

AC1.1 How laws are made

Parliamentary law-making	Judicial law-making (Precedent)	Judicial law-making (Statutory Interpretation)
<ul style="list-style-type: none"> The public's response to a change in the law is collected through a Green paper during consultation, followed by firm proposals in a White paper. A bill is then presented to Parliament, and it follows a series of stages such as the first and second readings, committee and report stages; the bill is passed through both the House of Commons and House of Lords. Both houses must agree for a bill to be passed into law. The bill may be amended before it is voted up by Parliament, an act which can occur during each stage (except the third reading). If the House of Lords wish to make amendments to the law, it must go back to the House of Commons to have the final say, as MPs are elected representatives by the public. The bill is then given to the monarch, who signs the bill into becoming an Act of Parliament, receiving royal assent. 	<p>Judicial Precedence is a source of law-making; judges create law for future judges to follow – past cases inform present decisions.</p> <p><u>Donoghue v Stevenson</u></p> <ul style="list-style-type: none"> Bar sells bottle of ginger beer to boy, who then gives it to a girl. It contains decomposed remains of a snail (unknown to bar or customer) – girl becomes ill. Girl can't sue, as she had no contractual relationship with the bar (The boy bought the ginger beer). Case went to the House of Lords who decided that manufacturers have a 'duty of care' to anyone who suffers due to their irresponsibility. From this point forward, the precedent showed that anyone is responsible for their carelessness which causes harm to someone. Regardless of if they are in a contract or not. <p>There are two exceptions to precedent, when it cannot be used:</p> <p>->Distinguishing = the facts of both cases remain the same.</p> <p>->Over-ruling = where a court higher up the hierarchy states that a legal decision in an earlier case is wrong and overturns it.</p>	<p>Statutory interpretation is when judges' attempt to work with the law, sometimes changing it slightly using statutory rules.</p> <p>Literal Rule: the literal, dictionary definition (meaning) of the law is used.. i.e. LNER v Berriman</p> <p>Golden Rule: the literal rule would be too absurd therefore small amendments must be made to make the law clearer.. i.e. Adler v George</p> <p>Mischief Rule: the judge may re-work the law, attempting to fix something broken or ambiguous within the law.. i.e. Smith v Hughes</p>

AC1.2 Relationships between Agencies

Agency	Relationships
<p>Police ->Protecting life and property by investigating crime, bringing offenders to justice = using police powers of arrest, detention, question etc.</p>	<p>The Courts ->Police give evidence as prosecution witnesses. ->Police protect and support vulnerable witnesses. ->Hold defendants in police cells and transport them to and from court when on remand.</p> <p>The CPS ->Police provide evidence for the CPS; they charge offenders in-line with the CPS instructions- CPS have a 24/7 direct line between themselves and police for advice or support queries. ->Provide evidence as a prosecution witness</p> <p>Prison ->If an offender is on remand, police will transport that offender back and forth between court and prison (daily) for trial/ sentencing. ->If crime occurs within the prison, police will investigate that crime, i.e. Spice Epidemic (2018).</p> <p>Probation Service If an offender breaches either their licence or community order conditions, probation will ask police to attend to and arrest the individual.</p> <p>Government Departments ->Police will enforce the laws that have been introduced, i.e. PACE 1984, CJA 2003 etc. ->Gov Dept, Home Office, are responsible for the police re: wages, staffing, infrastructure, HR admin etc.</p>
<p>Crown Prosecution Service ->Assess whether the evidence is suitable for a realistic conviction; prepare and present the case in court.</p>	<p>Police ->CPS provide advice and support for police when collecting evidence; the evidence is then applied to the full code test, to assess likelihood of conviction; police charge offenders in-line with the CPS instructions- CPS have a 24/7 direct line between themselves and police for advice or support queries. ->CPS may need the police to provide evidence as a prosecution witness</p> <p>Courts ->CPS will prepare the present their prosecution case in court. ->They engage in pre-trial matters such as plea-bargaining, assessment of the evidence etc. which takes place in Magistrates Court. ->CPS will prepare appeals for unduly lenient sentences.</p> <p>Government Departments ->Despite being independent from the Government, the CPS do receive funding from the Government.</p>

AC1.2 Relationships between Agencies

Agency	Relationships
Probation ->The National Probation Service are responsible for the management of offenders, serving their sentence in the community or on licence.	The Courts ->If an offender is sentenced to a community order, they are under the responsibility of probation services. ->Probation will write the pre-sentence report, useful to the Court in determining an offender's sentence: this report contains both mitigating and aggravating factors. ->The courts will assign a Probation officer to the offender; the officer will remain as a 'supportive asset' for the offender, whilst on trial or sentencing. Prison ->When an offender is due to be released, the Parole Board will use the pre-sentence report, written by the Probation service, in determining conditions of their licence ->When an offender is released on licence, the responsibility for that individual shifts from the Prison Service to Probation Services. Police ->If an offender breaches either their licence or community order conditions, probation will ask police to attend to and arrest the individual. Government Departments ->Gov Dept, Ministry of Justice, are responsible for the probation service re: wages, staffing, infrastructure, HR admin etc.
Prison Service ->Manage offenders serving custodial sentences.	Police ->If crime occurs in prison, police may be used in the investigation of crime, i.e. Spice Epidemic (2018) ->Police may need to speak to individuals, already serving their time in prison, if they're useful as a witness at trial etc. ->If an offender is on remand, the police will transport the offender too and from the Court (daily) for trial. Courts ->If an individual is given a custodial sentence, they'll serve that time in prison- prison will take responsibility for them. Government Departments ->Gov Dept, Ministry of Justice, are responsible for the probation service re: wages, staffing, infrastructure, HR admin etc. Probation ->When an offender is due to be released, the Parole Board (in prison) will use the pre-sentence report, written by the Probation service, in determining conditions of their licence ->When an offender is released on licence, the responsibility for that individual shifts from the Prison Service to Probation Services.

