is the highest court in the legal system and its decisions are binding on all other courts. As with the Court of Appeal, leave is required to appeal – there is no automatic right to appeal to the Supreme Court. The Supreme Court normally only hears cases where a point of law of general public importance is at stake.

The Supreme Court was created in 2009. Before then, its role was performed by the House of Lords, via the twelve Law Lords (the country’s most senior judges) who sat in the House and who now sit in the Supreme Court.

CONTROLLED ASSESSMENT PREPARATION

What you have to do

Using your notes from Topic 2.2, describe the following trial processes:

- pre-trial
- plea bargaining
- bail
- roles
- courts
- appeals.

You should have knowledge of each of the stages of the trial process, including the roles of the personnel involved.

The assignment brief scenario

Where relevant, you should make reference to the brief in your answer.

How it will be marked

3-4 marks: Describe in some detail the stages of the trial process, including the personnel involved.
1-2 marks: A simple/basic description of trial processes and/or personnel involved. May only be a list.

Timing In your controlled assessment you will have approximately 20 minutes to complete this section.
Trial by media: the tabloid press

In law, the accused is innocent until proven guilty after a fair trial. In a fair trial, the jury or magistrates must only consider the evidence presented to them in court. It would be unfair if a juror's verdict was prejudiced by media reports they had seen about the case.

Certain high-profile cases attract a great deal of media interest and sensationalised reporting, often with extremely negative coverage of the defendant's character or private life, and this may make a fair trial impossible.

In effect, the media have already found the accused guilty and their blanket coverage of the case before the trial will most likely have been seen by the jurors, potentially prejudicing them against the defendant.

For example, Cheryl Thomas found that a fifth of jurors serving on high-profile cases said they had found it difficult to disregard pre-trial media coverage of the case. They were more likely to recall the defendant being portrayed as guilty than as innocent.

A disturbing example of trial by media is the case of the retired teacher Christopher Jefferies, who was arrested and questioned by police for the murder of his tenant Joanna Yeates in 2010.

The tabloid press ran highly prejudicial articles about Jefferies. For example, the Sun claimed he had been ‘branded a creepy oddball by ex-pupils, a teaching colleague and neighbours’, had invited pupils to his home, was domineering and was believed to be gay. The paper went on to describe him in these words:

“WEIRD ‘Strange talk, strange walk’; POSH ‘Loved culture, poetry’; LEWD ‘Made sexual remarks’; CREEPY ‘Loner with blue rinse hair’.”

Other papers joined in. The Daily Mirror claimed Jefferies was a Peeping Tom; the Daily Star described him as a foul-tempered angry weirdo. Most of the quotes about him were from unnamed sources. The papers published photos of him shabbily dressed and with unkempt hair (in fact the clothing had been given to him by police after they had taken all his own clothes for forensic analysis).

However, subsequent police investigations revealed that in fact the killer was a neighbour, Vincent Tabak. The Sun and the Mirror were found guilty of contempt of court for publishing articles that could have prejudiced a fair trial, since it would have been virtually impossible to find a jury who had not been exposed to the tabloids’ character assassination. Jefferies received damages for libel from the papers and has since become a campaigner for privacy.
Exemption Those selected for jury service are legally required to attend court. However, it is possible to be excused on medical and other grounds, such as a holiday you have already paid for.

**ACTIVITY** Media

The role of a juror

Go to www.criminology.uk.net

---

**Strengths of the jury system**

**Jury equity**

Unlike judges, jurors are not bound by what a law says or by precedents (verdicts reached previously in similar cases). As ordinary members of the public, they are free to decide a case based on what they feel is fair or morally right, regardless of the law or how the judge might direct them to apply it to a case. This is called jury equity.

