

Question-1

a. Define Crime. what are the legal and sociological definitions of crime?

Introduction:

- Crime is an act which violets criminal law or norms of society. The concept of crime is essentially concerned with the social order. Historically, the concept of crime seems to have always been changing with the variation in social conditions during the evolutionary stages of human society. Thus crime has become a relative issue. Because an act or omission which is considered as crime in one society may not be regarded as crime in another society. Crime may depend on-
 - ✓ Space
 - ✓ Time
 - ✓ Social context
 - ✓ Religion etc.

Definition of Crime:

- The conducts which are prohibited by the law in force at a given time and place are known as crimes. The person committing crime is punished for his guilt under the law of crime.
- ❖ Crime can be defined in different ways at least four definitional perspectives
 - i. Legalistic
 - ii. Political
 - iii. Sociological
 - iv. Psychological

Legal Definition of Crime:

Crime is a legally defined act or omission that violets the law and is punishable by a sentence of incarceration.

- Paul W. Tappen defined crime as “an intentional act or omission in violation of criminal law.
- Cross & Jones define crime as a legal wrong the remedy for which is the punishment of the offender at the instance of the state.
- John Gallin considers crime as an offence against the Law of the land.

Sociological Definition of Crime:

- ❖ Crime is an act or omission which is considered as the violation of human rights.
- According to Raffaele Garofalo, Crime is an immoral and harmful act which offends two altruistic sentiments of common people, namely, the sentiment of probity and pity.
- Thomas defined crime as an antagonistic action to the solidarity of social group
- Edwin H. Sutherland considered crime as “a symptom of social disorganization”.
- A comprehensive sociological definition of crime was offered by Julia and Herman Schwendinger(1975), "Crime encompasses any harmful acts, including violations of fundamental prerequisites for well-being (such as food, shelter, clothing, medical service, etc)"

b. What are the ingredients of a crime?

- The following mentioned characteristics should ideally be remained for considering crime-
- 1. **Harmful consequences:** an act must have some harmful consequences in order to become crime.
- 2. **Defined by law**
- 3. **Prescribed by the penal law:** The harmful act must be prescribed by the penal law.
- 4. **Mens rea:** Latin term meaning guilty mind.
- 5. **Actus rea: guilty act.**
- 6. **Legally forbidden:**
- 7. **Punishable by law:**

c. What is the classification of crimes and criminals?.

Classification of crimes:

- There are a variety of crimes such as violent personal crimes, occasional property crimes, occupational crimes, political crimes, public-order crimes, conventional crimes, organized crimes, professional crimes, white collar crimes, sexual crimes, crimes against property, person, decency, public order etc. Broadly speaking, these may be categorized into three heads, namely,
 - ✓ offences falling under Code of Criminal Procedure
 - ✓ offences under Penal Code and
 - ✓ offences under local or special laws
- But in an academic field crime may be classified into various types on the basis of different perspective. The classification is as following-
 1. **On the basis of inherent and general agreement of people:**
- On the basis of inherent and general agreement of people, crimes are classified into two categories, namely-
 - i. **Male in se-**The crimes which are inherently bad and create harmful consequences on society.
For example-
 - ✓ Theft
 - ✓ Robbery
 - ✓ Murder
 - ✓ Rape
 - ✓ Arson
 - ✓ Assault

- ii. **Mala prohibita-** The crimes which are considered as evil acts

For example-

- ✓ Traffic violations
- ✓ Gambling
- ✓ Public drunkenness
- ✓ Violations of municipal laws, etc.

2. **On the basis of the motives of the offenders:** 4 types

- i. Economic Crimes
- ii. Sexual Crimes
- iii. Political Crimes
- iv. Miscellaneous Crimes

3. **According to Penal Code:**

- ✓ Offences against person
- ✓ Offences against property
- ✓ Offences against state
- ✓ Offences against public tranquility
- ✓ Offences affecting public health and safety
- ✓ Offences relating to religion and election, etc.

4. **Others:**

- Some writers have preferred to classify crimes into
 - I. **Legal crimes-** theft, robbery, dacoity, rape, murder, hurt, rioting, etc.
 - II. **Political crimes-** those crimes motivated politically or committed in violation of the election laws.
 - III. **Economic crime-** white collar crime such as tax evasion, smuggling, prostitution.
 - IV. **Social crimes-** committed under social legislation.

Criminals:

- A person who has committed a crime
- Criminals are those who have committed a crime, whether convicted of the offense or not. More properly it should apply only on to those actually convicted of a crime. Repeat offenders sometimes called habitual criminals.

An individual who has been found guilty of the Commission of conduct that causes social harm and that is punishable by law

Classification of Criminals:

- **Criminals have been mainly classified as-**
 - ✓ First offenders
 - ✓ Habitual offenders
 - ✓ Professional offenders
 - ✓ White-collar offenders, etc.

➤ **However, different criminologists have classified criminals on the basis of different criteria.**

1. Garofalo has classified them into four groups-

- ✓ Murderers
- ✓ Violent criminals
- ✓ Criminal deficient in probity
- ✓ Lascivious- with feeling of lust.

