

Nat 5

Modern Studies

Crime and the Law

Questions & Answers

Crimes

Describe, in detail, the types of crimes most commonly committed by young people. (6)

PEE from

- vandalism; graffiti; underage drinking; shoplifting
- anti-social behaviour; buying alcohol underage
- joy riding; drug taking; gang fighting

Because of boredom, some young people hang around street corners and outside shops and engage in anti-social behaviour such as vandalism or graffiti. (1) This means that they damage property either by breaking windows or scratching cars. (2) Alternatively, they write football or gang slogans on walls. As a result, they are seen as a nuisance and people who lower the tone of the area (3)

Some young people seek thrills and engage in joy riding. (1) This means that they steal cars, race up and down the streets and get chased by the Police. (2) However, this can be dangerous and often they crash the cars and there are fatalities. (3)

Some young people engage in underage drinking. (1) They are not old enough to buy alcohol from shops, yet will try to buy it anyway or get someone else to buy it for them. (2) As a result, they often get drunk and abuse members of the public or start fights. (3)

Explain, in detail, why some people commit crimes. (6-8)

PEE from:

- family background, criminal behaviour in family
- peer pressure / bad role models
- social exclusion / alienation / poor environment
- social and economic circumstances
- “thrill seeking”

- poverty / greed
- links with alcohol / drug use
- gang membership / knife crime

Some people commit crimes because they have a drug problem. (1) Addicts need money to buy drugs and so they are forced to turn to shoplifting, theft and prostitution. (2) They often become repeat offenders as they must constantly finance their drug problem. Such people need help to come off drugs, not simply punishment. (3)

Some people are influenced by their environment or upbringing. (1) They may grow up in a deprived community where there is little or no respect for the law or the Police. They may witness family members engage in criminal activities such as drug dealing or theft. (2) They then think that it is normal to behave in such a way and so end up copying others. (3)

Some people, especially teenagers, are influenced by those around them. This is known as “peer pressure.”(1) They see their friends drinking, taking drugs and engaging in anti-social behaviour. They want to be just like them and so they start to do the same things to belong to the group.(2) Sometimes this can be dangerous as they may start to carry a knife to fit in and end up being arrested by the Police.(3)

Explain, in detail, the reasons why some parts of the country have higher crime rates than others. (8)

PEE from:

- social exclusion / lack of amenities in deprived areas
- poor inner city versus rich suburbs
- some areas have higher drug use than others
- urban / rural areas have different problems
- unemployment rates much higher in some areas

In some suburban areas, there are plenty of leisure facilities to enjoy such as the leisure complex, tennis club and five-a-side pitches to keep young people fully occupied whereas in the older deprived areas there are few, if any, such amenities. This means that some youngsters get bored and drift into petty crime and gang culture. For example, The Glasgow suburb of Bearsden has many facilities whereas few exist in Possil or the Garngad. (3)

Some areas have much higher levels of unemployment than others. Areas of high unemployment soon become deprived areas and suffer from social exclusion. Crime is much more common in these areas. People become alienated and often resort to petty crime and drugs. In contrast, people living in prosperous areas tend not to have as many problems and there is much less chance of the young drifting into criminality. (3)

Some parts of the country have a strong drug culture. The large deprived peripheral housing schemes of Glasgow are well known for their drugs problems. Areas with drug problems also tend to have problems with crime. In contrast, there are many communities in which drugs have failed to make inroads and so there is much less drug related crime. (3)

Explain, in detail, why crime figures need to be treated with caution (6-8)

PEE from:

- only reported crimes are recorded
- campaigns may encourage more people to come forward
- Police may be catching more criminals
- Some crimes still under-reported
- crimes can be put in a different category
- figures can be manipulated by the Police for political purposes

Only crimes which are actually reported to the Police are recorded. (1) This is not the same as the number of crimes actually committed. Therefore, a reported fall in vandalism may be due to an actual fall in vandalism or simply to the fact that people cannot be bothered reporting such petty crimes to the Police who rarely respond quickly to such crimes.(3)

Some crimes are more likely to be recorded than others. (1) Crimes relating to theft are more likely to be recorded by the Police as the victim will have to report the crime to make an insurance claim. (2) On the other hand, some believe that certain crimes such as "hate " crimes like racism or sectarianism are much higher than are actually reported as victims may be reluctant to report such crimes.(3)

