5.12 The Role of the Police and Courts in the Criminal Justice System: 30-minute Pack

AQA 8192 · about 30 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. For extended responses write full sentences. Spend about 30 minutes in total.

1 In your answer, consider at least two ways the institutions cooperate and at least two limits or tensions between them, and reach a supported judgement on overall effectiveness.

(Total for Question 1 is 8 marks)

2 Define what is meant by the police exercising 'discretion' when responding to reports of crime in a local community.

(Total for Question 2 is 2 marks)

3 Describe two formal powers the police have when conducting stop-and-search on a public street in England and Wales, naming the legal basis and one limit on each power.

(Total for Question 3 is 4 marks)

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4 Identify and explain two roles of police custody officers after a person has been arrested and brought to the station.

(Total for Question 4 is 4 marks)

5 Identify and explain one formal outcome the police may use instead of charging a suspect, after investigation of a minor offence.

(Total for Question 5 is 2 marks)

6 Explain two ways magistrates or a district judge in a Magistrates' Court contribute to the early stages of the criminal justice process, from arrest to sentence for less serious offences.

(Total for Question 6 is 4 marks)

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Mark scheme · 5.12 The Role of the Police and Courts in the Criminal Justice System: 30-minute Pack

Question 1

Level 1 Basic statements about cooperation or limits with little development or linkage to institutional roles and procedure **1-2**

Level 2 Clear explanation of some ways police and courts cooperate and some limits, with some use of procedural detail and an attempted judgement **3-5**

Level 3 Detailed, balanced discussion of multiple cooperating mechanisms and tensions, using specific institutional roles and procedures, and a well supported judgement on effectiveness **6-8**

Indicative content:

- Cooperation point: police prepare prosecution files and evidence that the Crown Prosecution Service and courts use to decide charges and run trials, showing procedural dependence
- Cooperation point: police attendance at court to give evidence and explain investigative decisions helps the court reach informed verdicts and sentencing decisions
- Cooperation point: pre-trial procedures such as disclosure of evidence and case management hearings coordinate police, prosecutors and judges to avoid surprises at trial
- Limit or tension: resource and time pressures, such as police backlogs or court listing delays, can weaken the flow of timely evidence and cause adjournments
- Limit or tension: legal and ethical standards, for example requirements on disclosure or the need to protect suspects rights, can create friction if police investigations do not meet prosecutorial expectations
- Limit or tension: differences in priorities, for example police focus on investigation and community safety while courts focus on legal proof and fair trial, can lead to differing views on whether a case should proceed
- Limit or tension: procedural errors or poor evidence handling by police can result in cases being dismissed or reduced sentences, limiting the courts ability to deliver justice
- Judgement guidance: a balanced view might conclude the institutions largely work together through established procedures, but effectiveness is sometimes undermined by resource constraints, procedural failures or differing institutional aims

Question 2

identifies that discretion means officers make a judgement call about whether and how to act in a specific situation rather than acting automatically, oe **B1**

development, e.g. choosing to issue a warning, take no further action or proceed to arrest depending on circumstances **B1**

Answer: Discretion means officers make a judgement call about whether and how to act in a situation rather than acting automatically; for example they may warn, take no further action or arrest depending on circumstances.

Question 3

first power named, e.g. power to stop and search under PACE (Police and Criminal Evidence Act) or other statutory power **B1**

development, e.g. limit: officer must have reasonable grounds for suspicion before using this power **B1**

second power named, e.g. power to search for offensive weapons or drugs under specific statutory provisions **B1**

development, e.g. limit: searches must be recorded and the person offered a written receipt, restricting unchecked use **B1**

Answer: Power to stop and search under PACE or specific statutory powers, which requires reasonable grounds for suspicion; and power to search for offensive weapons or drugs under other statutes, which must be recorded and a receipt offered, limiting unchecked use.

Question 4

identifies a role, e.g. ensure the detainee's rights and welfare while in custody **B1**

explains how this operates, e.g. checking detainee is safe, providing access to legal advice and recording any medical needs **B1**

identifies a second role, e.g. to take and record statements and other evidence from the detainee **B1**

explains how this operates, e.g. arranging interviews in accordance with codes of practice and ensuring correct custody records **B1**

Answer: Custody officers ensure the detainee's rights and welfare in custody, for example checking safety, providing access to legal advice and recording medical needs; they also arrange and record interviews and statements in line with codes of practice and keep custody records.

Question 5

identifies a formal outcome, e.g. issuing a caution or a conditional caution **B1**

explains how it operates, e.g. a caution records the offence but avoids court, often used for first-time or low-level offending **B1**

Answer: A formal outcome is issuing a caution or conditional caution, which records the offence but avoids court proceedings and is often used for first-time or low-level offending.

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Question 6

identifies that magistrates deal with initial hearings such as bail decisions and preliminary matters **B1**

explains how this affects process, e.g. they decide whether a defendant is remanded in custody or granted bail pending trial **B1**

identifies that magistrates can hear and sentence summary offences and impose community sentences or fines **B1**

explains the impact, e.g. their sentencing powers provide a quicker resolution for less serious cases without sending them to Crown Court **B1**

Answer: Magistrates deal with initial hearings, such as bail decisions and preliminary matters, deciding whether a defendant is remanded or granted bail; they also hear and sentence summary offences, imposing fines or community sentences to resolve less serious cases quickly without referral to Crown Court.

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