5.12 The Role of the Police and Courts in the Criminal Justice System: Test Pack

AQA 8192 · about 15 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. For extended responses write full sentences. Spend about 15 minutes in total.

1 Which one of the following is a primary function of the police in the criminal justice process in England and Wales when dealing with a reported offence?

- ☐ A) To decide guilt at trial
- ☐ B) To investigate reported offences and gather evidence
- ☐ C) To sentence convicted offenders
- ☐ D) To set criminal law in Parliament

(Total for Question 1 is 1 mark)

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2 Identify one limit on magistrates' sentencing powers in England and Wales and explain its effect on where a case is finally heard.

(Total for Question 2 is 2 marks)

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3 State one practical constraint that can make it difficult for the police to gather all the evidence needed for a successful prosecution, and give a brief effect of that constraint on the court case.

(Total for Question 3 is 2 marks)

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4 Identify and explain one reason why police discretion can be used when deciding to arrest someone after a minor offence in a busy town centre.

(Total for Question 4 is 2 marks)

5 Outline two differences between Magistrates' Courts and the Crown Court in England and Wales, referring to types of cases heard and the personnel who decide cases.

(Total for Question 5 is 4 marks)

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

Question 1

B (to investigate reported offences and gather evidence) **B1**

Answer: B

Question 2

identifies a limit, e.g. magistrates have a maximum custodial sentence limit (for example up to 6 months for one offence) **B1**

explains the effect, e.g. if a case requires a higher sentence it must be sent to the Crown Court for trial or for sentencing **B1**

Answer: A limit is the maximum custodial sentence magistrates can impose, for example up to six months for a single offence; if a case may require a higher sentence it must be sent to the Crown Court for trial or sentencing.

Question 3

identifies a practical constraint, e.g. limited resources or staff time **B1**

gives the effect, e.g. this can lead to delays or weaker evidence being presented, which may reduce the chance of conviction **B1**

Answer: A constraint is limited police resources or staff time, which can cause delays or mean weaker evidence is collected, reducing the chance of conviction at court.

Question 4

identifies a reason, e.g. the seriousness of the offence **B1**

explains how it affects discretion, e.g. for very minor offences officers may prefer a caution or warning rather than arrest to save resources and avoid unnecessary court cases **B1**

Answer: The seriousness of the offence: for very minor offences officers may choose a caution or warning rather than arrest, saving police resources and avoiding unnecessary court cases.

Question 5

first difference: Magistrates' Courts hear summary offences and some either-way cases, while Crown Court hears serious indictable offences and either-way cases sent up **B1**

development for first difference, e.g. Magistrates' Courts deal with less serious matters and some preliminary hearings **B1**

second difference: Magistrates' Courts are decided by magistrates or a district judge, while Crown Court cases are decided by a judge and jury **B1**

development for second difference, e.g. magistrates are lay volunteers whereas Crown Court juries are lay people deciding verdict with a legally qualified judge directing law **B1**

Answer: Magistrates' Courts hear summary offences and some either-way cases and handle preliminary hearings, decided by magistrates or a district judge; the Crown Court hears serious indictable offences and either-way cases sent up, decided by a judge and jury.

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