A rise in the number of sexual crimes reported may mean that the number of such crimes has actually increased or, it may mean that the Police are simply now more successful in getting people to report such crimes. (1) For example,

the Police have done a lot of work to change the way they deal with rape and this may have encouraged more victims to come forward. (2) Alternatively, it is the publicity given to the Jimmy Saville case that has encouraged more victims to come forward. The fact that more victims come forward to report such crimes does not mean that there is an increase in such crimes. Rather, it simply explains the success of Police campaigns. (3)

Police

Describe, in detail, the work / the role of the Police. (6)

PEE from:

- maintain law and order
- detect crimes, investigate, interview witnesses, obtain evidence
- crime prevention
- protection of the public e.g. security at large events
- introduce crime initiatives
- Provide evidence in court.

One of the main roles of the Police is crime prevention. (1) In doing this, they will observe the public and keep an eye on things when on patrol.

Alternatively, they may visit local schools to give presentations on issues such as drugs or knife crime.(2) The Police also work with the elderly in order to help them keep safe and encourage them to ask for identification of strangers at their door or work with them on “Neighbourhood Watch” schemes.(3)

If a crime is committed, the role of the Police is to investigate the crime to discover exactly what happened and what laws have been broken. (1) The Police may interview witnesses or call in forensic specialists to gather important evidence. (2) e.g. Important forensic evidence identified serial killer Peter Tobin as the murderer of a young Polish student in a Glasgow Church (3)

Protection of the public is an important role of the Police. (1) This means that there are a Police presence at large demonstrations and big sporting events to ensure that the events take place safely and that there is no danger to the public. (2) For example, at football cup finals, the role of the Police is to ensure that rival fans get to and from the stadium safely and that there are no clashes.()3)

Describe, in detail, the ways in which the Police try to reduce crime. (6)

PEE from:

- Crime Prevention
- Improved Policing
- Police initiatives
- Increased Police presence

The Police try to reduce crime by crime prevention in the community. (1) This means that they will work with various groups such as young people or the elderly in an attempt to reduce or prevent crime. (2) For example, the Police may visit local schools to warn youngsters about the dangers of Knife crime. Many schools have “campus cops” who work with pupils and help to direct them away from crime. (3)

Sometimes, the Police try to reduce crime by launching special initiatives such as Knife amnesties. (1) This means that local youths are encouraged in a special campaign to hand in their weapons and they can do so without fear of prosecution. (2) Afterwards, however, there may be increased use of stop and search by the Police on youths who they suspect of carrying weapons. The Evening Times Newspaper reported on the Police success on reducing Knife crime in Glasgow after a special initiative was launched. (3)

Sometimes the Police target certain crimes or neighbourhoods and will increase Police patrols and Police visibility. (1) This often has the effect of making the public feel safer and reducing crime. (2) For example, after a murder or serious sexual assault, it is common to see an increased Police presence in the area. This was the case in Paisley after the murder of a local shopkeeper. (3)

Explain, in detail, why in some areas, community policing is the best way of tackling crime whereas in other areas, the use of CCTV is better. (6-8)

PEE from: For Community Policing

- Public like to see Police Officers on the beat – Feel safe
- Police on beat act as a deterrent
- young people may respond to community initiatives and be less likely to get involved in anti-social behaviour
- people don't like CCTV cameras in area

PEE from: For CCTV

- CCTV is common on High street
- CCTV helps identify and catch criminals
- CCTV evidence can be used in court
- Too expensive to Police large areas

Many people believe that community policing is best because the law abiding public actually like to see Police Officers on the beat. (1) The public feel much safer when they see the Police in the community and believe that this will prevent crime. (2) The public like to have access to their Police and are not so keen on the Police only responding to incidents.