**Case study** The trial of Clive Ponting

A good example of jury equity is the acquittal of the senior civil servant Clive Ponting. During the Falklands War with Argentina in 1982, the British navy sank the Argentinian cruiser, the General Belgrano, with the loss of 323 lives. Britain had declared an exclusion zone around the Falklands Islands and said that any Argentinian ship inside it would be attacked. The Belgrano had been outside the exclusion zone when it was sunk and was only attacked after a top-level government decision to change the British navy’s rules of engagement.

Three years later Ponting leaked secret government documents about the sinking to an MP and was subsequently charged with breaching the Official Secrets Act 1911. Ponting did not deny his action (he had admitted it even before he was arrested) but argued in his defence that he had acted in the public interest by revealing the facts.

The judge ruled that Ponting had no defence and directed the jury to convict him as he had clearly contravened the Act by leaking official secrets. The jury nevertheless acquitted him.

---

1 May 1982: the General Belgrano is sunk. Life rafts saved many but 323 died in what some critics described as a war crime.
Equally, the police's lies, cover-ups, victim-blaming and falsifications of evidence mean that their account of the events and their role in them lacks any validity.

**ACTIVITY  Media**

**Hillsborough**

Go to www.criminology.uk.net

---

The inquest on Mark Duggan

The judgements in inquests into suspicious deaths have often been challenged. For example, the family of Mark Duggan, whose shooting by police sparked the 2011 riots, sought to overturn the inquest verdict of lawful killing.

Duggan was killed by a police firearms officer who believed, incorrectly, that Duggan was armed with a handgun. At the inquest, the coroner directed the jury that if they accepted that the officer honestly believed he was in danger and was acting in self-defence, they should return a verdict of lawful killing. This was in fact their verdict.

On appeal, Duggan’s family argued that the coroner had misdirected the jury. He should have told them that they must also consider whether the officer's belief was based on reasonable grounds and if not, that they should return a verdict of unlawful killing.

However, the Court of Appeal rejected the family's appeal on the grounds that it was a matter of common sense that the jury would consider this, and that the coroner giving them detailed directions could confuse them.

The validity of the initial judgement and that of the Court of Appeal can be debated and there remains disagreement about whether the jury understood that it was possible to bring in a verdict of unlawful killing.

---
Law reports

Law reports are reports of decisions made by courts. They are published on a regular basis – many of them weekly. Their purpose is to inform lawyers and judges about important judgements in the courts and to prevent two courts reaching differing decisions on identical facts.

A report contains the following sections:

- the case header: the names of the parties involved, the date, the court and the judge
- the key words relating to the case (e.g. hearsay evidence) and the key issues involved
- the headnote: a summary of the facts, the court’s decision and any case law considered
- the judgement: a transcript of the exact words used by the judge to explain his or her reasoning.

The principle of precedent

Only about 2% of all cases are reported in law reports. These are the cases that set a precedent – that is, they lay down a new principle of law.

In England and Wales, the principle of precedent governs how courts reach many of their decisions. Precedent involves following the decisions that have been made in previous similar cases. Where the point of law in the present case and a previous one is the same, the court should follow the decision of the previous case.

Following precedent promotes consistency and fairness between similar cases, and it also provides certainty – people can know what to expect in a case, given the decision that was reached in a similar previous case.

Why are law reports important?

The courts can only follow precedent if they actually know what the previous decision was and the reason for it. It is therefore vital to have details of the earlier case, and this is the role of law reports.

A report provides a full and accurate record of all the relevant information. This means the court can rely on it as an authoritative statement of the legal principle on which the case was decided. This enables the court to see whether the earlier case sets a precedent for the one they are currently dealing with.
Preparing for the Unit 3 controlled assessment

When you have completed Unit 3, you will sit the controlled assessment. This section gives you some guidance on how to prepare for it.

What does it involve?

The controlled assessment involves a single task covering the eleven Unit 3 Assessment Criteria (ACs) and you must address them all in your answers. They are dealt with in the eleven Topics covered in this book.