2. Ferri has classified them into

- ✓ The insane
- ✓ The born
- ✓ The habitual
- ✓ The occasional
- ✓ The passionate

3. Alexander and Stub have classified them as following-

- ✓ **Accidental-** who commits crime because of unusual circumstances.
- ✓ **The chronic-** who commits crime repeatedly.

Question-2

a. Define Criminology.

Criminology:

The word “Criminology” has been derived from the Greek verb “krino” meaning word and “logia or logos” meaning “reason or plan”. Criminology is the scientific study of crime, criminal behavior, and the criminal justice system. It explores the causes, effects, and social impact of crime, as well as the methods and effectiveness of law enforcement and penal systems. Criminologists analyze patterns of criminal activity, examine the social and psychological factors contributing to criminal behavior, and evaluate policies and practices aimed at preventing and addressing crime.

- According to Ferri, criminology is the science that studies crime in all its aspects, including its causes, effects, and prevention.
- Raffaele Garofalo, an influential Italian criminologist, defined criminology “as the scientific study of crime, criminals and criminal behavior”.

b. What is the importance of studying Criminology?

Introduction:

Criminology is the interdisciplinary study of crime as both an individual and social phenomenon, with research on the origins and forms of crime, its causes and consequences, and social and governmental reactions to it. Studying criminology is important for several reasons, each contributing to a deeper understanding and more effective management of crime and its impact on society:

The importance of studying Criminology:

1. Understand different perspectives of crime:
2. Explore violent crimes- Investigate the complex nature committing crime and understand how it's definition is ever evolving.
3. Gain an insight into the role of the police
4. Investigate the theories of punishment
5. Kick-start your dream career
6. Policy Development
7. Prevention and Intervention
8. Improving the Criminal Justice System
9. Enhancing Public Safety
10. Promoting Social Justice
11. Educational and Professional Opportunities

C. Discuss in brief the contribution of Cesare Beccaria's Classical School of Criminology in the evolution of Criminology?

Cesare Beccaria, an 18th-century Italian philosopher, is widely recognized as a foundational figure in the Classical School of Criminology. His influential work, *Essay on Crimes and Punishments*, published in 1764, laid the groundwork for modern criminal justice systems. Beccaria was greatly influenced by Montesquieu, Hume and Rousseau. Another prominent figure of Classical School of Criminology is Jeremy Bentham.

Classical School of Criminology:

The Classical School of Criminology is a theoretical framework that emerged in the late 18th century, focusing on rationality and the idea that individuals commit crimes through a process of rational decision-making. This school of thought laid the groundwork for modern criminal justice systems and legal reforms.

Core Principles of Beccaria's Classical School of Criminology:

1. **Rationality and Free Will:** Beccaria argued that individuals are rational beings who make decisions based on a cost-benefit analysis. According to this perspective, people choose to commit crimes when they believe that the potential benefits outweigh the possible punishments. Consequently, criminal behavior is a result of individuals exercising their free will.
2. **Deterrence:** Beccaria emphasized that the primary purpose of punishment should be to deter future crime. He believed that punishments should be proportionate to the crime and certain enough to discourage criminal behavior. The idea is that if the costs of committing a crime (i.e., the punishment) outweigh the benefits, individuals will be less likely to engage in criminal activity.
3. **Proportionality and Severity:** Beccaria advocated for proportionality in punishment. He argued that punishments should not be excessively harsh or severe but should fit the gravity of the crime. Excessive or cruel punishments are not only unjust but also ineffective in preventing crime.
4. **Legality and Clarity:** Beccaria championed the principle that laws should be clear, public, and stable. This means that individuals should be able to understand what behaviors are criminal and what the corresponding penalties will be. Clear laws help ensure fairness and allow individuals to make informed decisions, knowing the consequences of their actions.
5. **Prevention Over Retribution:** Beccaria was critical of punitive measures aimed at retribution or vengeance. Instead, he advocated for a focus on preventing crime through a rational and just legal system. He believed that the law should serve to protect society and rehabilitate offenders rather than simply punish them.
6. **Due Process:** Beccaria argued for fair legal procedures and due process rights. He was critical of practices such as torture and arbitrary detention, advocating for the protection of individual rights and the fair treatment of accused persons.

The contribution of Cesare Beccaria's Classical School of Criminology in the evolution of Criminology:

Cesare Beccaria's contributions through the Classical School of Criminology significantly shaped the evolution of criminology and criminal justice systems. His ideas represented a departure from earlier, often brutal and arbitrary methods of justice, and they laid the foundation for modern legal and criminological thought. Here's a closer look at his contributions and their impact:

1. Foundation of Rational Choice Theory

Beccaria's emphasis on the rationality of individuals provided a basis for what would become the Rational Choice Theory in criminology. By asserting that people make decisions to maximize pleasure and minimize pain, he introduced the idea that criminal behavior results from a calculated decision-making process. This concept has deeply influenced how criminologists and policymakers understand and address criminal behavior.

2. Advocacy for Deterrence

Beccaria argued that the primary purpose of punishment should be to deter crime rather than to exact revenge or inflict suffering. This principle of deterrence became a cornerstone of criminal justice theory, leading to the development of policies aimed at preventing crime through the threat of certain and proportional punishment.