The public like Community Policing because it gives them an opportunity to get to know local officers and a chance for the officers to get to know them. (1) The Police can build up a good relationship with the public and rely on their support when they make appeals for information about crimes. (2) Community Policing is seen as a community responsibility. The support of the community is best seen when they help the Police look for a missing child e.g. when a young boy went missing in Edinburgh, hundreds of volunteers turned out to look for the boy. (3)

Some people prefer the Police over CCTV cameras because they believe that CCTV is an invasion of their privacy (1)

Some prefer CCTV because they know that it deters criminals. (1) There is a lot of evidence to suggest that crime rates fall when there is good CCTV coverage. (2) Furthermore, well known shoplifters are easily spotted by camera operators and store security or the Police can be alerted (3) CCTV evidence can be used in court and lead to conviction. (4)

Some young people do not like the Police very much but don't mind CCTV cameras. (1)

Courts

Describe, in detail, the Scottish Court system. (6)

PEE from:

- Justice of the Peace Court (District Court)

- Sheriff Court
- High Court (of Justiciary)
- Court of Session (civil cases)

Justice of the Peace Courts deal with relatively minor crimes such as breach of the peace, minor assaults and petty theft such as shoplifting.(2) The cases are dealt with by Justices , who can impose custodial sentences of up to 60 days and fines up to £2,500. The vast majority of criminal court cases are dealt with under summary procedure. Trials under summary procedure are conducted without a jury. (3)

Sheriff Courts deal with cases that are too serious for the Justice of the Peace Court but not serious enough for the High Court,(1) Under summary procedure a sheriff can impose prison sentences up to 3 months and in some cases, longer. Alternatively, sheriffs can impose a fine of up to £5000. There is no jury in these less serious cases.(2) However, under solemn procedure, there is a jury and the sheriff can impose an unlimited financial penalty, a range of non-custodial sentences such as Community service, or he can refer the case to the High Court for even greater sentencing(3)

The High Court is Scotland's highest criminal court. (1) The High Court deals with the most serious cases such as murder and rape. (2) A Judge presides and there is a jury of 15 who will decide on the guilt of the accused. Cases at the High Court can last for weeks or months and a great deal of evidence is presented, including witness evidence(3) The Judge can give a life sentence if the accused is found guilty of murder and suggest a number of years that must be served before parole can be considered , if ever.

Sentencing

Describe, in detail, the sentences criminal courts in Scotland can give to those found guilty of crimes. (6)

PEE from:

- warning
- supervision order
- community service
- disqualified from driving

- fines
- tagging
- probation
- imprisonment

Some are given a custodial sentence. (1) This means that they are locked up in a prison such as Barlinnie or a Young Offenders Institution such as Polmont. (2) Inside, they are now deprived of their freedom and liberty and must follow the prison regime. Many find prison hard because there are limited opportunities to see your family. (3)

An offender may be given Community Service (1). This means that he has to pay back something to the community by engaging in activities such as gardening or painting, (2) Community Service can be done in one bloc or spread over a number of weekends. This has the advantage of “punishing” the offender – by making him give up his time to help the community – but also allows him to keep his freedom so that he can keep his job or continue his studies.(3) Many see this as a better, less expensive option.

Some are placed on a curfew by means of an electronic tag (1) This means that they must stay at home between certain hours such as 7pm to 7am. (2) This is to keep them out of trouble, break the cycle of offending behaviour and as a last chance before a custodial sentence. (3)

Describe, / explain, in detail, the ways in which the Children’s Hearing System in Scotland tries to help young people.

PEE from:

- deals with offending behaviour and welfare concerns
- safe environment for child to discuss issues/ problems
- trained panel members take decisions in best interest of child
- input from various agencies : social; work, school ,police
- power to remove child / allocate social workers
- refer to secure accommodation

The philosophy of the Children’s Hearing system is to take decisions “in the interest of the child.” (1) This means that whether the child is an offender or a victim, the Panel is interested, not in punishing the child, but in taking decisions that are in the best interest of the child. (2) Thus, if the child is in

danger of serious physical or sexual abuse at home, the Panel may have no option but to place the child in care to safeguard the safety of the child.(3)

In order to take the best decisions for the child, the members of the Panel are interested in the causes, not just the symptoms of the child's behaviour. (1) Therefore, if the child is truanting from school or has started shoplifting, the Panel wants to establish the reasons for the child's behaviour. To help, there will be input from a variety of professionals such as social workers and guidance teachers. (2) For example, all interested parties will be invited to express their view at the Panel meeting and it may be discovered that the truancy from school is a result of bullying or that the shoplifting has resulted from parental neglect. The Panel can then take action such as provide social work support for the family. (3-4)

