

Mark Scheme (Results)

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Pearson BTEC Nationals In Forensic and Criminal Investigation (20149K) Unit 5: Applications of Criminology



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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.
- Mark 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 mark grid, not according to their perception of where the grade boundaries may lie.
- All marks on the mark grid should be used appropriately.
- All the marks on the mark 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 mark grid.
- Where judgement is required, a mark grid will provide the principles by which marks will be awarded.
- When examiners are in doubt regarding the application of the mark grid to a learner's response, a senior examiner should be consulted.

Specific marking guidance

The mark grids have been designed to assess learners' work holistically.

Rows in the grids identify the assessment focus/outcome being targeted. When using a mark 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.



Activity 1

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

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 age, 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 Cyber-crime

- The crime that Zak has committed is hacking and distributing malware on Lepharm's computer system.
- This relates to the Computer Misuse Act (CMA) (1990).
- This can be an indictable offence as it can be seen to be causing serious harm. This would be triable at Crown Court and can result in a life sentence.
- It may also be seen as triable either way which can be tried at either magistrate or crown court

A1.2.3 Self-report offender surveys

- Figures 1 and 2 are self-report offender surveys from the Hacker Profiling Project. These surveys are based on self-report data from criminals such as Zak. They are useful as they provide data that is often not available from official statistics or victim surveys.
- Offender surveys can give an insight into the reasons for crime and the extent of unrecorded crime. Zak has been hacking since he was a teenager and is involved with a political 'hacktivist' group. This would indicate that he has committed many crimes that he has not been prosecuted or caught for.
- Issues with offender surveys are that they may not be accurate as offenders may under- or over-report their criminal activities. Zak has been hacking for a long time. He may not accurately remember what crimes he has committed, or he may purposely not reveal his offending behaviour due to fear of further prosecution.

A2 General theoretical explanations

A2.3 Marxism

• Neo Marxists state that crime is a voluntary act that often has a political motive. Zak is a member of a political group 'No-One' who claim it is acting to

change the capitalist society.

- Neo Marxist theory has six elements:
 - The wider origin of the act: in this case, it is the unequal distribution of power in society between rich and poor. Lepharm is a multi-billionpound industry that makes money from people's poor health.
 - The immediate origin of the act: Zak is a member of a political hacktivist group.
 - The act itself and meaning: Zak committed the cyber-crime against Lepharm as an act of rebellion against capitalism. He was attempting to disrupt the amount of money that Lepharm was making in order to redistribute wealth.
 - Immediate origins of social reactions: Zak's immediate social group are his online network No-One, who are likely to encourage his deviant behaviour, whereas those not associated with his online network are likely to react negatively to this act.
 - Wider origins of the social reaction are related to the capitalist society that benefits from wealth that companies such as Lepharm produce. They are likely to label this act as deviant. This is also why the NCA were involved on a national operation, as those in power can select which acts are considered deviant (Selective Law Enforcement).
 - The effect of labelling in this case is that Zak and No-One are labelled as criminals and deviants as they aim to challenge the status quo and change the social order in society. The deviancy is amplified, reporting that cyber-crime is more serious and dangerous than it really is and creating folk devils of cyber-criminals.

A3 Specific theoretical explanations

A3.1 Gender and crime

- Zak has been socialised by a hegemonic masculine society (Messerschmitt, 1993). To be a 'real man' he must have power and control over others. He exerts this control through using malware to disrupt the computer systems of large companies and using ransomware to extort money.
- Katz's edgework theory, although it is mainly young males that commit crime for the risk of getting caught, Zak began his criminal hacking as a teenager. This appears to have continued throughout his life as he has not been caught. Figure 1 shows that the largest group of cyber-criminals (30%) are aged between 10–20. Figure 2 show 81% of cyber-criminals started to hack before the age of 20. (Also links to A3.2)
- Women are busier due to the dual burden and triple shift, so have less time and opportunity to commit crime of any type (sex role theory). Zak Bennett is male so is statistically more likely to be a criminal as he has been socialised differently to females. He is also single and unemployed giving him more time to focus on criminal activity.



A3.2 Age and crime

- Hacker Profiling Project shows that while 29% of cyber criminals are aged 21–25 like Zak, 82% started to hack as a teenager (Figure 2). This is also true of Zak. But where the majority of individuals stop committing these types of crime, a small minority (7%) continue on throughout their life.
- Cohen: young people turn to crime due to status frustration. This means that they don't have the independence they want as they are stuck between child and adult. This may account for why Zak started to hack in the first place as a teenager.
- Lyng (1990) edgework claims that young people get a 'buzz' from the excitement of 'living on the edge' and carrying out risk-taking and impulsive behaviours. Zak admits that he started hacking for a thrill as a teenager. This is also supported by data in Figure 1, which shows that 30% of cybercriminals were aged 10–20, and Figure 2 that shows 82% of cyber-criminals started to hack before the age of 20.
- Matza claims young people drift, due to status frustration and weakened social bonds. Because they have lost their identity, they turn to their peer group where they are able to get a sense of identity, excitement and status. If Zak's social bonds were with an online community, such as the group No-One, he may have formed his identity with them.



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

B1.3 Postmodernism

- Postmodernists state that in a postmodern society there is more emphasis on private crime prevention techniques and informal arrangements of controlling crime. In the case of cybercrime individuals are expected to exercise caution when using the internet and have an anti-virus. There is currently no policing of the internet.
- There is a fragmentation of society and this results in local arrangements for controlling crime being emphasised over relying on the police. Companies such as Lepharm have their own security systems and insurance rather than relying of the police to protect them.
- Foucault states that surveillance is now part of our everyday lives and citizens are now being regarded as consumers. These consumers are seduced into avoiding social harm by participating in the consumer society. However, some members of society are not seduced such as Zak in the case study. He is interested in disrupting society as a political statement so will be less swayed by the consumer culture. He is also less likely to allow tracking systems on his computer.
- Crime should no longer be classified by the breaking of a law, but by harm inflicted on another. In the case study harm of reduction and repression are inflicted on the victims as Graham Gurson loses £5 million (reduction) and the disruption to the medication restricts development.