AC1.2 Relationships between Agencies

Agency	Relationships
Charities and Pressure Groups ->Charities/ Pressure Groups seek to	<p>Prison ->NACRO working with prison following their 'End Friday Releases' campaign; addressing the considerable needs, offenders require upon release.</p> <p>Police ->INQUEST pressure group = taking agencies of control to inquiry following omission or malpractice, i.e. Hillsborough and the police's role in 97 fatalities.</p> <p>Probation ->seeking to help those in the community rehabilitate and reintegrate back into society; similar aim as pressure groups i.e. NACRO, who attempt in giving individuals a second chance.</p> <p>Government Departments ->Seek to help change the law, i.e. Nacro ended Friday releases for offenders serving custodial sentences.</p>

Describe the relationship of the prison service with agencies in the Criminal Justice System [7]

The prison system has a relationship with many other agencies in the Criminal Justice System. One of these is the police, as prisons hold people who have been remanded into custody and denied bail by the police and the courts. The CPS liaise with prisons to request a prisoners' appearance in court or via video link. The judiciary are the ones who send people to prison and keep prison as a sentencing option. Probation services have a relationship, as if a person fails to keep their conditions, e.g. not turning up to appointments, the person may be sent back to prison to serve the remainder of their sentence. The government creates legislation regarding prisons and often inspects them ensuring all rights, etc. are maintained.

What mark would you award for this answer?

AC1.2 Exam Question

Describe the relationship of the probation service with other agencies in the Criminal Justice System [7 marks]

AC1.3 Models of Criminal Justice

Due Process	Crime Control
<ul style="list-style-type: none">->The goal is to protect the individual from oppression by the state and its agents.->Presumes innocence rather than guilt.->Less faith in the police's ability to conduct satisfactory investigations. Because of this, we need due process rules that investigations and trials must follow. Police are restricted by legislation, i.e. PACE 1984.->Procedures are to be followed, to protect a suspect's rights; is more like an obstacle course.->Emphasises the rights of the accused	<ul style="list-style-type: none">->Aims to suppress crime, as crime is a threat to people's freedom.->Works on a presumption of guilt – It trusts the police to be able to identify the guilty – the police can use all force available to find guilt.->Police should be able to investigate without any technical legal hindrances.->Favours a conveyor belt justice system that speeds up the process – this means there should be no legal technicalities or issues which may slow down an investigation.->Puts an emphasis on the rights of society and victims rather than the rights of the suspects.

AC1.3 Exam Question

Explain the main differences between the crime control model and the due process model of criminal justice systems [6 marks]

Mari and Horace are solicitors working on different sides of the same case. Mari is a senior crown prosecutor working for the Crown Prosecution Service (CPS). Horace is a defence lawyer who represents defendants charged with criminal offences. Mari believes in swift justice that promotes the rights of victims and the powers of the police and prosecuting agencies. Horace believes that defendants' rights are of primary importance and that defendants are innocent until proven guilty. In addition, he believes that there should be laws that restrict the powers of the police.

Describe the model of justice that reflects Mari's viewpoint (5)

AC2.1 Forms of Social Control

Internal forms of social control	
Super Ego (Freud's psychodynamic theory)	<p>Our moral conscious makes us behave because otherwise we feel guilty; that guilt makes us want to conform, as we do not wish to feel that guilt again.</p> <p>Your superego (morality principle) was uncovered by Freud as our conscience (the nagging parent, which dictates good behaviour); if we deviate from our super ego, we feel guilty, a feeling we do not wish to continue.</p> <p>The super ego is developed through a process of 'socialisation' – learning right from wrong, particularly with parents or family figures. Absent parenting can lead to an undeveloped super ego and hence, crime.</p>
Tradition	<p>Different institutions in society can socialise us, such as the family, school/education and religion. Internalising the norms and values of a tradition or culture can develop our internal social control.</p> <p>The tradition becomes a routine, which appears to be 'normal' for us. Deviating against the tradition can appear unusual, making us feel 'wrong' and preventing a continuation of such behaviour.</p>
Upbringing & family – rational ideology	<p>The process of us internalising the social rules and using them to decide what is right and wrong. Rational ideology enables us to keep within the law.</p> <p>The internalisation of social rules and morality is working out what is the right thing to do, and therefore knowing what is right from wrong, based upon social values.</p>

AC2.1 Forms of Social Control

External forms of social control	
Agents of social control, i.e. family, school, work	Organisations or institutions that make us behave in certain ways.
Criminal Justice System	<p>Agencies give out negative sanctions (punishments) to deter people away from ‘bad behaviour’ and provide positive sanctions (rewards) to reinforce ‘good behaviour’. This demonstrates a similar contribution to ‘why we obey’, as portrayed through Operant Learning by Skinner. Behaviour which is rewarded is encouraged to repeat behaviours; behaviour which is punished is discouraged to repeat behaviours.</p> <p>The CJS also provides negative sanctions to deter people away from bad behaviour.</p> <ul style="list-style-type: none">• The Police – can give out fines, cautions and arrest people for breaking the law (PACE 1984 enables police powers such as detention and interview)• The CPS – will aim to try and prosecute you and have a punishment carried out.• Judges and Magistrates – issue sentences when people are found guilty.
Coercion	Coercion may be physical or non-physical. Prisons use coercion and the threat to losing liberties; this can be seen in a suspended sentence with the continued threat of custody for future breaking of the law.
Fear of punishment	A form of coercion, in which people do not want to be punished so straight away it stops them from committing a crime. This has direct links to deterrence, i.e. preventing further offending.