Using the brief You will be given a brief, which is a scenario describing a criminal case. Think of it as a prompt to remind you about some of the ACs that you need to deal with in your answers. You should make reference to the brief in your answers, but only where it is particularly relevant to do so.

Prepare your file in advance

Before you sit the assessment, it is essential that you have thoroughly prepared your notes for all eleven ACs, because you will need to take them with you into the assessment.

On the next page is a checklist of what you need to do for each AC. Use this to make sure you have written your notes on all of them so that you have everything covered before you sit the assessment. For help making notes on each AC, refer back to the Topic with the same number.

On the day of the assessment

On the day of the controlled assessment, make sure you bring all your Unit 3 materials and have your file in good order.

You are allowed to have access to your class notes and to information sources, but you are not allowed to access the internet. You can’t take in any electronic documents or devices. Everything you need must be on paper, so if you have any electronic notes you must print them off if you want to take them into the assessment.

Use your headings!

When completing your controlled assessment task, it’s a very good idea to use the eleven ACs as headings and write about each one in turn, so that you make sure you have covered everything and maximised your marks.

Timing

Divide up your time according to how much each AC is worth, as follows:

- For AC1.1, spend about 45 minutes.
- For AC1.2, spend about 100 minutes.
Describe models of criminal justice

Getting started

Working in a small group, consider the following two views:

A. To protect society, criminals should be caught and locked up as quickly as possible. It’s worth risking a few innocent people going to prison if this helps us to catch most of the guilty ones.

B. To protect the individual, it shouldn’t be easy to convict a person of a crime. It’s better to risk some guilty people going free than to send an innocent person to prison.

Discuss which view you agree with more. From your discussion, note down any problems you find with each view. Do you agree as a group?

Two models of criminal justice

In 1968 Herbert Packer, an American professor of law and criminology, described two contrasting sets of values which shape the way criminal justice systems work. He sums these up in two opposed models of criminal justice:

- the crime control model of justice
- the due process model of justice.

The crime control model

- Crime is a threat to people’s freedom and so the goal of the crime control model is the suppression of crime. It prioritises catching and punishing offenders, deterring and preventing them from committing further crime.
- The model starts from a presumption of guilt. It trusts the police to be able to identify those who are probably guilty through their investigations and interrogations.
- Police should be free from unnecessary legal technicalities that prevent them investigating crime.
- Once the ‘probably guilty’ are identified, it favours a conveyor belt or assembly line justice system that speedily prosecutes, convicts and punishes them.
- It argues that if a few innocent people are occasionally convicted by mistake, this is a price worth paying for convicting a large number of guilty people.
- It emphasises the rights of society and victims to be protected from crime, rather than the rights of suspects.

Question

What sort of ‘legal technicalities’ might supporters of the crime control model want to remove so that police can investigate more effectively?
Community sentences

Community sentences are imposed for offences which are too serious for a discharge or a fine but not so serious that a prison sentence is necessary. A Community Order given by the court will have one or more requirements, such as:

- supervision by a probation officer
- between 40 and 300 hours unpaid work (Community Payback)
- a curfew or exclusion order
- a residency requirement, e.g. to live at a supervised, probation-approved hostel
- a group programme, e.g. anger management, drink-drivers etc.
- treatment for drug or alcohol addiction (including testing), or for mental health problems.

Do community sentences meet their punishment aims?

Community sentences have several aims: punishment (retribution) by society for wrongdoing, reparation to individual victims and/or the community, and rehabilitation to prevent recidivism (re-offending).

Retribution

All community sentences must include an element of punishment or retribution. For example, curfews and exclusion orders restrict offenders’ movements to certain times and places. This is a form of retribution, making the offender suffer limits on their freedom.

