



GSOC.CR12 The Role of the Police and Courts in the Criminal Justice System

AQA 8192 · Calculators not allowed · about 70 minutes

Total Marks

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Name: _____ Date: ____ / ____ / ____

Answer ALL questions. For extended responses write full sentences. Spend about 70 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)

- 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** 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 3 is 2 marks)

- 4** 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 4 is 4 marks)

- 5** Identify and explain one role of police custody officers after a person has been arrested and brought to the station.

(Total for Question 5 is 4 marks)

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

(Total for Question 6 is 2 marks)

- 7** 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 7 is 4 marks)

- 8** Identify and explain the role of a jury in the Crown Court when a defendant is tried for a serious offence.

(Total for Question 8 is 4 marks)

- 9** 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 9 is 4 marks)

- 10** Define the role of a Crown Court judge during a trial for a serious indictable offence.

(Total for Question 10 is 2 marks)

- 11** 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 11 is 2 marks)

- 12** Explain two formal ways the police and courts share information during the process from arrest to sentence, naming the document or procedure used.

(Total for Question 12 is 2 marks)

- 13** 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 13 is 2 marks)

- 14** Describe one way court procedure aims to protect the rights of a defendant during the trial process, and explain why this matters for justice.

(Total for Question 14 is 3 marks)

- 15** Identify and explain one professional role, other than police officers, that supports the criminal justice process between arrest and sentencing.

(Total for Question 15 is 2 marks)

- 16** Discuss how effectively the police and the courts work together to deliver justice in England and Wales, focusing on institutional roles and procedure from arrest to sentence.
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 16 is 8 marks)

Mark scheme · GSOC.CR12 The Role of the Police and Courts in the Criminal Justice System

Question 1

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

Question 2

- **B1** identifies that discretion means officers make a judgement call about whether and how to act in a specific situation rather than acting automatically, or
- **B1** development, e.g. choosing to issue a warning, take no further action or proceed to arrest depending on circumstances
- **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

- **B1** 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
- **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 4

- **B1** 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
- **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 5

- **B1** 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
- **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 6

- **B1** 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
- **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.**

Question 7

- **B1** 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
- **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.**

Question 8

- **B1** identifies the role, e.g. juries decide questions of fact, including guilt or innocence
- **B1** explains how this operates, e.g. jurors listen to evidence and apply the law as directed by the judge to reach a verdict, usually by majority
- **B1** identifies a further point, e.g. juries do not decide sentences except in specific rare cases
- **B1** explains the limit, e.g. sentencing is the responsibility of the judge after a guilty verdict
- **Answer: Juries decide questions of fact, including guilt or innocence, by listening to evidence and applying the law as directed by the judge, usually reaching a verdict by majority; they do not decide sentences, which are imposed by the judge after conviction.**

Question 9

- **B1** 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
- **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.**

Question 10

- **B1** identifies that the judge ensures the trial follows the law and procedure, and directs the jury on legal points
- **B1** development, e.g. after a guilty verdict the judge decides and passes the sentence
- **Answer: The Crown Court judge ensures the trial follows legal procedure and directs the jury on points of law; after a guilty verdict the judge decides and passes the sentence.**

Question 11

- **B1** 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
- **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 12

- **B1** identifies one way, e.g. police prepare a case file or prosecution file for the Crown Prosecution Service or the court
- **B1** explains how it works, e.g. the file contains evidence, witness statements and charging decisions used by prosecutors and judges in court
- **Answer: One formal way is the police preparing a case or prosecution file containing evidence and witness statements which is passed to the CPS or the court to support charging and trial decisions.**

Question 13

- **B1** 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
- **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 14

- **B1** identifies a procedural protection, e.g. the right to legal representation
- **B1** development, e.g. defendants can have a solicitor or barrister to present their case and question witnesses
- **B1** explains why it matters, e.g. it helps ensure a fair trial and that the defendant can challenge evidence against them
- **Answer: A protection is the right to legal representation, allowing a defendant a solicitor or barrister to present their case and challenge witnesses; this matters because it helps ensure a fair trial and the opportunity to contest the prosecution's evidence.**

Question 15

- **B1** identifies a role, e.g. the Crown Prosecution Service prosecutor
- **B1** explains how it supports the process, e.g. the prosecutor decides whether to charge and presents the case in court on behalf of the state
- **Answer: The Crown Prosecution Service prosecutor supports the process by deciding whether to charge a suspect and by presenting and arguing the case in court on behalf of the state.**

Question 16

- **Level 1** (1-2): Basic statements about cooperation or limits with little development or linkage to institutional roles and procedure
- **Level 2** (3-5): Clear explanation of some ways police and courts cooperate and some limits, with some use of procedural detail and an attempted judgement
- **Level 3** (6-8): Detailed, balanced discussion of multiple cooperating mechanisms and tensions, using specific institutional roles and procedures, and a well supported judgement on effectiveness
- **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