AC2.1 Forms of Social Control

Hirschi's Social Bond Theory

Attachment	The more attached we are to others, the more likely we are to follow their norms, care about what they think of us and will be less likely to be deviant.
Involvement	The more involved we are in conventional, law-abiding activities such as studying, or participating in sports, the less time and energy we have for committing crime. Youth clubs are a good example of this. They keep young people off the streets and busy with legal activities.
Commitment	The more we are committed to a conventional lifestyle (succeeding and getting a good job) the more we risk losing by getting involved in crime. Therefore, when we are committed to the goals of society, we are more likely to conform.
Belief	If we have been socialised to believe it is right to obey the law, we are less likely to break it.

AC2.1 Exam Question

Explain why most people abide by the law and do not commit crime [9 marks]

AC2.2 Aims of Sentencing

Aim	Theory	Limitations
<p><u>Retribution</u> This involves punishing an offender as vengeance for a wrongful act. It's based on the idea that criminals should get their 'just deserts' for breaking society's moral code. The punishment given should be proportional to the crime committed: 'an eye for an eye, a tooth for a tooth'. In the English and Welsh legal system, proportionality has led to their being a 'tariff' system for punishments. Its main purpose is to allow society to express their moral outrage and condemn an offender.</p>	<p>Right Realist theories: an offender is a rational actor who consciously chose to commit a crime so must therefore face the outrage of society.</p> <p>Durkheim's functionalism: the moral outrage seen by society keeps the rest of society within the law because the offender is used as an example. Punishment reminds society of the difference between right and wrong.</p>	<ul style="list-style-type: none"> • It can be argued that offenders should be given a chance to show remorse or make amends for their wrongdoing. If there is a fixed tariff for an offence there is no flexibility for the courts, even where the offender is remorseful and would not commit any other offences in the future. • There are many schools of thoughts about what a proportionate penalty is. For example, there are many people who believe in capital punishment ('a life for a life'). • Some offenders need treatment rather than punishment; without treatment, the cycle of crime will continue unabated.
<p><u>Reparation</u> This involves the offender making amends for their wrongs. Making amends can be made in several ways: financial, unpaid work, or restorative justice.</p>	<p>->Labelling theory: reintegrating offenders into society by giving them the opportunity to show genuine remorse which prevents them from being seen as a criminal (by others and themselves) which prevents reoffending</p> <p>->Functionalists: this allows for the smooth functioning of society as it tries to put things back to how they were before the crime.</p>	<ul style="list-style-type: none"> • This does not work for all offences and is often seen to be too soft on offenders. For example, restorative justice would not work for victims of murder (it would be the family who would partake), victims of other serious crimes. Would someone want to re-live or meet with their offender?

AC2.2 Aims of Sentencing

Aim	Theory	Limitations
<p><u>Public Protection</u> Punishments can be used to incapacitate offenders. Incapacitation is essentially removing the offender's physical ability to offend again, e.g. execution/death penalty, cutting of hands of thieves, chemical castration, curfews, electronic tagging, foreign travel bans</p>	<p>->Biological theories: Lombroso argued that criminals are biologically different from the rest of the population, so it is not possible to rehabilitate them. He favoured keeping criminals out of society by either detaining them or through banishment to islands away from public. Biological theories also favoured castration so that criminals can't produce children with the same criminal genetics.</p> <p>->Right realists: a small number of repeat offenders are responsible for most of the crime so incapacitating them through lengthy prison sentences will protect the public from harm.</p>	<ul style="list-style-type: none"> • Incapacitation leads to longer sentences, which leads to overpopulation of prisons, which leads to high costs for the public purse. • It doesn't deal with the causes of crime. It just contains criminals for a set period without changing them into law-abiding citizens. • It is unjust as it imprisons people for crimes that the law assumes they will commit crime in the future.
<p><u>Rehabilitation</u> This is the idea that punishment can be used to reform or change offenders to reduce recidivism. It focuses of the offender's future behaviour by using different treatment programmes which address the offender's issues which led to their offending. Offenders must want to make a change, but they are given a lot of support by therapists and the probation service.</p>	<p>->Cognitive theories: CBT to teach offenders the correct way to think to reduce aggressive or criminal behaviour;</p> <p>->Eysenck's personality theory: use of aversion therapy;</p> <p>->Skinner's operant learning theory: token economies in prison to produce acceptable behaviour;</p> <p>->Left Realism: causes of crime are socio-economic- addressing a lack of education, for example, will help offenders get jobs and reduce reoffending.</p>	<ul style="list-style-type: none"> • Right realists argue that these activities are limited in their success, and do not reduce recidivism. • Marxists criticises these programmes because they feel it shifts the blame onto the individual, rather than looking at how capitalism fails the proletariat and leads them to committing crimes.

AC2.2 Aims of Sentencing

Aim	Theory	Limitations
<p><u>Deterrence</u></p> <p>This is simply putting someone off committing a crime, for example because they fear the punishment if they get caught. There are two types of this aim: individual and general.</p> <p>Individual uses punishment to deter an individual (or specific) offender from reoffending.</p> <p>General aims at deterring the whole of society from breaking the law.</p>	<p>->Right realism</p> <ul style="list-style-type: none">• Rational Choice: higher punishments and increased likelihood of getting caught will deter offenders (risk of punishment does not outweigh reward from crime).• Situational Crime Prevention: target hardening (e.g. secure locks on bikes or shutters on shops) make it harder to commit a crime successfully and without getting caught so act as a deterrent. <p>->Bandura's Social Learning theory: if a would-be offender sees a model (e.g. friend) being punished for offending, they will be less likely to imitate that behaviour.</p>	<ul style="list-style-type: none">• Recidivism rates of prison leavers is high which suggests that prison is not an effective deterrent.• This aim assumes possible offenders are aware of the penalties they'd face but many are ignorant of them. It relies on defendants to act rationally, but this isn't always the case.• Many criminals are driven by emotions without thinking about the repercussions.• Some crimes are committed with moral imperatives and are undeterred by possible punishments.