3. Principle of Proportionality

One of Beccaria's most influential contributions was his advocacy for proportionality in punishment. He argued that the severity of the punishment should correspond to the seriousness of the crime. This principle helped shift the focus from punitive excesses to a more balanced approach, influencing modern legal standards and practices that aim to ensure fairness and justice in sentencing.

4. Rejection of Torture and Arbitrary Justice

Beccaria condemned the use of torture and arbitrary punishment, arguing that such practices were both inhumane and ineffective. His stance contributed to the eventual abolition of torture and the establishment of more humane legal practices. This advocacy for humane treatment became a crucial aspect of modern human rights and legal reform.

5. Promotion of Legal Clarity and Certainty

Beccaria emphasized that laws should be clear, public, and stable to ensure that individuals could understand and follow them. This principle underpins the modern legal requirement for laws to be publicly accessible and comprehensible, which helps in maintaining the rule of law and ensuring that individuals have a clear understanding of legal expectations and consequences.

6. Influence on Legal Reforms

Beccaria's ideas had a profound impact on legal reforms throughout Europe and the Americas. His work influenced the drafting of new criminal codes and legal reforms aimed at creating fairer and more rational justice systems. His principles were incorporated into various legal systems, shaping the development of modern criminal law.

7. Impact on Criminological Theory

The Classical School, spearheaded by Beccaria, laid the groundwork for subsequent criminological theories. It influenced the development of Positivist Criminology, which later emerged in response

to Classical ideas by focusing more on the biological and psychological factors influencing criminal behavior. The Classical approach, however, remained influential in shaping discussions around deterrence and rationality.

8. Foundation for the Modern Criminal Justice System

Beccaria's work contributed to the establishment of key principles in modern criminal justice systems, including the presumption of innocence, the right to a fair trial, and the avoidance of excessive punishment. These principles are fundamental to contemporary legal systems and reflect Beccaria's lasting impact on justice and legal reform.

Conclusion:

Beccaria's ideas had a profound impact on the development of criminal justice systems in the Western world. His advocacy for rational and humane approaches to crime and punishment influenced legal reforms across Europe and the Americas. His work contributed to the development of modern legal principles such as the presumption of innocence, the right to a fair trial, and the abolition of torture.

d. "Criminals are not made but born- Explain in the light of "Positive or biological School" of criminology with special reference to the contribution of Cesare Lombroso.

The statement "Criminals are not made but born" is associated with the Positive or Biological School of Criminology, which emerged in the late 19th and early 20th centuries. This approach contrasts sharply with the Classical School of Criminology. The Biological School, particularly through the work of Cesare Lombroso, introduced the idea that biological factors contribute significantly to criminal behavior.

The Positive or Biological School of Criminology:

The Positive School of Criminology, which includes biological explanations for criminal behavior, emerged as a response to the Classical School's focus on rational choice and deterrence. This approach seeks to understand crime through scientific methods and emphasizes the role of biological, psychological, and environmental factors.

Cesare Lombroso: Key Contributions

Cesare Lombroso (1835–1909) is often regarded as the father of the Biological School of Criminology. His contributions were pioneering, though many of his theories have since been criticized and revised. Here are some of his key contributions:

1. **Theory of the "Born Criminal":** Lombroso proposed that certain individuals are "born criminals" and that criminal behavior is inherently linked to biological abnormalities. He believed that some people are predisposed to criminality due to physical and genetic traits,

which he termed "atavistic" or primitive features. According to Lombroso, these features were remnants of earlier stages of human evolution and indicated a predisposition toward criminal behavior.

2. **Atavistic Stigmata:** Lombroso identified what he called "stigmata"—physical characteristics he believed were associated with criminality. These included features such as a sloping forehead, large jaws, and other supposed "primitive" traits. He argued that individuals exhibiting these traits were more likely to engage in criminal behavior. Lombroso's work aimed to identify these characteristics in order to predict and prevent crime.
3. **Criminal Anthropology:** Lombroso's work introduced the field of criminal anthropology, which sought to study criminals through the lens of physical and biological traits. Lombroso and his followers conducted extensive research, including measurements of skulls, body types, and other physical attributes, in an attempt to identify biological markers of criminality.
4. **Critique of the Free Will Paradigm:** Lombroso's theories challenged the Classical School's emphasis on free will and rational choice. He suggested that criminal behavior was not merely a result of individual choice but was significantly influenced by inherent biological factors. This marked a shift from viewing crime as a product of rational decision-making to understanding it as a potential outcome of biological predispositions.
5. **Influence on Later Research:** Although Lombroso's specific theories about physical stigmata have been largely discredited, his work paved the way for future research into the biological and genetic factors that might contribute to criminal behavior. Modern criminology still explores the interplay between genetics, biology, and environment in understanding criminality, though with more sophisticated methods and nuanced perspectives.

Evaluation of Lombroso's Theories

While Lombroso's theories were groundbreaking for their time, they have faced significant criticism. His ideas about atavistic stigmata have been discredited as pseudoscience, and his work has been criticized for its deterministic view of criminal behavior. Lombroso's approach was criticized for its lack of scientific rigor and its potential to stigmatize individuals based on physical characteristics.

