

Indicative Content (Results)

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Pearson BTEC Level 3 Nationals in
Forensic and Criminal Investigation

Unit 5: Applications of Criminology
(20149K)

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Unit 5: Applications of Criminology

General marking guidance

- All learners must receive the same treatment. Examiners must mark the first learner in exactly the same way as they mark the last.
- Marking grids should be applied positively. Learners must be rewarded for what they have shown they can do, rather than be penalised for omissions.
- Examiners should mark according to the marking grid, not according to their perception of where the grade boundaries may lie.
- All marks on the marking grid should be used appropriately.
- All the marks on the marking grid are designed to be awarded. Examiners should always award full marks if deserved. Examiners should also be prepared to award zero marks, if the learner's response is not rewardable according to the marking grid.
- Where judgement is required, a marking grid will provide the principles by which marks will be awarded.
- When examiners are in doubt regarding the application of the marking grid to a learner's response, a senior examiner should be consulted.

Specific marking guidance

The marking grids have been designed to assess learner work holistically. Rows in the grids identify the assessment focus/outcome being targeted. When using a marking grid, the 'best fit' approach should be used.

- Examiners should first make a holistic judgement on which band most closely matches the learner's response and place it within that band. Learners will be placed in the band that best describes their answer.
- The mark awarded within the band will be decided based on the quality of the answer, in response to the assessment focus/outcome and will be modified according to how securely all bullet points are displayed at that band.
- Marks will be awarded towards the top or bottom of that band, depending on how they have evidenced each of the descriptor bullet points.

Indicative Content Summary (to be expanded and used alongside mark scheme for live papers)

Activity 1

Summary Indicative Content

Activity 1 requires learners to use the **Case Study** and data to discuss the type of crime committed, interpret and discuss the usefulness of crime statistics, a general theoretical explanation of the crime committed and two specific theoretical theories (gender as defined in the Activity 1 question and social class, which is implicit within the **Case Study** and Figures 1 and 2).

Learners are likely to use a variety of theoretical knowledge and understanding of general and specific theories. They should be credited for supporting their argument with appropriate evidence and marked holistically.

A1 Types of crime and statistics

A1.1 Crimes against the person

- Controlling or coercive behaviour in an intimate or family relationship - Effective from 1 October 2018 (Serious Crime Act, 2015)
- Domestic abuse is considered a major crime.

A1.1 Triable either way

- From October 2018 domestic abuse is triable either way and carries a maximum sentence of four years' custody
- Offence range is Community order – four years' custody
- Offences can be tried either in Magistrates' or Crown Court depending on the severity
- Joseph is charged with an either way offence, if he pleads not guilty, the magistrate decides where the trial should be held. The court considers if the potential sentence for the offence exceeds the magistrate's maximum sentencing powers of six months for (one offence) or 12 months (for more than one offence). As there is no prior evidence Joseph may be tried for one offence
- If the potential sentence exceeds the maximum for a magistrate they will 'decline jurisdiction', the case will be sent to the Crown Court for trial. Joseph could face up to four years in prison so may be referred to Crown Court
- If the court decides that its sentencing powers are sufficient, then Joseph can opt to have his case heard in the Crown Court.

A1.2.2 Self-report victim surveys

- Crime Survey of England and Wales (CSEW) (**Figure 1**) is a self-report victim survey that interviews people about being the victim of a crime in the last 12 months. The figures from victim surveys can be very different to official statistics as they include crime that has not been reported. **Figure 1** shows that women living in households of less than £10,000 are significantly more likely than those in higher income bands to be victims of domestic abuse. Samantha is statistically more likely to be a victim of domestic abuse due to her household income being below £10,000
- Victim surveys may not be accurate though. They rely on the memory of victims, so might be biased. Offences may not have been committed in the last 12 months/they may not be able to remember the age/characteristics of the offender accurately so just guess or answer in a socially desirable way. **Figure 1** may show that individuals who live in higher income households may withhold information on domestic abuse even in victim surveys. Samantha was reluctant to report and may not have been represented on the graph for over 34 years of marriage.

A1.2.1 Home Office statistics

- Home Office statistics are official statistics. These are a record of crimes that have been both reported and recorded. HM Inspectorate of Constabulary (2014) reported that 20% of reported crime is not recorded. Samantha has never reported domestic abuse
- Official statistics can be useful as they can show patterns and trends in offending behaviour. **Figure 2** shows that individuals claiming benefits are more likely to be arrested and convicted of crimes than those in employment over a number of different criminal acts
- Official statistics can be misleading as they only show crime that is reported and recorded. The dark figure of crime (the true crime rate) may be significantly different. **Figure 2** shows that 52% of people facing sentencing for violence against the person were claiming benefits compared to 31% in employment. For example, Samantha didn't report the violence against her because she might be isolated by the fact she isn't employed.