AC2.2 Exam Question

Explain how theories of criminology influence the aims of punishment. [9 marks]

AC2.2 Exam Question

Assess the extent to which rehabilitation is achieved by formal punishment. [9 marks]

AC2.3 How do forms of punishment meet their aims?

Sentence	Aims of sentencing
<p><u>Custodial Sentencing</u></p> <p>Handed out for most serious offences and can be made up of different kinds of sentences:</p> <ul style="list-style-type: none">->Indeterminate – These set a minimum time that the offender must serve in prison. After this Parole board decide whether to release them on license.->Life sentences – Judge sets a minimum time that the offender must spend in prison. If parole board deem their release safe and suitable they are then released on license for the rest of their life.->Determinate sentences – fixed length.->Suspended Sentences – offender does not go directly to prison.	<p>Retribution</p> <ul style="list-style-type: none">• Prison takes away an offenders' freedom– is a punishment.• Mostly proportionate as serious offences receive serious punishments.• But...difficult to say whether prison gives offenders their 'just deserts'–who decides proportionality? Is it not subjective? <p>Rehabilitation</p> <ul style="list-style-type: none">• 48% of prisoners re-offend within the first year of the release.• Short sentences mean that there is not enough time to rehabilitate• Education can take place in prison; offenders do have the opportunity to gain skills through work. <p>Deterrence</p> <ul style="list-style-type: none">• Prison is not a nice environment so can act as deterrent.• But...we do see high re-offending rates, therefore is it an effective aim?Also, people don't stop to think about consequences when they commit a crime. <p>Reparation</p> <ul style="list-style-type: none">• Prison does not do much for reparation.• Some prisoners who work whilst in prison can be made to pay money to victim's support services–fixing material harm.• Offenders may get the chance to engage in restorative justice, fixing social harm. <p>Public Protection</p> <ul style="list-style-type: none">• The offenders are removed from society, therefore further harm is removed; public are protected.• But...even when they are released back into society, they are under supervision.

AC2.3 How do forms of punishment meet their aims?

Sentence	Aims of sentencing
<p><u>Community Sentencing</u></p> <p>Imposed for offences which do not require a prison sentence but a fine or discharge would not be sufficient.</p> <p>Requirements could be attached e.g. unpaid work and supervision by a probation officer.</p> <ul style="list-style-type: none">• Supervision by a probation officer• Between 40 and 300 hours of unpaid work (community payback)• A curfew/ or an exclusion order• A residency requirement – to live in a supervised, probation approved hostel• A group programme, i.e. Anger management• Treatment for alcohol or drugs	<p>Retribution</p> <ul style="list-style-type: none">• Curfews and restrictions limit a person's freedom. This could be seen as retribution.• Might be viewed as too lenient of a punishment. <p>Rehabilitation</p> <ul style="list-style-type: none">• Community sentences seen as better than short-term prison sentences when it comes to rehabilitation.• Community sentences help to meet multiple needs the offender may have. E.g. drug treatment, helping with future job prospects, training regimes. <p>Deterrence</p> <ul style="list-style-type: none">• High-vis jackets with 'community payback' written on the back is a name and shame tactic used as a form of general deterrence.• Working for free may be viewed as an individual deterrent.• People still re-offend, suggesting ineffectiveness. <p>Reparation</p> <ul style="list-style-type: none">• 'payback' – implies that the offender is making right for their wrong doings. Giving back to the community after they have betrayed it.• Can be carried out through community service with tasks such as litter-picking, cleaning graffiti etc. – fixing material harm. <p>Public Protection</p> <ul style="list-style-type: none">• Having offenders under supervision from a probation officer can protect others.• Also, offenders seeking treatment programmes will help to protect the public as it aims to make sure the offender will not offend again. Therefore, protecting the public.

AC2.3 How do forms of punishment meet their aims?

Sentence	Aims of sentencing
<p><u>Fines</u></p> <p>A financial penalty used for both summary and indictable offences.</p> <p>Size of the fine can depend on multiple factors:</p> <ul style="list-style-type: none">• The offence itself• The circumstances of the crime• The offender's ability to pay• Which court is hearing the case	<p>Retribution</p> <ul style="list-style-type: none">• The offender is literally paying for an offence with a fine. Fines are seen as equal to the offence therefore, a form of just deserts. <p>Deterrence</p> <ul style="list-style-type: none">• Not waiting to lose money acts as a deterrent to turn people away from offending. It can stop low level crimes. E.g. Speeding <p>Reparation</p> <ul style="list-style-type: none">• Offenders paying for their crimes, fixes material harm.
<p><u>Discharge</u></p> <p>Used often for minor (first-time) offences where the court does not want to input a criminal conviction.</p> <ul style="list-style-type: none">• Conditional Discharge – Offender will not be punished unless they commit another offence within a set-period of time. If they do, the court can sentence them for both offences.• An Absolute Discharge – No penalty imposed. Often used when court finds the offender guilty on a technicality but a punishment would be inappropriate.	<p>Retribution</p> <ul style="list-style-type: none">• The offender may have mitigating factors, impacting their responsibility or level of involvement in a crime– could be proportionate? <p>Deterrence</p> <ul style="list-style-type: none">• They act as a warning and a caution, often for first time offenders.• There is a low rate of offending following a discharge. It seems the experience of going to court is enough to make offenders mend their ways. In that respect, they do meet their aims.