Prisons

Explain, in detail, why some people believe that prisoners should serve their full sentences and why others believe that some prisoners should be released early from prison. (8)

PEE from: Serve full sentence:

- need to punish offenders
- keeps streets safer for longer
- early release is seen as a "soft option."
- do the crime, pay the time
- justice for victims
- early release may encourage re-offending

PEE from: For Early Release:

- prisons are overcrowded
- early release speeds up rehabilitation
- alternatives to prisons are cheaper
- most early releases are "low risk" prisoners
- encourages good behaviour

Many people today believe that "life should mean life" and that prisoners should serve their full sentence. (1) They argue that justice dictates that prisoners, especially those guilty of serious offences, should serve their full term as a punishment and a protection to the public. (2) They argue that it is morally wrong to allow murderers early release and to allow them to return to

their families when the family of the victim has received a life sentence of grief.(3) This is especially sensitive in Northern Ireland where convicted terrorists have been released as part of the Peace Agreement.(4)

Some people believe that making prisoners serve their full sentence without early release keeps the community safer for longer periods(1) They say that if a prisoner “can’t do the time, he shouldn’t do the crime.” Completing the full sentence allows proper time for both punishment and rehabilitation. (2) Early release is perceived as a “soft option” by the public and unfair to victims. (3)

Some people support early release because prisons are overcrowded. (1) This means that cells designed for just one prisoner often hold two (2) This has been the cause of much friction in the past and has led to prison riots.(3)

Most prisoners are no threat to the community and have been sentenced for petty crimes or crimes of non-violence. (1) Serving long sentences in “universities of crime” is likely to make them worse, not better. (2) Furthermore, early release allows prison authorities to free up space for the really violent offenders who cannot be released because they do pose a threat to the community. (3)

It costs thousands of pounds to keep inmates locked up in prison and it is much cheaper for the taxpayer to have prisoners released early (1) Furthermore, the hope of early release is an incentive for good behaviour while in prison and makes it easier for the prison staff who run prisons. (2) It also allows staff to work with prisoners in an attempt to rehabilitate them and break the pattern of offending behaviour. (3)

Explain, in detail, why some think that the government should spend more money on prisons and explain, in detail, why some think that they should spend less. (8)

For Spend More, PEE from:

- many prisons are old (Victorian) and lack good facilities.
- more prisons could be built and this sends out a harsh signal to criminals
- solves the overcrowding problem
- Allows more money to be spent on rehabilitation programmes to cut re-offending rates

For Spend Less, PEE from:

- prisons should be harsh places – severe punishment will reduce re-offending
- many prisons have excellent facilities already (soft option)
- spend less on prisons – but more on alternatives to custody
- Spending less on prisons allows government to spend more on other important areas such as health or education

Many prisons are old buildings with a lack of modern facilities. (1) This can be a recipe for trouble between inmates or between inmates and staff. Poor facilities have led to prison riots.(2) Furthermore, a lack of proper facilities may be a violation of a prisoner's human rights e.g. a prisoner sued the government because he was forced to "slop out",(3)

If the government spends more money on prisons, it would allow them to build newer and bigger facilities which not only solves the problem of overcrowding, but allows the government to lock up offenders for longer. This keeps the public safe and it would prevent the need for early release which is unpopular with the public. The USA discovered that when it locked people up for longer, crime levels fell. (3)

Many people believe that prisons are a "soft option." They think it wrong that prisoners get better looked after than many ordinary people with their regular hot meals and access to educational courses or sporting facilities.(2)

We should spend less money on prisons because they don't work. (1) Re-offending rates are very high and they have become "universities of crime."(2) It is better to spend the money on alternatives to prison such as Community Service or electronic tags which are not only much cheaper, but have a better record of reducing re-offending. (3)

Explain, in detail, why the prison system has been criticised in recent years. (8)

PEE from:

- overcrowding and poor conditions are against prisoners' human rights and do not encourage rehabilitation
- lack of staff and funds for rehabilitation programmes
- high level of recidivism (re-offending)