Modern criminology recognizes that while biological factors can contribute to criminal behavior, they interact with a range of environmental, psychological, and social factors. Contemporary research tends to adopt a more integrated approach, considering the interplay between genetic predispositions and environmental influences rather than attributing criminal behavior solely to inherent biological traits.

Legacy and Impact

Cesare Lombroso's work marked a significant shift in criminological thought by introducing the idea that biological factors might influence criminal behavior. While his specific theories have been largely discredited, his emphasis on scientific approaches to understanding crime influenced

the development of modern criminological research. The Biological School's legacy persists in contemporary criminology, where researchers continue to explore how biological and genetic factors interact with environmental influences to shape behavior.

In summary, Cesare Lombroso's contribution to the Positive or Biological School of Criminology introduced the notion that criminality could be inherent and biologically determined. While many of his specific ideas have been criticized, his work was a pivotal step in shifting the criminological focus toward understanding the complex interplay of biological and environmental factors in criminal behavior.

e. "Criminals are the product of the society" Justify this Statement in the light of the Sutherland's "Principle of Differential Association Theory".

Introduction:

- "Differential Association Theory" published by Edwin H. Sutherland in 1939, provides a sociological perspective that helps justify the statement "Criminals are the product of society." According to Sutherland's theory, criminal behavior is learned through interactions with others, crime is learnt by association with other people who commits crime, rather than being an inherent trait or purely a product of individual choice.

Differential Association Theory

- Edwin Sutherland's "theory of differential association" assumes that criminal behavior is learned through contact with individuals who are themselves criminal. It is therefore also called the "theory of differential contacts". The term "association", however, refines this idea by the realization that it is not sufficient to merely contact criminal.
- Differential Association Theory posits that criminal behavior is learned through social interactions. Individuals learn criminal behaviors from people they associate with, such as family, peers, or community members. The theory argues that criminal behavior is not biologically inherited or simply a result of personal disposition; instead, it is acquired through socialization in environments where criminal behavior is prevalent.

Justification of the statement:

- Sutherland's Differential Association Theory justifies the statement "Criminals are the product of society" by demonstrating how criminal behavior is learned through social interactions and is influenced by the social environment and the norms within it. The essence of the statement "Criminals are the product of society" lies in the nine principles of Sutherland's Differential Association Theory. **The principles** are as following-
1. Criminal behavior has been learned.
 2. Criminal behavior is learned in interaction with other persons in a communication process.
 3. The learning processes take place primarily in small and intimate groups.
 4. The learning of criminal behavior includes the learning of techniques to commit a crime as well as specific motives, rationalizations and attitudes that favor criminal behavior.
 5. The specific direction of motives and drives is learned by defining laws positively or negatively.

6. A person becomes delinquent as a result of the predominance of attitudes that favour the violation.
7. Differential contacts vary according to frequency, duration, priority and intensity.
8. The process of learning criminal behavior includes all the mechanisms involved in any other learning process.
9. Although criminal behaviour is an expression of general needs and values, it is not explained by them.

Sutherland's theory of differential association stands for a rehabilitative ideal. Since criminal attitudes and activities can be learnt, these can be logically deduced and re-learned, or compliant behaviour, attitudes and rationalization can be achieved in the first place

f. What do you know about the Freud's "Theory of Criminal Behavior"?

Introduction:

- Sigmund Freud was an Austrian Neurologist and the Founder of Psychoanalysis. He was one of the famous figures of the 20th Century. His theory of criminal behavior is rooted in his broader psychoanalytic framework, which emphasizes the influence of unconscious processes and internal conflicts on behavior. Freud's ideas on criminal behavior are not as explicitly formulated as some other theories, but his contributions can be understood through the lens of his psychoanalytic theory.

Freud's "Theory of Criminal Behavior:

- In simple terms, Freud's theory suggests that human behavior is influenced by unconscious memories, thoughts, and urges. This theory also proposes that the psyche comprises three aspects: the id (instinctual desires), ego (rational decision-making), and superego (moral standards). The id is entirely unconscious, while the ego operates in the conscious mind. The superego operates both unconsciously and consciously. Freud's theory believes that crime is affected by mental disorders, which caused a conflict between id, ego and superego.

Components of Sigmund Freud's Theory of Criminology.

1. The Id:

- The Id, the foremost essential of the structures, is concerned with speedy delight of fundamental physical needs and wishes such as needs for starvation and sex. It works totally unwittingly. Self-image creates from the id and it guarantees that the intuitive of id can be communicated in a way that might satisfactory in genuine world. The Id is driven by the delight guideline, which endeavours for moment fulfilment of all wants, needs, and needs.
- In case your id strolled past a stranger who is eating sweet, it'll most likely take that candy for himself/herself. it won't know that it's rude to require someone's thing's, it'll as it were

care for merely needed sweet. In case such needs are not fulfilled on time, the result may be a state of pressure or uneasiness.