Jake is appearing before the local Crown Court on two charges of grievous bodily harm with intent. Due to the seriousness of the charge, the CPS has asked the judge to impose an immediate prison sentence. However, the defence lawyer has submitted that a period of unpaid work would be the most appropriate punishment. After careful consideration, the judge decides to impose a prison a sentence of 12 months.

Discuss the aims of Jake's prison sentence [6]

Funding

The Government has published a total police funding settlement of up to £18.4 billion for 2024/25.

This comes from three sources:

- About two-thirds comes from central government
- Most of the rest comes from local council tax
- A small amount comes from charging for services

Working Practices

- There are 43 police forces across the UK
- All police forces have teams of officers who are responsible for general beat duties and response to emergency and non-emergency calls from the public. Nearly all police officers begin their careers in this area of policing, with some moving on to more specialist departments i.e. Anti-terrorism, bomb-squad, firearms etc.
- Police deal with virtually all types of crimes.
- General duties include investigating crime, responding to emergencies, securing crime scenes, working with and patrolling local communities.



AC3.1 Police

Aims & Objectives

- To keep the peace and maintain order.
- To protect life and property
- To prevent, detect and investigate crime
- To bring offenders to justice.

Philosophy

The basic mission of the police is to prevent crime and disorder.

- The police's ability to perform their duties depends on the public's cooperation and approval;
- The use of physical force is a last resort
- The police's duty is to impartially serve the law

The police are the public, and the public are the police. The police are just citizens in uniform, paid to do what citizens must do, uphold the law.

Funding

The Ministry of Justice's day-to-day budget (known as the Resource Departmental Expenditure Limit) has climbed from £10.4bn in 2023-24 to £11bn this year.

Pay of Judiciary is based on advice from an independent body The Senior Salaries Review Body.

Working Practices

- The judge takes two oaths upon undertaking this role:
 - Oath of Allegiance: to the King and his successors
 - Judicial Oath: to 'do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill-will'.
- At the most senior level, the Supreme Court has nationwide jurisdiction and settles points of national importance.
- Judges working in the lower (inferior) courts, such as the Crown Court, handle local cases.
- Judges do receive 'security of tenure' meaning that they cannot be easily removed from office.



AC3.1 Judiciary

Aims & Objectives

- Manages the trial
- Ensures fairness to all parties
- Explains the legal issues and procedures to members of the jury
- Sums up evidence
- Passes sentence if the defendant is found guilty.
- The judge may also make ruling on appeals, come before them from lower courts, and may be involved in creating precedents through the principle of judicial precedent.

Philosophy

- Judicial Independence – Free from government interference.
- Impartiality – Not taking sides
- Integrity – Honest and acting morally
- Propriety – Upholding society's standards
- Ensuring equal treatment to all
- Competence – Knowledge and ability to do the job

Funding

In the 2021 Spending Review, the CPS secured a significant funding increase enabling it to respond to growing pressures in the criminal justice system.

This settlement saw a significant investment in CPS funding, increasing its budget from £630m a year to £728m by 2024/25.



AC3.1 C.P.S

Aims & Objectives

- It advises the police in their investigations about lines of enquiry and the evidence needed to build a case.
- It independently assesses the evidence submitted to it by the police and keeps cases under continuous review.
- It decides whether to prosecute and if so, what charged should be brought.
- It prepares the prosecution case and presents it in court, using its own lawyers and self-employed specialists.
- It assists, informs and supports victims and prosecutes witnesses.

Working Practices

- CPS make the decision to prosecute using the 'full code test', compiled of evidential and public interest stages. For a case to successfully reach Court, the full code test must be satisfied that conviction is likely.
- CPS is a national body, working across the UK to prosecute cases.

Philosophy

- Independence and Fairness – Prosecuting without bias.
- Honesty and Openness
- Treating everyone with respect.
- Professionalism and striving for excellence
- Equality and inclusion.

Funding

The NPS is part of HM prisons and Probation Services (HMPPS), whose budget comes from the government and general taxation.

The community rehabilitation companies (CRCs), established in 2015, are private businesses that have a contract with the Ministry of Justice to provide probation services. They are paid for meeting rehabilitation targets agreed in their contracts.



AC3.1 Probation

Working Practices

- Preparing pre-sentence reports for courts, to help them select the most appropriate sentence for the individual offender
- Managing approved premises for offenders whose sentence includes a residence requirement
- Assessing prisoners to prepare them for their release on license back into the community
- Helping offenders serving sentences in the community to meet the requirements ordered by the courts
- Communicating with the offender's victims in certain cases

Aims & 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 crimes.'
- 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.

Philosophy

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

Funding

- The primary source of funding is the Ministry of Justice (MoJ), which allocates a significant portion of its budget to the prison service.
- The United Kingdom spent approximately £6.85 billion British pounds on its prison system in 2023/24, an increase when compared to the previous year.
- In 2023 there were approximately 22,300 prison officers, a steady increase since 2017. Each prisoner costs approx. £51,000 per annum.

Working Practices

- In 2024, in England and Wales, there are a total of 122 prisons, holding over 87,000 prisoners. Of these, 108 were public sector prisons, run by government, and 14 were private prisons, run by three private companies – Sodexo, G4S and Serco.
- The prison service is nationally organised, with prisons situated throughout the UK.
- There are 4x category of prison:
 - Cat A (maximum security), i.e. Wakefield prison.
 - Cat B, i.e. Wandsworth
 - Cat C, i.e. Birmingham
 - Cat D (open prison), i.e. Kirkham



AC3.1 Prison

- 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.
- Incentives and Earned privileges

Aims & Objectives

- To protect the public from harm
- To help people who have been convicted to rehabilitate
- To implement the orders of the courts

Philosophy

HM Prison and Probation service (HMPPS), the government agency responsible for the UK's prisons, describes its purpose as 'preventing victims by changing the lives of offenders'.