A2 General theoretical explanations

A2.1 Right realism

- Wilson and Herrnstein (1985) would argue that Joseph is biologically predisposed to commit crime as evidenced by the fact that his father was in prison when he was a child. Criminality runs in his family
- They also suggest that crime is committed by aggressive males who look for immediate gratification. Joseph is aggressive as he attacked his wife, and he cannot hold down a job due to his inability to control his drinking
- Joseph is a member of the underclass according to Murray (1990), as he relies on benefits due to not having a regular job

- **Figure 2** identifies that more people claiming benefits engage in criminal activity than those in employment, which supports Murray's idea that the underclass have deviant and criminal values
- **Figure 1** shows that domestic violence is more prevalent in low income households
- These values were transmitted to Joseph by socialisation from a criminal father and a single mother
- Joseph also decides to commit crime based on rational weighing of the possible outcome. Rational Choice Theory (Clarke, 1980) suggests if the reward is greater than the cost he will continue to offend. He has never been to prison and his wife has never reported his abuse to the police, so the benefits outweigh the consequences.

A3 Specific theoretical explanations

A3.1 Gender and crime

- Joseph has been socialised by a hegemonic masculine society (Messerschmitt, 1993). To be a 'real man' he must have power and control over others. He achieves this by coercing and controlling Samantha through fear and force
- **Figure 1** supports this point as women are significantly more likely to be victims of domestic abuse regardless of income
- He also seeks pleasure through drinking, which he cannot control, which stops him from holding down a job. Joseph uses oppositional masculinity, being tough and opposing authority by committing petty criminal acts, such as aggression, that have never been enough to get him prison time
- Katz's Edgework Theory could also explain Joseph's actions, although it is mainly young males that commit crime for the risk of getting caught; Joseph has been involved in criminal activity since his early teens.

A3.3 Social class and crime

- **Figure 2** shows that people who claim benefits are 51% more likely to be sentenced for violent crime. This is supported by Omolade (2014) who found that when sentenced 60% of prisoners in England and Wales were claiming benefits
- Reiner (2007) 74% of the prison population are from the poorest 20% of society. Joseph has grown up in a poor area and has not had a job for more than a couple of weeks
- **Figure 1** also suggests that there is more domestic violence in poorer households, although this could be due to reporting and recording
- Strain theory (functionalism) would suggest that Joseph cannot achieve societal goals through acceptable means, so he has turned to crime. Joseph could be described as a retreatist. He has rejected shared values of success, such as work, and the means to gain it. He prefers to drink and engage in violent and criminal behaviour
- Hirschi (1969) would claim that Joseph has fewer social controls (attachment, commitment, control and belief) than people from middle-class backgrounds as he has less to lose if he is caught committing a criminal act. Therefore, he does not fear the

consequences of his actions.

Activity 2

Summary Indicative Content

Activity 2 requires learners to discuss theories of crime prevention and punishment; and suggest the most appropriate aim and sentence type related to the crime in the **Case Study**.

B1 Methods of crime prevention

B1.2 Left realist

- The police in the **Case Study** took two hours to arrive at the property after a neighbour reported the argument. This supports Young's (1986) idea that crimes like domestic abuse are under policed in favour of drug offences and underage drinking
- In order to prevent crime, the police should spend less time on paperwork to be able to investigate crime, such as getting to the scene in time to give a witness report rather than having to rely on Samantha making a statement. The police would also have more time to be out in the community building relationships. If Samantha had more exposure to the police she might trust them more and will have pressed charges before now.
- Joseph has been a victim of social inequalities throughout his life. Left realists suggest that if the government had policies to raise standards of living, tackle educational underachievement and poverty, and enhance a sense of belonging then people such as Joseph would never have been motivated to commit crime or be violent
- The police should also gain the trust of the community so that more people will report crimes. This includes responding to incidents in good time. It took police two hours to arrive at Joseph and Samantha's house, which may reduce Samantha's trust in the police to protect her.

B2 Punishment

B2.1.1 Functionalist

- There are two main justifications for punishment: reduction and retribution
- Reduction is preventing the criminal from committing further crime. This can be done by using punishment as a deterrence or through incapacitation. Joseph could be deterred from abusing his wife with a restraining order, or community sentence; or he could be incapacitated by being sent to prison
- Retribution is where the individual is punished for what they have done. Joseph is being taken to court for domestic abuse. Depending on the severity of the case this could result in a punishment of a community order or up to four years in prison
- Durkheim's function of punishment is to reinforce shared values and maintain social solidarity. Domestic abuse crimes are being tried more than ever, reaffirming that it is socially unacceptable
- By punishing the offender, society's value consensus is reaffirmed with a feeling of moral unity. Laws are being changed and updated to reflect the value consensus of society such as the addition of the controlling or coercive behaviour in an intimate or

family relationship to the Serious Crime Act (2015). This would directly affect Joseph's case as it will be easier for the police to prosecute him for domestic abuse.

B2.2.1 Aims of adult sentencing

- The aims of sentencing in this case could be deterrence and denunciation
- Joseph has never been in prison so being in a court could act as a specific deterrent for him from hitting Samantha again
- Joseph's case could also act as a general deterrent where people in the wider community see that he is being prosecuted for domestic abuse, so they stop their own abusive behaviour, so they do not get caught
- The police can also use Joseph's criminal behaviour to make an example of him. Denunciation of his crimes by arresting him and taking him to court sends a message to society that domestic violence is not acceptable.