- seen as “soft option”
- prisons are expensive to run –high cost to taxpayer
- there are cheaper and more effective alternatives
- too many early releases – insufficient note taken of views of victims/families.
- prisons don’t work –universities of crime
- contribute to break up of families

The prison system has been criticised because prison doesn’t work (1) This means that attempts at rehabilitation end in failure and too many prisoners reoffend within two years after release.(2) Prisons are seen as “universities of crime” in which prisoners come out with more criminal knowledge and skills than they went in with.(3)

Prisons have been criticised as far too expensive to run and a burden on the tax payer.(1) Many claim that there are more effective alternatives to prison such as Community Service(2) which are not only cheaper, but have a better record of reducing re-offending.(3)

Many people see prisons as “soft options.” (1) This means that they view prison regimes as not tough enough and that they believe prisoners are looked after too well with access to TVs, education and sporting facilities. (2) They think that prisoners are no longer afraid of being sent to prison. Indeed, some appear to have a better life “inside” than outside. (3)

The prison system has been criticised for the early release of prisoners.(1) This may appear cost effective and a good way of encouraging good behaviour, but it is unpopular with the public.(2) Many feel that the wishes of the victims or their families should be taken into account rather than the wishes of prisoners.(3)

Explain, in detail, why the Scottish Courts often give alternatives to prison when dealing with some offenders. (8)

PEE from:

- prisons not effective, especially for short sentences
- high levels of recidivism – magistrates question value of prisons
- relatively few opportunities for rehabilitation
- prisons are expensive and overcrowded

- success of drug courts in rehabilitating offenders
- electronic tags are less expensive than prisons
- success of restorative justice programmes, especially with young offenders

One reason the courts consider non-custodial sentencing is that Scotland's prisons are already overcrowded. (1) Instead of locking up even more prisoners, especially for short sentences, a non-custodial sentence such as Community Service may be viewed as more appropriate. (2) Non-custodial sentences not only help solve the problem of overcrowding, but may be a more effective punishment for an offender in terms of confronting his behaviour.(3)

Many magistrates question the value of prisons, especially for short sentences. (1) With so little opportunity for rehabilitation, re-offending rates remain very high. (2) Prisons don't seem to work and are seen as universities of crime. (3) Many now see alternatives to prison as a more economical and more effective option e.g. with a Community Service Order, the offender is still punished with a restriction on his liberty, but also made to pay something back into the community.(4)

Electronic tags are seen as a better option for young offenders because it helps them avoid the trauma of the prison system.(1) Some young offenders find YOIs difficult to cope with and become suicidal.(2) However, with a restriction of liberty order, a tag can be placed on an offender. This restricts his liberty by forcing him to remain at home during certain periods such as 7pm to 7am. (3) The tag may be effective in helping the offender break his cycle of offending and at the same time, allowing him to stay with his family and keep his job. (4)

Describe, in detail, the changes that have been made in Scotland to reduce the sale of alcohol to young people. (6)

PEE from:

- end to "Happy Hour" sales
- end of BOGOF schemes
- proof of identity schemes
- SNP's Minimum Pricing legislation

The Scottish Government has attempted to tackle Scotland's "booze culture" by forcing pubs and bars to end "Happy Hours." (1) This means that effectively they can no longer cut the price of alcohol at certain times of the day in an attempt to encourage drinkers to drink much more because of the cheaper prices. (2)

The Scottish Government have introduced Proof of Age schemes to discourage underage drinking. (1) This means that supermarkets must ask for identification or proof of age if they suspect the buyer is under 25. (2)

The Scottish Government have ended BOGOF deals. (1) These were deals that encouraged shoppers to buy alcohol as they were getting twice as much as normal. However, the Scottish Government is trying to end the culture of binge drinking and think that ending such deals will reduce alcohol consumption.(2)

The SNP introduced the Minimum Pricing of Alcohol as one of their flagship policies. (1) The Government was concerned that Supermarkets were charging very low prices for some alcohol products and that this was encouraging people to buy large amounts of cheap alcohol. They were further concerned that this also led to anti-social behaviour and alcohol related health problems...(2) The policy led to price increases which the government hoped would result in a fall in alcohol consumption, a reduction in anti-social behaviour and an improvement in the health of the nation.(3)