"If a society is measured by how it treats its worst off, we have reason to think hard and well about how we manage the lives of those in prison"

Funding

Public donations, government grants and contracts

NACRO has a funding of around £50 million a year. This mostly comes from public donations, government grants and contracts. they work with a range of ex-offenders such as ex-convicts or students excluded from school.

Aims & Objectives

- Nacro believe that everyone deserves a good education, a safe and secure place to live, the right to be heard, and the chance to start again, with support from someone on their side.
- They provide practical help and personalized support through our education, housing, justice and health and wellbeing services.
- They work closely with people to help them build independence and to move forward to a better future.

AC3.1 NACRO (pressure groups)

Working Practices

- Every day Nacro helps thousands of people build the independence and resilience they need to look forward to their futures.
 - Practical help: Our education, housing, justice, and health and wellbeing services support people to put in place the things they need to move forwards and build positive futures. We work collaboratively with other services and providers.
 - Personalized support and advice: Our practical provision is successful because our approach is one of personalized, individual support for the people we help and their families.
 - Nacro use our front-line experience, combined with sound research, to campaign for policy and systems change, i.e. End Friday Releases.

Philosophy

“We want a society where everyone has the chance to succeed and the support they need to achieve their potential. Where a safe secure home, a decent education and a second chance when things go wrong are the foundations, we can all build our lives on”

AC3.2 Contributions of agencies in achieving control

Environmental Measures

Environmental design involves what a neighbourhood looks like and how it is designed so to have an impact on criminality.

Architect Oscar Newman names defensible spaces as areas where there are clear boundaries, so it is obvious who has the right to be there. Newman argues that defensible spaces have low crime-rates because of four key features:

- >territoriality
- >surveillance
- >a safe image
- >a protected location.



**CPTED links to
right realism!**

Newman's ideas about defensible space were developed further by American Criminologist C.R. Jeffery, who introduced the approach known as Crime Prevention through Environmental Design. Jefferey argued that the built environment can either create or deny opportunities to criminals. By altering this environment, therefore, we can reduce crime.

In the UK Alice Coleman adopted a similar approach. She found that three design features encouraged crime: anonymity, lack of surveillance and easy escape. Her recommendations included:

- >No more blocks of flats should be built (improving the location)
- >Each existing block should have its own garden or private space, so residents would look after it (improved territoriality)
- >Overhead walkways should be removed (improved surveillance)

These ideas have been influential with planners and have led to attempts to 'design crime out' – for example, the introduction of the Secured by Design (SBD) kitemark scheme, Home Office research found a 30% lower burglary rate in SBD houses.

A further example of CPTED is 'gated lanes' – mainly used to prevent burglaries, but may also stop fly-tipping, anti-social behaviour by youths congregating, dog-fouling etc. Gated lanes create a physical barrier and increase the risk of an offender being caught, suggesting that if crime was a rational choice, the offender would be prevented from acting.

AC3.2 Contributions of agencies in achieving control

Behavioural Measures

There are ways in which agencies can seek to change an individuals' behaviour.

ASBOs

- Used to stop low level offending.
- Put restrictions on a person to attempt to stop them from offending.
- Civil orders, not criminal, but breaching an ASBOs was a criminal offence.
- ASBOs were not successful with over half of the people receiving them breaching the terms – between 2000 and 2013, ASBOs were issued to just over 24,000 people, but 58% of them breached their ASBO conditions, and over 10,000 orders were breached repeatedly. This links to labelling theory, by ASBOs appearing like a badge of honour. These people receiving an ASBO create that self-fulfilling prophecy, thinking they should continue with crime as they're already labelled by their ASBO.

Criminal Behaviour Orders (CBOs)

- CBOs deal with seriously anti-social individuals who cause harassment, alarm or distress to others.
- A CBO lasts at least two years for adults and one to two years for under-18s. Breaching a CBO can mean up to five years in prison for adults or two years' detention for under-18s.
- CBOs can have both positive and negative requirements

Token Economies

- A behavioural modification technique whereby a prison draws up a list of desired behaviours; once an inmate completes a behaviour, they receive a token which can be exchanged for rewards, i.e. longer visitation, treats or snack foods, more time outside etc.
- The inmate learns that every good behaviour receives a token (a reward); if they misbehave, the reward is removed.
- Suggesting the operant learning theory, as derived by Skinner.
- This technique was successful over a short-term basis but upon release, and the reinforcement stops, offenders revert back to original behaviours.

AC3.2 Contributions of agencies in achieving control

Institutional Measures

Institutions have a variety of ways for reducing behaviour and achieving social control, i.e staggered or phased discipline or lenient punishments for the first time offences.

Repeat offending leads to stronger sanctions. These sanctions are supposed to coerce good behaviour, acting as a threat or fear.

Institutions come in many different shapes and sizes, from families to schools, workplaces to religious organisations, armies to prisons. However, all institutions have rules about how their members must behave, along with punishments for breaking them and rewards for conforming.

Rewards are also known as positive sanctions and punishments known as negative sanctions.

Criminal Justice Institutions:

- **Courts** – can sentence offenders to certain punishments.
- **Probation Service** – Supervises and monitors offenders and those released on licence,
- **Prison Service** – Prisons have certain rules that, when broken, can lead to punishments. E.g. Loss of privileges; solitary confinement.

The prison service has a set of Prison Rules that apply to all prisoners, but a prison governor can add further rules for their prison.