Likewise, those doing unpaid work have to wear high visibility vests with ‘Community Payback’ on the back. The public ‘naming and shaming’ that this involves is also a form of retribution.
**ACTIVITY**  
**Research and discussion**

**The Thirsk rail crash**

Go to www.criminology.uk.net

---

**Do discharges meet their punishment aims?**

The basic aim of discharges is deterrence. They are the lowest level of punishment and are in effect a warning as to the individual's future conduct. In general, there is a low rate of re-offending following a discharge, especially if it was for a first offence – probably because for many first offenders, the experience of simply going to court is enough for them to mend their ways. In this respect, discharges appear to largely meet their punishment aim.

---

**PREPARING FOR THE EXAM**

**Questions**

Assess how well community sentences meet the aims of punishment.  

(8 marks)

**Advice**

First explain what community sentences are. Remember to include prisoners released on licence to serve part of their sentence in the community as well as those given Community Orders. Identify some of the requirements, e.g. Community Payback, addiction treatment, exclusion orders, residency requirements, attendance on courses. Link these to different punishment aims, e.g.:

- Community Payback and reparation, as well as retribution (e.g. wearing vests labelling them as offenders is public 'naming and shaming')
- treatment for addiction or mental health problems and rehabilitation
- exclusion orders and public protection
- attendance on vocational training and rehabilitation.

Explain how or whether these requirements achieve the punishment aim. For example, there are problems of non-attendance on courses, or lack of places on them. On the other hand, community sentences have lower recidivism rates than imprisonment.

If you do this as a timed question, you should spend no more than 10 minutes on it. Aim to write about 150 words.
**Philosophy**

HM Prisons and Probation Service (HMPPS) is the government agency responsible for the UK’s prisons. It describes its purpose as ‘preventing victims by changing the lives of offenders’.

**Aims and objectives**

The prison service has three main aims:
- to protect the public from harm
- to help people who have been convicted of offences to rehabilitate so they can contribute positively to society
- to hold prisoners securely and implement the sentences and orders of the courts.

**Funding**

Prisons are paid for by the government out of general taxation. In 2018, the total budget for prisons was approximately £3 billion – 16% lower than in 2010. This has resulted in cuts to staffing levels, with a 15% fall in the number of prison officers between 2010 and 2018. As a result, many more experienced officers have left the service: by 2018, a third of prison officers had less than two years’ experience. According to HMPPS, the cost of keeping a prisoner in prison in 2017-18 was £37,543 per year.

**Working practices**

In 2019 there were a total of 122 prisons, holding over 82,000 prisoners. Of these, 108 were public sector prisons, run by the government, and 14 private prisons, run by three private companies – Sodexo, G4S and Serco. In April 2019 it was decided that one of these – HMP Birmingham – is to be returned to the public sector following failings by G4S, including Britain’s worst prison riot in 25 years, in 2016.

**Types of criminality and offender**

The prison service deals with higher risk offenders who are deemed unsuitable to serve their sentence in the community. However, the range of seriousness of offence varies greatly, from murder down to theft.

**National and local reach**

The prison service is nationally organised, with prisons situated throughout the UK. When sentenced to prison, an offender is first placed in a local prison and given a security classification based on a risk assessment. They may then be moved to a more appropriate prison elsewhere. (See table.)

<table>
<thead>
<tr>
<th>Prison type</th>
<th>Category</th>
<th>Risk assessment of prisoners</th>
<th>Examples of prisons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed</td>
<td>A (high security)</td>
<td>Those whose escape would be highly dangerous to the public, e.g. those convicted of murder, attempted murder, rape, terrorism or explosives offences.</td>
<td>Belmarsh, Wakefield, Manchester</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>Do not require maximum security, but for whom escape still needs to be made very difficult.</td>
<td>Pentonville, Wandsworth</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>Cannot be trusted in open conditions but unlikely to try to escape.</td>
<td>Birmingham, Dartmoor</td>
</tr>
<tr>
<td>Open</td>
<td>D</td>
<td>Can be reasonably trusted not to try to escape.</td>
<td>Ford, Kirkham, Askham Grange</td>
</tr>
</tbody>
</table>
**Attempted escapes** Prisoners who have made escape attempts are placed on an ‘escape list’ and must be handcuffed and wear bright yellow clothing when being moved (nicknamed ‘banana suits’), must change cells frequently and have their clothes and some of their personal property removed from their cell before being locked in for the night.