- In the event that he/she is hungry or parched it ought to rapidly endeavour to eat or drink.
- The id is exceptionally critical early in life since it guarantees that a modern born's needs are met. On the off chance that the modern born is hungry or at distress, he or she will cry until the requests of id has been fulfilled.
- The id is just concerned with satisfying itself. It will do anything that brings it satisfaction, no matter how bad or worse the circumstances.
- The id's pursuit of immediate gratification and primal urges might lead to criminal actions if not controlled

2. The Ego:

- The Ego is that component of personality that is responsible for dealing with the real world. It provides the necessary restraints to prevent people from giving in to every id-generated urge. Ego makes the idea of real work divert inappropriate sexual and violent desires into appropriate ones. Ego functions in both the conscious, preconscious, and unconscious mind.
- Freud considered to be self and its job is to maintain balance between demands of the id and superego in practical context of reality. It is crucial to the development of one's character. The id is just concerned with satisfying itself. It will do anything that brings it satisfaction, no matter how bad or worse the circumstances.
- If you walked by the stranger with candy one more time, your ego would mediate the conflict between your id and superego and decide to go buy your own candy.
- The ego is a learned habit. The id, according to Freud, is inborn in every person.
- The ego's role is to mediate between the id's demands and the constraints of reality. If the ego is weak or fails to adequately balance these demands, criminal behavior could emerge.

3. The Super-ego:

- The third part of the psyche is the super-ego, where awareness resides. The Super-ego comprises a human's ingrained principles and ideals. The id, as well as the ego, combine to form the giant ego, i.e., super-ego. It blends in making one feel good about either a positive action or bad about a negative one. The superego is concerned with social rules and lessons. It develops when a child learns in their childhood what their culture considers right and wrong.
- A person who has a strong ego has a healthy personality and that despair in this system can lead to neurosis and unhealthy behaviours.
- A poorly developed superego, or one that is overly harsh, might contribute to criminal behavior by causing excessive guilt or a skewed sense of morality.

In summary, Freud's theory of criminal behavior suggests that unconscious processes, unresolved conflicts, and imbalances among the id, ego, and superego play a significant role in the development of criminal behavior. While Freud did not focus exclusively on criminal behavior, his psychoanalytic concepts provide insights into how internal psychological factors might contribute to such actions.

3(c) What are the differences of children court and ordinary court in Bangladesh?

- ❖ In Bangladesh, the legal system distinguishes between courts that handle cases involving children and those that handle cases involving adults. Here are some key differences between children's courts and ordinary courts in Bangladesh:

1. **Purpose and Focus:**

- **Children's Courts:** These courts are specifically designed to address issues related to minors (under 18 years old) who are involved in legal matters, either as victims or offenders. Their focus is on rehabilitation, protection, and welfare, rather than punishment.
- **Ordinary Courts:** These courts deal with cases involving adults and are generally focused on adjudicating criminal offenses, civil disputes, and other legal matters as per the laws applicable to adults.

2. **Legal Framework:**

- **Children's Courts:** In Bangladesh, children's courts operate under specific legislation such as the Children Act, 2013, which provides guidelines on the protection, care, and justice for children.
- **Ordinary Courts:** These courts operate under the general legal framework provided by the Constitution, the Penal Code, the Code of Criminal Procedure, and other relevant laws applicable to adults.

3. **Judicial Approach:**

- **Children's Courts:** Judges in children's courts are often required to have specialized training in juvenile justice and child psychology. The approach is generally more rehabilitative, focusing on correction and integration rather than solely on punishment.
- **Ordinary Courts:** Judges in ordinary courts follow a more traditional legal approach, emphasizing the legal aspects of the cases and applying penalties or remedies according to the law.

4. **Procedures:**

- **Children's Courts:** Proceedings are usually more informal and are designed to be less intimidating for children. The courts often involve social workers, psychologists, and child welfare experts to ensure that the child's best interests are considered.
- **Ordinary Courts:** Procedures are more formal and follow strict legal protocols. The focus is on legal arguments and evidence presented by the parties involved.

5. **Privacy and Confidentiality:**

- **Children's Courts:** Proceedings are generally held in private to protect the identity and privacy of the child involved.
- **Ordinary Courts:** While some matters may be private, ordinary court proceedings are generally open to the public, especially in criminal cases, unless there are specific orders to close them for reasons of privacy or national security.

6. **Outcome and Sentencing:**

- **Children's Courts:** The outcomes are oriented towards rehabilitation and the best interests of the child. Sentences or orders might include counseling, community service, or placement in care facilities rather than incarceration.
- **Ordinary Courts:** Sentences in ordinary courts can include fines, imprisonment, or other legal penalties according to the nature of the offense and the laws governing the case.

- ❖ Overall, the primary distinction lies in the approach and objectives of the court systems. Children's courts emphasize the welfare and rehabilitation of minors, while ordinary courts focus on legal adjudication and punishment of adults.

❖ Question-4

a. What do you know about the concept of white Collar Crime?

White Collar Crime:

- The anti-social activities of persons of the upper strata in their occupation or business, which have come to be known as White Collar Crime.
- White-collar crime refers to non-violent, financially motivated crimes committed by individuals, businesses, or government officials in positions of trust and authority. These crimes typically involve deceit or breach of trust and are committed for financial gain. White-collar crimes often occur in the corporate or professional environment and can include activities such as fraud, embezzlement, insider trading, and money laundering.
- There is no consensus on how to define white-collar crime.
- **The Bureau of Justice Statistics (BJS)** has defined white collar crime as "any violation of law committed through non-violent means, involving lies, omissions, deceit, misrepresentation, or violation of a position of trust, by an individual or organization.
- **According to Prof. Sutherland**, "A crime committed by a person of respectability and high social status in the course of his occupation."
- White-collar crime is a type of non-violent crime that is financially motivated. -White-collar crimes may be perpetrated by individuals or at a corporate level. Due to the sophisticated technology now available, however, even white-collar crimes committed by an Individual may result in tens of millions in losses for the victims.

b. Write down about the development of white Collar Crime.