They cover the following offences:

- Offending, threatening or hurting someone
- Preventing staff from performing their jobs
- Escaping from prison
- Using drugs or alcohol
- Damaging the prison

Breaking the rules can lead to a range of punishments– these punishments seek to discourage further offending. They act as negative sanctions, coercing an individual to behave.

Lack of resources

- When budget cuts are made, it is difficult for state agencies to do their jobs.
- There are many different agencies funded by the state– i.e. not enough to go around equally.
- Meeting all their demands/needs can be difficult.

AC3.2

Gaps in Provisions

Unreported crime

- The police cannot investigate, prosecute and convict offenders if the crime has not been reported. Unreported crime cannot be handled therefore; behaviour cannot be coerced if it isn't known about.

Technology issues

- Technology has become a burden. This is because of the huge amounts of data it can store.
- It can take a significant amount of time for agencies to handle technological evidence etc. Seen as a waste of time, effort and money.
- To also deal with the amount of technology now involved in the investigation, agents may need specialist knowledge or education to do the job correctly.

Existing laws

- There needs to be a law in place for the police to act on it. No law = no social control.

Gordon is running for the position of Police and Crime Commissioner of the Bright Town area. Over the last year, people living in the town have been complaining about a group of bikers who cause anti-social behaviour on a regular basis.

Gordan is due to give a speech to residents explaining the measures he would introduce to combat the behaviour.

Explain the potential contents of his speech [6 marks]

AC3.3 Limitations of agencies

Limitation	Explanation
Repeat offending (Recidivism)	<p>Repeat offending (recidivism) rate is currently at 48%.</p> <ul style="list-style-type: none">• Those who reoffend commit a further 4x offences each.• Short term sentences have higher re-offending rates.• 40% of juvenile offenders re-offend. <p>Proves an issue re: the effectiveness of CJ agencies rehabilitating behaviour.</p> <p>Prison population today is double what it was in 1993– repeat offending is a factor in this, including sentences being longer. For example: in 2018, sentences for indictable offences were, on average, over 26 months longer than they had been in 2008.</p> <p>This will also impact health and hygiene within prison – overcrowding and possible riot concerns.</p> <p><u>Theory links</u></p> <ul style="list-style-type: none">• Right Realism: Argues that prison works. Clearly the high number of people reoffending shows us that it doesn't.• Marxism: Causes of crime are not being dealt with (whilst sentenced)• Social Learning Theory: Offenders learning and copying their behaviour from others in the prison system; learning the skills from others and encourage them to continue offending upon their release.

AC3.3 Limitations of agencies

Limitation	Explanation
Civil Liberties	<p>In England and Wales, we do not live within an authoritarian state, meaning that police are restricted by law and procedure; they cannot exert total control over us.</p> <p>Civil Liberties are basic rights and freedoms guaranteed to every individual by law. They can include freedom of speech, freedom of assembly and freedom of movement. ->these rights mean that we cannot be governed against our will; force cannot be taken to exert total control etc.</p> <p>Many of the civil liberties discussed are aspects of the due process model that we examined in AC1.3 and which is evident in many aspects of our criminal justice system- for example, police must adhere to their procedures through PACE (1984), otherwise evidence may have been gathered illegally or improperly.</p> <p><u>Links to theory</u> Marxism – these laws are necessary to protect the working classes from the ruling elite, making arbitrary judgements against them.</p>

AC3.3 Limitations of agencies

Limitation	Explanation
Local and National policy	<p>Both national and local policies limit the ability of agencies to achieve social control.</p> <ul style="list-style-type: none">• National Government Policies – such as the relaxing of stop and search procedures.• Local Policies – Such as weapon amnesties. Where local police forces will not arrest people who surrender illegal weapons.• Moral Panics – exaggerated media coverage around a certain crime may trigger a change in local or national policies. I.e. Southport or London riots reducing local policing numbers. <p>These policies impact the ability of agencies doing their job most effectively, as they may need to leave a local area and protect nationally– local communities may feel abandoned or neglected, losing their faith in agencies from achieving their social aims etc.</p>
Moral Imperative	<p>Moral Imperative = an overriding sense of what is right – a sense that is so strong it compels a person to act in a certain way to uphold it.</p> <ul style="list-style-type: none">• Kay Gilderdale: helping her terminally-ill daughter to pass away• Rosie James and Rachel Wenham: protesting war by spray painting government ships• Alan Blythe: cultivates marijuana to medicate his ill wife <p>All show how it may be difficult to persuade juries to convict in the case of a defendant who is acting morally.</p> <p>It could impact the morality of an agency (for social control) because the individual was acting in, what they believed, as the right judgement – their actions were still against the law.</p>

AC3.3 Limitations of agencies

Limitation	Explanation
Access to Resources and Support	<p>Offenders need resources and access to support to stop them from reoffending and to rehabilitate them successfully.</p> <ul style="list-style-type: none"> • Short sentences – do not give enough time to rehabilitate successfully. • Inadequate resources – In 2018 only 40% of prisons were delivering ‘good’ or ‘reasonably good’ activities. (down from 66% in 2010) • 15% cut in prison officers – fewer officers to supervise offenders. • Release on temporary licence – very few offenders can take advantage of this scheme. <p>Newly released prisoners may face difficult circumstances, such as..</p> <ul style="list-style-type: none"> • Lack of money – Prisoners get £76 on release • Lack of a job – only 25% of prisoners have a job to go to on their release. • Homelessness – According to NACRO, 1 in 9 prisoners had no settled accommodation on release. <p>By limiting resources which offenders need to change their behaviour, i.e. skills, education, training, we are preventing them from rehabilitating.</p> <p>Support and the correct amount of resource/ and funding must be given to help an offender 'find their feet'- failing to do so, limits the offender from changing their behaviour.</p>
Funding	<p>Finance is also a further part of this, for example, multiple agencies are limited in funding or have received budget cuts, impacting upon their ability to do their jobs.</p> <ul style="list-style-type: none"> • Police – budget cut by 19% between 2010 and 2018. Less police officers and more demanding workloads. • The CPS – budget cuts of 25% between 2010 and 2018. loss of 1/3 of staff. Not able to prosecute crimes efficiently. • Prisons – Cuts of 16% between 2010 and 2018. Staff levels have fallen by 15% and many have left the service. • The Probation Service – Suffering from staff shortages. Part privatisation of the service is the problem.