**Prison activities and routines**

Although the prison service aims to rehabilitate prisoners, prisons have been criticised for their lack of opportunities for education, training and work experience. For example, in 2018 the chief inspector of prisons said that half the prisons inspected had too few programmes of useful activity. Only two-fifths were assessed as delivering ‘good’ or ‘reasonably good’ activities, compared with more than two-thirds in 2009-10. One reason for this is the cuts in the number of prison officers, which mean there are fewer available to supervise prisoners undertaking activities.

**Incentives and earned privileges**

Incentives and earned privileges (IEPs) are rewards that prisoners can earn by keeping to the rules. There are three IEP levels: basic, standard and enhanced. On entering prison, the prisoner is put on standard level, which might mean they are allowed to spend more of the money they earn, for example.

Misbehaviour will lead to the prisoner being reduced to basic level, where they can only have the minimum that the law says they must have, such as a limited number of letters or visits. Good behaviour will lead to being moved to the enhanced level, with additional privileges, such as a TV in their cell. Different prisons have different rules about what privileges can be earned.

---

**The National Probation Service**

**Philosophy**

The National Probation Service (NPS) describes its core values and ethical principles as:

- the belief that offenders can change for the better and become responsible members of society
- belief in the worth and dignity of the individual
- a commitment to social justice, social inclusion, equality and diversity.

**Aims and objectives**

The NPS describes itself as ‘a statutory criminal justice service that supervises high-risk offenders released into the community and provides statutory support to victims of serious sexual or violent crime.’

Its priority is to protect the public by rehabilitating offenders, by tackling the causes of their offending and enabling them to turn their lives around.
Question
Describe the measures that prisons can take to achieve social control of inmates. (10 marks)

Answer by Chloe

Prisons can take several measures to achieve social control of inmates, including prison design, institutional tactics (e.g. prison rules) and behavioural tactics such as a token economy. I shall look at each of these.

The Panopticon is a prison design where guards can see into the cells from a central viewing point, but where prisoners can't see the guards and so don't know whether they are being watched. The prisoners must therefore behave all the time as if they are being watched. Foucault saw this as creating self-surveillance – the prisoners discipline themselves. A more modern example of this idea is CCTV cameras to monitor inmates' behaviour remotely.

Prisons have institutional tactics such as prison rules. These include not assaulting staff or inmates, using drugs or possessing forbidden items. Breaking the rules can lead to negative sanctions (punishments), such as loss of earned privileges or cellular confinement for up to 35 days. Discipline is phased, e.g. a warning for a first offence, with heavier punishments for repeat or serious rule-breaking.

Prisons also use positive sanctions (rewards) as tactics to achieve social control. For example, prisoners can earn privileges, such as being allowed a TV in their cell. Cooperating to achieve rehabilitation (e.g. by attending an anger management course) can also help a prisoner to get early parole.

Prisons can also use token economies to achieve control. A token economy is a behaviour modification programme based on Skinner's operant learning theory. The prison decides what behaviours it wants prisoners to adopt, e.g. staying drug-free. When the prisoner behaves as desired, they receive a token which can be exchanged for rewards such as extra phone calls. This is the reinforcement of the desired behaviour. However, while this may work in prison, once the prisoner is released (where there is no reinforcement), the behaviour may not continue, leading to re-offending.

Overall comments
Chloe gives a clear, well organised answer to the question. She covers a good range of different measures prisons can take to control inmates, ranging from how the building is designed down to tactics to manipulate their behaviour through a token economy. She relates her answer to relevant theories (Foucault and Skinner) and she uses a range of terminology and concepts accurately.
They are from the higher classes. 74% of judges were privately educated and the same percentage went to Oxford or Cambridge. Two-thirds of judges are former barristers. This may mean that judges are biased towards people from similar backgrounds to themselves, or against people who are different from themselves. However, although there are examples of male judges showing a lack of empathy for female victims of sexual assault, it is hard to demonstrate a clear pattern of bias. Likewise, most offenders are young, so it is hard to know if age makes a difference in a judge’s sentencing decisions.