- A sociologist and criminologist, **Prof. Edwin Sutherland** first, invented the phrase "white-collar crime" in 1939. In his presidential address to the American Sociological Society he first coined the term. He pointed out that besides the traditional crimes such as assault, robbery, dacoity, murder, rape, kidnapping and other acts involving violence, there are certain anti-social activities which the persons of upper strata carry on in course of their occupation or business. Prior to his writings on the subject, many people resisted believing that members of the "upper class" engaged in criminal activity.
- **Before Prof. Sutherland**, **Albert Morris** refers to a paper entitled 'Criminal Capitalists' which was read by Edwin C. Hill before the International Congress on the Prevention and Repression of Crime at London in 1872. In this paper the learned writer underlined the growing incidence of crime as an organized business and its evil effects on society.
- **In 1934, Morris** drew attention to the necessity of a change in emphasis regarding crime. He asserted that anti-social activities of persons of high status committed in course of their profession must be brought within the category of crime and should be made punishable.
- **Finally E.H. Sutherland** emphasized that these 'upper world' crimes which are committed by the persons of upper socio-economic groups in course of their occupation violating the trust, should be termed "White Collar Crime" so as to be distinguished from traditional crime which he called "Blue Collar Crime". **Sutherland further** pointed out that White Collar Crime differs from crimes committed by the ordinary Criminal in the society.

c. How can you find different types of White-collar Crimes frequently committed in the different professions in Bangladesh?

1. Frauds in Business

- * Hording, Black marketing
- * Adulteration of foods and drugs and misleading advertisements
- * Malpractices in the medical professions

2. In Legal Profession: Fabricating false evidence, engaging professional and ripped witness, violating ethical standards of legal profession, dilatory tactics maintaining communication with criminal gangs, taking of bribery by judges appointing broker to collect client, claiming extra fees.

3. Bribery and graft by public officers.

4. Cyber crime

5. Cheating in Insurance

6. Money laundering

7. Misappropriation of property and illegal possession of Khas land

8. In Medical profession: Issuance of false medical certificate, helping illegal abortion, secret service to criminals by giving false expert opinion, selling sample drugs of medicine, dilatory tactics to extract more money, False advertising claiming special medical care, unnecessary tests. to particular diagnostic center and private practicing

9. In Engineering profession: Underhand dealing with contractors and suppliers, passing of sub-standards and materials, maintenance of bogus books of record of work-charged labour, letting perfunctory construction of infrastructure like road bridge culvert etc. Abuse of tender

10. Insider trading: Insider trading is trading done with the benefit of the trader possessing material, non-public information that gives him or her an advantage in the financial markets. For example, an employee at an investment bank may know that Company A is preparing to acquire Company B. The employee can buy stock in Company B with the expectation that the company's stock will rise significantly in price once the acquisition becomes public knowledge.

11. Embezzlement: Embezzlement is a crime of theft, or larceny, that can range from an employee taking a few dollars out of a cash drawer to a complex scheme to transfer millions from a company's accounts to the embezzler's accounts.

12. Counterfeiting: Our money has become more colorful and expanded in detail because it had to in order to combat counterfeiting. With today's computers and advanced laser printers, the old currency was just too easy to copy. However, it's questionable how successful the government's efforts in this area have been. Rumor has it that very high-quality copies of the new \$100 bill were available within 24 hours of the new bill first being issued.

13. Espionage: Espionage, or spying, is typically a white-collar crime. For example, an agent of a foreign government that wants to obtain part of Apple Inc. echnology might approach an employee at Apple and offer to pay them \$10,000 if they will provide a copy of the desired technology.

d. Why white collar crime is more dangerous than Blue Collar Crime?

White-collar crime is often considered more dangerous than blue-collar crime for several reasons. Primarily due to its impact and the nature of its execution.

Scale and Financial Impact:

- ✓ Wider Scope: White-collar crimes, such as corporate fraud, embezzlement, and financial scams, can affect large numbers of people and institutions. The financial losses involved can be immense, potentially bankrupting companies, destroying livelihoods, and destabilizing economies.
- ✓ Systemic Damage: These crimes can undermine trust in financial systems, markets, and institutions, leading to broader economic instability. For example, the 2008 financial crisis, which involved complex financial frauds, had global repercussions.
- 2. Victim Vulnerability:
 - ✓ Indirect Harm: Victims of white-collar crime are often individuals or organizations that may not immediately realize they are being exploited. The harm can be long-lasting and indirect, affecting retirement savings, job security, and public resources.
 - ✓ Widespread Consequences:
- 3. Perpetrator's Position:
 - ✓ Abuse of Trust: White-collar criminals often hold positions of power and trust, such as executives, politicians, or financial advisors. They exploit their authority and access to commit crimes.
 - ✓ Complexity and Deception:
- 4. Preventive and Remedial Challenges:
 - ✓ Detection Difficulty: White-collar crimes can be difficult to detect because they often involve intricate financial transactions and insider knowledge.
 - ✓ Legal and Regulatory Challenges: Prosecuting white-collar crime can be challenging due to the need for specialized knowledge and the often lengthy legal processes involved.
- 5. Impact on Trust and Institutions:
 - ✓ Erosion of Confidence: White-collar crime can erode public trust in key institutions such as banks, corporations, and government agencies. This loss of confidence can have far-reaching consequences for the functioning and stability of financial systems and governance.
- 6. Long-Term Effects:
 - ✓ Sustainable Harm: The effects of white-collar crime can be long-lasting, affecting individuals' financial security and the health of institutions for years. Rebuilding trust and restoring financial stability can be a lengthy and challenging process.