AC3.4 Effectiveness of agencies in achieving social control

Agency	Effective	Ineffective
Police	<ul style="list-style-type: none">• Specialist forces who deal with individual crimes– demonstrating their expertise and knowledge in investigating certain crimes right. I.e. bomb-squad, drug-squad, firearms.• Police are the main agency dealing in the investigation of crimes; their work does lead to numerous cases being solved each year.• In recent years, the police have made progress in prioritising some of the offences of concern to the public such as domestic abuse, where increasing numbers of cases are being reported and recorded. For example, in 2017 a report from HM Inspector of Police shows that two-thirds of domestic abuse practitioners felt the police's approach had improved in the previous three years.	<p>However, the same 2017 HM Inspector of Police report showed problems too:</p> <ul style="list-style-type: none">– The arrest rate had fallen– Police are failing to use bail conditions to protect victims– Staff shortages are causing delays in responding to incidents, putting victims at risk– Body-worn video cameras are not always being used to gather evidence <ul style="list-style-type: none">• Issues with institutional racism, i.e. the case of Stephen Lawrence, recruitment failings, use of tasters etc.• Issues re: public feeling neglected if police deal with more national matters• More crime occurring, fewer being solved– the clear-up rate has dropped, meaning police are not 'finding the perpetrator'; also dropped cases.

AC3.4 Effectiveness of agencies in achieving social control

Agency	Effective	Ineffective
Crown Prosecution Service	<ul style="list-style-type: none">• It prosecuted 80,000 cases in Crown Court and over 450,000 in magistrates' courts (2018) – demonstrating their use as an agency, in being effective at their job.• 84.1% of the defendants that it prosecuted were convicted – positive numbers.• The CPS brings an independent element to the charging and prosecution of offences. It is separate to the police but works with them to bring about social control.• The full code test provides a uniform and fair approach to its role and allows a due process model to be implemented.	<ul style="list-style-type: none">• It has been beset by funding problems and criticisms that it is centralised, ineffective and too close to the police.• In 1998, Sir Ian Glidewell wrote that the organisation lacked effectiveness and efficiency, particularly referring to the number of judge-ordered acquittals of defendants being far too high.• CPS's full code test says that for a case to peruse there must be a 'realistic prospect of conviction'. Who decides what is meant by, a realistic conviction'; who decides the evidence or public interest would be sufficient– issues with it being subjective.• CPS have failed in building cases, i.e. Damilola Taylor

AC3.4 Effectiveness of agencies in achieving social control

Agency	Effective	Ineffective
Judiciary	<ul style="list-style-type: none">• Sentence individuals in terms of the law– provide proportionate sentencing• Act as a referee between prosecution and defence– keeping order within the court room	<ul style="list-style-type: none">• Class or gender bias, i.e. the case of Lavinia Woodward – given a suspended sentence, despite stabbing her boyfriend with a bread knife.• Judges are considered 'out of touch' with the real world– being too traditional in comparison to 'regular people' – cannot relate to 'working classes'.• There have also been many occasions when judges appear to have made inappropriate comments leading to sentences thought to be unsuitable, given the circumstances. <p>The following are newspaper headlines:</p> <ul style="list-style-type: none">–>Judge lets former drug dealer off unpaid work because of transport issues – Discombe (2017)–>Model caught stealing from Harrods spared jail after judge praised her TALENTS – Pilditch (2017)–>Judge lets off thief and commends his ‘enterprise’ – Court News UK (2017)

AC3.4 Effectiveness of agencies in achieving social control

Agency	Effective	Ineffective
Prisons	<ul style="list-style-type: none">• Do protect the public by locking offenders away.• Evidence shows that prisons are ineffective in achieving social control over offenders whilst they are in prison, i.e. enforcing prison rules.	<ul style="list-style-type: none">• Issues with recidivism– individuals re offending, suggesting prison is not a deterrent/ not effective in their job• Assaults on staff or other inmates – Incidents of assault, self-harm and suicide have risen. This makes us question how well the prisons are keeping the inmates safe.• Riots (created from over-crowding or poor conditions), i.e. Strangeways riot; Birmingham riot.• Drugs epidemic (Spice 2018) or simply, contraband or forbidden items finding their way inside prison
Probation	<ul style="list-style-type: none">• They do work in the community, with the offender more directly.• Recidivism rates are lower than for those released from prison, suggesting a better chance for rehabilitation with probation.	<p>The CRCs (Community Rehabilitation Companies) basic design is flawed.</p> <ul style="list-style-type: none">• No allowance for the fact that levels of risk can change,• Contracts were negotiated poorly and has had to revisit them and top up funding as a result,• Attendance was also taken over the phone,• 19 of the 21 CRCs failed to meet targets <p>Also, general issues are funding, lack of staff, lack of resources, conditions of premises etc.</p>

#1 – Evaluate the effectiveness of the police service and the Crown Prosecution Service in achieving social control [9 marks]

#2 – Evaluate the effectiveness of the Probation service in achieving social control [4 marks]