Evidence of gender bias

Gender bias is clearly present in certain cases. For example, in 1989 Judge James Pickles sentenced a man to probation after he was convicted of sexually assaulting a six-year-old girl. Later that year, he jailed a woman for contempt of court for refusing to give evidence against her ex-boyfriend, who had assaulted her. In 1990 he sentenced a 19-year-old single mother with a ten-week-old baby to six months on a charge of theft. He commented that getting pregnant was no reason to escape custody.

Currency

While there have been cases of gender bias in the judiciary such as Pickles, these seem less common today than in the 1980s or 90s and may be less a cause of current concern. However, class bias continues to be current in some sentencing decisions, as the case study suggests.

Case study  Class bias in sentencing

In 2017, 24-year-old Lavinia Woodward was convicted of stabbing her boyfriend. Woodward was an Oxford University medical student and aspiring heart surgeon. She had attended a prestigious international school and was able to afford a top criminal lawyer.

Sentencing Woodward, Judge Ian Pringle QC told her that a jail term could damage her prospects of a medical career. Instead he gave her a suspended sentence.

The judge said that prison would be too severe a punishment because it would ‘prevent this extraordinarily able young lady from following her long-held desire to enter the profession she wishes to.’ He described her as having an emotionally unstable personality disorder, an eating disorder, and drug and alcohol dependence.

The journalist and barrister Afua Hirsch argues that Woodward’s treatment contrasts sharply with that of other women in the criminal justice system. Like Woodward, many young women who come before the courts have similar problems, but with two differences: unlike Woodward, they usually come from deprived backgrounds and they often receive custodial sentences.

Hirsch also notes how white offending is treated differently by the media. When one black youth stabs another, the media call it ‘black on black crime’. Both Woodward and her victim are white, but no headlines described it as ‘white on white crime’.

Are judges out of touch?

Media stereotypes of judges often portray them as out of touch with mainstream modern society and especially with the public’s views on sentencing. The most notable example is perhaps Judge Pickles, who famously once asked, ‘Who are the Beatles?’
there has been a series of lesser incidents. In 2018 there was serious disorder at several prisons, including The Mount, Long Lartin and Bedford. The chief inspector of prisons warned of a ‘complete breakdown in order and discipline’ at Bedford, described as rundown and rat-infested.

**After release: the evidence on re-offending**

Although rehabilitation is a primary aim of the prison system, many ex-prisoners re-offend and quickly find themselves back in the criminal justice system. For example, in 2017, within one year of release:
- 37.5% of all ex-prisoners re-offended
- among ex-prisoners with many previous convictions (11 or more), nearly half re-offended
- 64.1% of those on short sentences (less than 12 months) re-offended
- around 40% of juvenile offenders re-offended.

**Conclusion: the evidence on prisons**

Overall, the evidence shows that the prisons are ineffective both in achieving social control over offenders while they are *in* prison, and that they are ineffective in rehabilitating them so that they lead a crime-free life after they have *left* prison.

**ACTIVITY  Research**

Does prison work?  
Go to www.criminology.uk.net
Preparing for the Unit 4 exam

Now that you have completed Unit 4, you need to revise and prepare for the exam. This section will help you to get ready to tackle it. It contains some advice on preparing yourself, plus a full practice exam paper for you to try. There is also advice on how to answer the questions, though you might want to try doing them without looking at the advice first.

Get organised!