In summary, white-collar crime's impact is often broader and more damaging than blue-collar crime due to its potential for large-scale financial harm, abuse of positions of trust, complexity, and the long-term consequences for both individuals and institutions.

Question-5

a. What do you know about Parole and Probation system as correctional method?

Parole system as correctional method:

- The parole system is a component of the correctional system that allows for the early release of inmates from prison under specific conditions, based on their behavior and rehabilitation progress.
- The term Parole was Emanated from Military Law. It was granted to a prisoner of war on promise to return.
- Some have pointed out that starting as an informal process parole historically based on the concept of pardon
- Parole is a conditional release from imprisonment which entitles parolee to serve remainder of his term outside confines of an Institution, if he satisfactory compiles with all terms and conditions provides in parolee order.
- **According to Donald Taft**, "Parole is a release from prison after part of the sentence has been served, the prisoner still remaining in custody and under stated conditions until discharged and liable to return to the institution for violation of any of these conditions."
- Parole is the conditional release of a prisoner before the completion of their full sentence. It is granted based on the belief that the inmate has been rehabilitated to a degree that they can reintegrate into society while being monitored under certain conditions.

Objectives of Parole:

- ✓ To conserve government resources, reduce cost and reduce overcrowding
- ✓ To reintegrate convicted offenders into society
- ✓ To preserve community safety by supervising convicted offenders
- ✓ To control the behaviour of inmates
- ✓ To encourage positive behaviour of convicted persons

The Process of Parole:

- * Prisoner/family/Govr Prison/ PO Submit appeal.
- * Parole Committee Appeal.
- * Reviewed & advised Home Secretary.
- * Home secretary on the recommendation of PC gives approval
- * Prisoner released on parole Or appeal. Rejected
- * Employed on daily wages supervised by the PO
- * Successful completion
- * No satisfactory change PO violated/License violated

Probation system as correctional method:

- The word Probation has been derived from the Latin word “probare” meaning “to test or to prove”.
- Probation is a conditional release under supervision to test whether the offender reform or not.
- Probation is a court-ordered period of supervision that allows individuals convicted of a crime to remain in the community under specific conditions, rather than serving time in prison. It is typically used as an alternative to incarceration or as part of a sentence following a prison term.
- Homer S Curnig observed that " Probation is a matter of discipline and treatment. If probationers are carefully chosen and supervision work is performed with care and caution, it works miracle in the field of rehabilitation.
- Donal Taft defines probation "as the postponement of final judgment or sentence in a criminal case, giving the offender an opportunity to improve his conduct and to readjust himself to the community, often on condition imposed by the court and under the guidance or supervision of an officer of the court."

The main purpose of probation:

- ✓ to save the offender from the mischief of incarceration,
- ✓ give him/her an opportunity to rectify himself/herself and
- ✓ maintain normal life like a law abiding citizen in the society.

Probation Law in Bangladesh:

- ✓ Sections 562. 563 and 564 of the CrPC embodied the laws of probation.
- ✓ later on the Children Act, 1908 was passed and empowered the court to release certain juveniles on probation of good conduct.
- ✓ In 1916 a committee was appointed to review section 562 of CrPC to extend the application of probation. It was extended in 1923 by an enactment.
- ✓ In 1931 Central Government of India prepared a bill on probation and sent it to provincial government.
- ✓ Sections 562. 563 and 564 of the CrPC were replaced by the Probation of Offenders Ordinance, 1960. Then Probation of Offenders Rules 1971
- ✓ If a person is convicted of an offence punishable with imprisonment for not more than two years, a court can consider the age, character, antecedents or physical or mental condition of the offender and the nature of offence or any extenuating circumstances attending the commission of offence. After considering these factors, a court has two options:
- ✓ Firstly, Make an order to discharge the offender after due admonition
- ✓ Secondly, a court may make an order to discharge the convicted person on the conditions of good behavior which may be defined as non-custodial sanction.
 - Legal provisions for non-custodial sanctions-
 - I. Bail: at the Pre/during trial stage
 - II. Probation/fines: at the sentencing stage -
 - III. Parole: Post sentencing (during imprisonment)

✓ **Probation process**

- ✓ Offender appears in Court
- ✓ * Judge directs PO to prepare SIR
- ✓ * SIR prepared and presented in Court
- ✓ * probation orders issued/ Probation denied
- ✓ * Released on probation: original sentence suspended or postponed
- ✓ * Back to community supervised by PO for 1 to 3 year
- ✓ * Successful completion: Original sentence no more applicable
- ✓ * No satisfactory change/PO violated - Prison

