



# Criminology Unit 4 Knowledge organiser



## Understanding the CJS

### Processes Used for Law Making

#### Government Processes

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



#### Judicial Processes

- ⇒ Law made by judges in courts. When a case appears before them they must make a judgement and this forms the law. It must be followed in similar cases in the future.
- ⇒ This is called 'common law', that is judge made law.
- ⇒ There is a court hierarchy system and lower courts (magistrate courts) must abide by the decisions and rules made by higher courts. Statutory Interpretation
- ⇒ This is where judges in superior courts (Court of Appeal) are called upon to interpret words and phrases within a law. They have the ability to interpret the meaning of the law and make a verdict on the case.

Key case examples = *Donoghue v Stephenson (1932)* & *Daniels v White (1938)*

### Models of Criminal Justice

#### Crime Control Model

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

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

Examples of cases: Colin Stagg

#### Due Process Model

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

Areas of law: All interviews being recorded and suspects having the right to legal representation. Police having procedural safeguards they must follow through the PACE Act, 1984.

Examples of cases: *Thompson and Venables (James Bulger Killers)*

### Organisation of the CJS

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

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

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

Suspect brought before the court

Defendant released on bail or remanded into custody

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

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

Prison service oversees welfare of prisoner & enforces punishment

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

### Forms of Social Control

#### Internal Forms of Social Control

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

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

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

#### External Forms of Social Control

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

**Fear of punishment:** Using punishment as a deterrent to stop people from offending. Individual deterrence: punishment on offenders to prevent/deter them from committing further crimes. General deterrence: Fear of punishment that prevents others from committing similar crimes e.g. death penalty, lengthy prison terms.

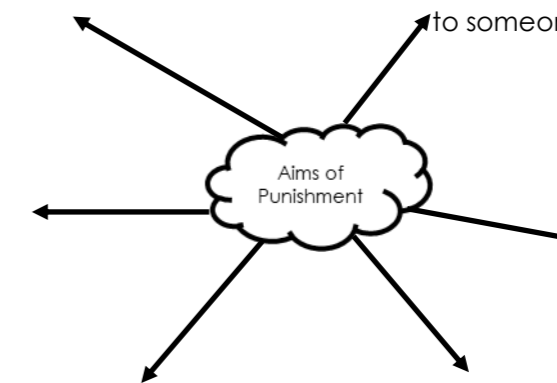
**Control Theory:** Tries to explain why people do not commit crimes. Support the view that people require nurturing in order to develop attachments that are key in producing internal controls i.e. your conscience. Crime is caused by a lack of bonds. *Reckless & Hirschi*



**Retribution (Punishment)**  
Based on the idea an offender needs to be punished.

**Deterrence**—Aim of **individual deterrence** is to ensure an offender does not reoffend. Aim of **general deterrence** is to prevent potential offenders from committing a crime. However, often the impact of a sentence with a deterrent element is weakened by it relating to someone else.

**Public Protection**  
Punishment must serve the purpose of protecting society from dangerous criminals



**Rehabilitation**—Aim is to reform offenders and reintroduce them to society.

**Denunciation**—Denunciation is the act of publicly assigning to a person the blame for a perceived wrongdoing, with the hope of bringing attention to it

**Reparation** - Often involves compensating the victim of a crime by ordering the offender to pay a sum of money to the victim.



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## Forms of punishment meeting their aims

### IMPRISONMENT

✓ long sentences incl. life sentences achieve the aim of protecting society

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



### COMMUNITY SENTENCES

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

X it doesn't always act as a deterrent to not commit further criminal activity.

### FINES

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

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



### DISCHARGES

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

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

## The Role of Agencies in Social Control

### Police

⇒ Aim is to arrest, detain, search and interview suspects

### CPS

⇒ Must decide which cases should be prosecuted, determine the charge in serious & complex cases and advise the police.

### Judiciary

⇒ Judiciary divided into superior & inferior judges. Role of a judge is to make decisions about the law through interpretation, apply the law and manage a trial.

### Prison service

⇒ Aim is to keep those sentenced to prison in custody & help them lead law-abiding, useful lives whilst in prison. Work with police, councils and charities to do this

### Probation service

⇒ Probation service supervises high-risk offenders released into the community. Work with around 30,000 offenders a year helping to try & rehabilitate offenders.

### Charities & Pressure groups

⇒ They are not government funded so can bring independent advice and can challenge functions in the CJS. They rely on voluntary donations. They are non-profit organisations. Examples include: The Prison Reform Trust

## Contribution of Agencies to achieving Social Control

**Environmental Design** = Involves what a neighbourhood looks like & how it is designed to lower crime in the area. E.g. Gated lanes, CPTED, CCTV etc.

**Prison Design** = Traditional prison design is the panopticon shape (all seeing). Allows the observer to view all prisoners without the prisoners being aware they're being watched. Panopticon vs Norway Prisons.

**Behavioural tactics** = Tactics used by agencies to change a person's behaviour to make them more socially compliant. ASBOs were introduced to limit & correct low level antisocial behaviour. Token economies are used to control behaviour by rewarding positive behaviour & punishing negative behaviour. Prisons use this often through rewards & sanctions for positive/negative behaviour.

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

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



## Evaluate the effectiveness of agencies in achieving social control

### Police

✓ Effective at working in the community to prevent crime & keep public safe. Also issuing notices and having specialist teams to deal with particular issues.

X Police have been labelled institutionally racist by the media following the Stephen Lawrence case.

### Judiciary

X Suggested lack of effectiveness of the judiciary due to the increased number of appeals following lenient sentences by judges/courts.

X The media portray judges as being 'out of touch' with real society



### Probation service

✓ In certain areas, probation has been shown to be of good quality with strong leadership.

X Reports suggest probation staff spend too much time and focus on paperwork and targets at the expense of prisoners.

X Too many prisoners have been released without knowing where they would sleep that night.

### CPS

✓ Is an independent agency in charging and prosecuting individuals. It is a fair agency that allows a due process model of justice to occur.

X Occasions when the CPS has failed to bring about social control due to funding problems and the amount of bureaucratic 'red tape'.

### Prison service

X Many statistics show that the prison service is limited in achieving social control i.e. prisons have a poor record for reducing reoffending.

X Within prisons, there are questions over social control due to the rising numbers of prison disturbances. Riots are becoming more common within the UK prison system.

X Drug use and their availability is increasing inside prisons, again suggesting a lack of social control.

X Assaults on prison staff by prisoners are rising.

### Charities & Pressure groups

✓ Many campaigns designed and promoting topics on mental health and vulnerable individuals.

X Effectiveness can be limited by only being able to put pressure on governments, they cannot force them to take action.

## The Limitations of Agencies in achieving Social Control

- ◇ Repeat offenders/Recidivism
- ◇ Civil liberties and legal barriers
- ◇ Access to resources and support
- ◇ Finance
- ◇ Local & National Policies
- ◇ Environment
- ◇ Crime committed by those with moral imperatives