B2.3.1 Types of sentence: Adult sentences

- Domestic abuse can be punished by either community orders or a prison sentence of up to four years depending on how often it happens and the intent. Samantha may attest to the fact that the abuse was ongoing for 34 years so a prison sentence may be appropriate
- Matthews (1997) argues that prison has little effect on crime. Prisons are a school for criminals and they learn new ways to commit crime and not get caught, Joseph may just learn to become a better criminal/abuser
- A community order might be appropriate for him, with regular meetings to monitor his activity, an order to stay away from Samantha and support/counselling for his drinking and abusive behaviour.

Learners may present other aims and types of sentencing, which can be credited if given with a justification.

Activity 3

Summary Indicative Content

Learners are expected to explain victimisation in relation to Samantha Armstrong in the **Case Study** and **Article**.

C2 Victims of crime

Patterns of victimisation C2.1

- Repeat: Most victims of crime go on to become repeat victims; 44% of all crime happens to around 4% of the population. There is evidence that Samantha is a repeat victim of crime as the abuse has been ongoing. The neighbour has called the police before and Samantha mentions that Joseph is always sorry afterwards. Samantha has been reluctant to report the abuse in the past, possibly due to fear, but this may have contributed to her repeat victimisation
- Class: People from a lower social class are likely to become a victim as they are likely to live in areas of high unemployment. Samantha and Joseph have lived in a council house since they were married and Joseph is unemployed
- Gender: Samantha is a women so she is more likely to face harassment and be a victim of domestic abuse.

C2.2.2 Critical victimology

- Samantha is very likely to become a victim as structural factors such as poverty place powerless groups such as the poor at greater risk of victimisation. Samantha has lived in social housing all her married life and her husband does not have a job
- Samantha has been a victim of violence many times in her marriage, which supports Mawby and Walklate's (1994) concept that victimisation is a form of structural powerlessness. She was stuck in her situation and now she has left she is fearful and has nowhere to go
- Watts, Bessant and Hil (2008) state that victims in official statistics are the victims that the state chooses to see. The state has the power to apply or deny the label of victim as 'victim' is a social construct in the same way as 'crime' and 'criminal'. Samantha has been denied the label of victim as the court case has collapsed showing that through the criminal justice process, the state applies the label of victim to some but withholds it from others.

Impact of victimisation C2.3

- The impact of crime can lead to feelings of anxiety. Samantha is afraid that her husband will try to come and get her since the court case collapsed
- It can result in problems in socialising. Samantha feels like she has wasted everyone's time and that the court is calling her a liar. This can affect how she feels and probably affects her friendships with people who know her husband
- Victimisation can spread further afield than the individual to secondary victimisation. Samantha is currently living in a refuge where there are other victims of domestic abuse. They may also be impacted by her case and fear that the same may happen to them.

Activity 4

Summary Indicative Content

Learners should assess the news values relevant to the article with Samantha and the representation of the type of crime.

D1 The media and crime

News values: D1.1.1

- Journalists use a set of criteria called news values. They use this to decide if a story is newsworthy or whether people will be interested in it.
 - Personalisation means whether the article has human interest. The story involves two individuals. The story involves fear and domestic abuse and people may identify with either victim or offender
 - The case is dramatic as there is violence and fear involved
 - Immediacy talks about whether the crime is close enough geographically to the readers of the article and if it is happening now. The article is printed in the Linton Herald so it is possible that people know those involved
 - Unexpectedness is whether the crime is out of the ordinary. Domestic abuse is rarely spoken about in public, this could raise awareness of the issue
 - Simplification is whether the crime is easily understood. The story reports about a woman who has been attacked, which is easily understood.

D1.1.3 Representation of types of crime

- The role of the media in reporting crime should be to clarify and enable readers to see the key issues. This often does not happen in domestic violence cases. The interview with Samantha is sensationalised by the fear of the women at the refuge
- Media often refer to domestic violence instances as 'marital difficulties' or 'domestic rows'. Wozniak and McCloskey (2010) found that 72% of articles on intimate partner homicide did not mention domestic abuse
- In 2018 LevelUp published guidelines for media in domestic violence cases to combat the 'undignified' reporting. Many cases dilute the responsibility of the perpetrator or suggest that domestic abuse is only physical. Samantha is reported as blaming herself for wasting police time.

D1.2 Media as a contribution to the fear of crime

- Social constructs of both criminal and victim produce stereotypes and myths by the media in their reporting. The reporting in the case of Joseph and Samantha paints a picture of a victim that would not leave. The media add to this stereotype of domestic abuse victims
- Becker (1963) states that the same behaviour can be criminal at one point, but not another, and when committed by one person but not another. The media can often downplay the actions of the abuser and make the victim seem like they deserve the treatment
- Media reporting is often negative, exaggerated and stereotypical. In this case further reporting of the case can cause more trauma to a fearful victim. Samantha is potentially in more danger now that she has been named in the paper.