B2 Punishment

B2.1.3 Postmodernism

- Foucault suggests that the nature of crime control has changed from fear of being physically punished (corporal punishment) to control through surveillance – fear of being seen to be doing something wrong. Zak and the hacker collective try to remain anonymous so that they cannot be monitored.
- Punishment is now about changing thinking and behaviour. So, prison reform includes constant surveillance of prisoners, education and social skills training to improve their prospects. Surveillance and skills training may be appropriate for Zak as this will give him an alternative focus other than his online community.
- Because prisoners are under constant surveillance, they must self-monitor their behaviour so that they end up disciplining themselves due to being under constant surveillance. If Zak's online movements are restricted or



monitored, he would be forced into self-discipline. This would hopefully reduce his online presence and force him to disengage with the political hacker group.

B2.2.1 Aims of adult sentencing

- Appropriate aims for sentencing Zak would be rehabilitation and deterrence.
- As Zak's social network has been online since he was a teenager, rehabilitation would be appropriate as he will need to learn to change his behaviour and understand that cyber-crime is not acceptable.
- Deterrence is another aim, this is important as cyber-crime is difficult to detect and monitor, so Zak must face a deterrent that will stop him committing further offences, and also show the rest of his online community (No-One) that its actions will be punished if it continues to commit similar offences.

B2.3.1 Types of sentence: Adult sentences

- Rehabilitation is about educating offenders in order to change their behaviour. This could be included in a community order where Zak will do unpaid work in society. This will give him more skills other than those of using a computer and will ensure that he is not online.
- As part of this order, he could also take part in a programme to address his offender behaviour and attempt to change his view of hacking.
- Zak could be given a fine to deter him from using ransomware in the future to extort money as he has in the past.

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 Arthur and Audrey Freedman in the **Case study** and **Article**.

C2 Victims of crime

C2.1 Patterns of victimisation

- Repeat: Most victims of crime go on to become repeat victims; 44% of all crime happens to around 4% of the population. Mrs Freedman has already been a victim of cyber-crime as she lost £300 through a phishing scam.
- Class: People from a lower social class are likely to become a victim; Arthur and Audrey are from a mining background, which is typically a working-class job, so they fit this pattern.
- Age: As this crime is cyber-crime, Audrey and Arthur Freedman as likely to be victims because of their age. The elderly are often victims of phishing emails.

C2.2.2 Critical victimology

- Mr and Mrs Freedman are likely to be victims as structural factors such as poverty place powerless groups such as the poor at greater risk of victimisation. Arthur Freedman was a miner so from a working-class background and both Audrey and Arthur are retired and living on a pension.
- Arthur was a victim of structural powerlessness (Mawby and Walklate 1994).
 He was financially stuck in his position as they lack the money to pay privately for treatment. This led to Arthur's death.
- 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'. Graham Gurson has been given the label of victim as his large company has lost £5 million to a hacker. However, Arthur Freedman was not seen as a victim. His death was only reported because his wife contacted the newspaper.

C2.3 Impact of victimisation

- Mr and Mrs Freedman are indirect victims of Zak Bennett as he aimed to attack LePharm but Arthur and Audrey were also victims
- Because the public are not aware of how to protect themselves against cybercrime, they may be anxious about using the internet.
- This may restrict their social and daily lives, especially if they are isolated such as Audrey who has just lost her husband.
- Audrey may suffer financially due to her husband dying and become socially excluded. She may also worry that any medication that she needs will not be



available. This could also be true of the wider public.

<u>Activity 4</u>

Summary Indicative Content

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

D1 The media and crime

D1.1.1 News values

- 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 involved both the owner of the company and a victim who died.
- The case is dramatic as the company lost £5 million and affected the lives of at least two other people.
- Unexpectedness is whether the crime is out of the ordinary. Cyber
 'hacktivism' is an unusual event so will draw the attention of the public.
- Risk: The cyber-attack was random and unpredictable. It could have affected anyone in the world as Lepharm manufactures medication for global distribution and makes everyone a potential victim.
- Higher status person: Graham Gurson's business has an income of over £10 billion per year, making him a high-status person. This increases media interest.

D1.1.3 Representation of labelling

- Cyber-crime is labelled as untraceable. Often because criminals are not caught, they are seen as getting away with the crime. Zak's criminal career has spanned 10 years as he has only just been caught.
- Cyber-criminals are seen to go unpunished due to the low level of prosecutions in official statistics. Zak is part of a hacker collective, so there are many other individuals of the group No-One who have not been identified.
- This results in cyberspace being labelled as unsafe and criminogenic (the internet causes crime). People are afraid to use the internet to improve their lives for fear of their lives being infiltrated. This causes a moral panic that hackers are 'invincible' and will take every opportunity to steal from and destroy society.



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

- Moral panic is when the media increase the level of public concern about a problem out of all proportion. Cyber-crime is described as 'Bringing chaos to lives of the innocent'.
- Moral panic increases the audience of the media. More people are likely to read about these crimes as they feel that they are at risk in their own homes and the offenders are anonymous.
- While Audrey and Arthur are shown as victims in the article, there is still focus on the money Lepharm has lost. Marxism suggests that the state uses moral panic to distract people from the difference in wealth between social groups. The fact that Arthur could not pay privately for his medication is overshadowed by the £5 million lost by Gurson, even though he has insurance that will cover his losses and his company is worth over £10 billion. This is a relatively small financial loss for him.





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