The first thing to do is to get your file sorted out. Here are some tips:

1. Make a list of all ten Unit 4 Topics to give you a framework for your revision.
2. Organise your notes, activities and homework for each Topic. Use the subheadings in each Topic as a guide to how to organise them. You could work with others and share your work or fill in any gaps you have together.
3. Make a list of the main issues covered in each Topic. Using these issues, go to your notes and textbook to find the material you need in order to understand them. Make any additional notes you need.
4. From your notes and textbook, list the key ideas needed for each Topic. Link these to the issues.

Practise, practise, practise!

Once you have your file in order, the best way to prepare for the exam is by practising the skill you’re going to be tested on – the skill of answering exam questions. You wouldn’t think of taking a driving test without doing any driving beforehand, and it’s the same with exams. Here are some ways you can practise:

- **Familiarise yourself with possible questions** by looking at those in the Preparing for the exam sections at the end of each Topic and the ones in the practice paper on the next page.
- **Improve the answers you’ve already done.** If you didn’t get full marks on an assignment, re-write it, taking your teacher’s comments on board, plus the advice in the Preparing for the exam section in the relevant Topic.
- **Answer any questions that you skipped earlier.** You may not have done every assignment you were set. Do the ones you missed now. Your teacher might even mark them for you! If not, get a friend to give their opinion (and return the favour).
- **Study the student answers** that appear at the end of some Topics (they all scored full marks) and read the comments that go with them.
- **Answer past papers** that you will find on the WJEC website (and while you’re there, look at the mark schemes too).
Practice exam paper

You will find advice on how to answer these questions on the next two pages.

Answer all questions. Each question carries 25 marks.

Time allowed: 1 hour 30 minutes.

**Question 1**

Tom was charged with assault after getting involved in a fight. He pleaded not guilty and opted to be tried in the Crown Court, thinking he had a better chance of acquittal there. However, he was convicted. Although it was Tom's first offence, the trial judge gave him a lengthy custodial sentence. She said this was to protect the public and to teach him a lesson for the future. She added that she hoped the case would be widely reported. Tom wants to appeal but isn’t sure what his rights are.

(a) Suggest one reason why Tom thought he would have a better chance of acquittal in Crown Court. (1 mark)
(b) Explain the ways in which judges can make the law. (4 marks)
(c) Describe the powers of judges to achieve social control, apart from making the law. (5 marks)
(d) Using examples, describe the main features of the due process model of justice. (6 marks)
(e) Discuss the aims of the sentence that Tom received. (9 marks)

**Question 2**

Downtown is a neighbourhood with a mixture of old terraced houses and run-down, high-rise tower blocks. Downtown has a high crime rate, especially for robbery and vandalism in the tower blocks, and for fly-tipping in the alleys behind the houses. Both areas also suffer from burglaries. The council has funds to re-design or demolish and replace the tower blocks and money to fund crime prevention measures by residents.

(a) Describe some of the environmental measures that the council and residents could take to reduce crime in Downtown. (5 marks)
(b) Identify two criminal justice personnel that a suspect may come into contact with before the court reaches a verdict, apart from the arresting officer. (2 marks)
(c) Outline the aims of the police in achieving social control. (4 marks)
(d) Describe the relationships of the police with other agencies of the criminal justice system. (5 marks)
(e) Examine the limitations faced by the police in achieving social control. (9 marks)

**Question 3**

Social control involves ensuring that members of society conform to society's norms and obey its laws. Control can be internal, coming from within the individual. Alternatively, control can be imposed externally. External forms of control include the behavioural and institutional measures used by agencies of the criminal justice system such as the prisons and probation service. Voluntary organisations also play a part in achieving social control by providing support for offenders or campaigning on their behalf.

(a) Explain one internal form of social control. (2 marks)
(b) Describe the contribution of behavioural and institutional measures to achieving social control. (6 marks)
(c) Outline the role of the probation service in achieving control. (5 marks)
(d) Evaluate the effectiveness of probation in meeting its aims of punishment. (6 marks)
(e) Evaluate the effectiveness of charities and pressure groups in achieving social control. (6 marks)