✓ **Why is probation important in South Asia / Bangladesh?**

- ✓ Overcrowding - Bangladesh occupancy level: 214.8%-
- ✓ * India occupancy level: 112.2%
- ✓ * Pre-trial detention - Bangladesh: 68.3%- India 66.2%
- ✓ Bangladesh More pre / under trial detentions Non-existent or traditional rehab services.
Overcrowded prisons-poor prison management - dismal health hygiene conditions - torture
and other exploitation - high risk behaviours - Increased risk of criminalization/ extremism

c. How can you enforce probation system in Bangladesh?

1. Legal Framework:

- ✓ The probation of offenders' ordinance 1960
- ✓ The probation offenders Rules 1971
- ✓ The children Act 2013

2. Training and Capacity Building: Invest in training programs for probation officers and other relevant staff. They need to be well-trained in both the legal aspects of probation and in social work techniques to effectively support and monitor probationers.

3. Resource Allocation: Adequate funding and resources are essential. This includes providing probation offices with the necessary tools, technology, and support services to perform their duties effectively.

4. Integration with Social Services: Establish strong links between probation services and other social support services such as mental health care, employment assistance, and addiction treatment programs. This holistic approach can help address the root causes of criminal behavior.

5. Monitoring and Evaluation: Implement a system for monitoring and evaluating the effectiveness of probation services. This includes tracking outcomes, reviewing case management practices, and making adjustments based on performance data and feedback.

6. Public Awareness: Educate the public about the purpose and benefits of probation. Greater public understanding can foster community support and compliance with the probation system.

7. **Coordination with the Judiciary:** Ensure that probation services work closely with the courts and law enforcement agencies. Clear communication and cooperation between these entities can help streamline the probation process and address issues promptly.
8. **Rehabilitation and Reintegration Programs:** Develop programs that focus on rehabilitating and reintegrating probationers into society. This can include job training, educational opportunities, and counseling to help them lead productive lives and reduce recidivism.
9. **Addressing Corruption and Mismanagement:** Implement measures to prevent corruption and mismanagement within the probation system. Transparent procedures and accountability mechanisms are crucial for maintaining the integrity of the system.
10. **Legislative Support:** Advocate for legislative reforms if necessary to improve the probation system. This could involve updating laws to better reflect modern practices or addressing any gaps in the current legal framework.

Enforcing a probation system requires a multifaceted approach and commitment from various stakeholders, including the government, judiciary, social services, and the community.

b. What are the main difference between 'Parole and 'probation' system?

Aspect	Parole	Probation
Definition	Conditional early release from prison.	Court-ordered supervision instead of prison.
Eligibility	Granted after serving part of a prison sentence.	Granted instead of a prison sentence.
Timing	Applies after incarceration.	Applies instead of incarceration.
Supervision	Supervised by a parole officer.	Supervised by a probation officer.
Conditions	Includes conditions such as reporting to an officer, maintaining employment, and avoiding criminal activity.	Similar conditions as parole, including reporting, employment, and avoiding crime.
Violation Consequences	Violations may result in reincarceration.	Violations may result in imprisonment.
Purpose	To reintegrate inmates into society while still under supervision.	To provide an alternative to incarceration, focusing on rehabilitation.
Type of Offender	Typically involves those who have already served time in prison.	Often involves those who would otherwise be sentenced to prison.
Legal Process	Involves a parole board or similar authority.	Decided by a judge during sentencing.
Duration	Parole period is usually set by the parole board and may vary.	Probation period is set by the court and can also vary.
Focus	Reentry and reintegration into society after incarceration.	Supervision and rehabilitation as an alternative to prison.
Application	Requested by the inmate after serving part of their sentence.	Typically ordered at sentencing, based on the judge's decision.
Risk Assessment	Includes an assessment of the risk posed to society by the offender's release.	Includes an assessment of the offender's suitability for probation.
Supervision Level	Generally involves more intensive supervision due to prior incarceration.	Can vary in intensity based on the crime and individual circumstances.
Status	Conditional release with the possibility of returning to prison.	Court-ordered supervision with potential for imprisonment if violated.

These differences highlight how parole and probation serve distinct functions within the criminal justice system, with parole focusing on the reintegration of those already serving time and probation offering an alternative to incarceration.

d. Write down the provision relating to the duties of a probation officer under the probation offenders' ordinance, 1960 & 1971.

Provisions of Probation of Offenders Ordinance, 1960 Courts empowered under the Ordinance 3.

(1) The following courts shall be the courts empowered to exercise powers under this Ordinance, namely:-

- (a) The High Court Division
 - (b) Court of Sessions;
 - (c) District Magistrate;
 - (e) Magistrate of the 1st Class; and
 - (f) any other magistrate especially empowered in this behalf.
- (2) A Court may exercise powers under this Ordinance, whether the case comes before it for original hearing or on appeal or in revision.
- (3) Where any offender is convicted by a Magistrate not empowered to exercise powers under this Ordinance, and such Magistrate is of opinion that the powers conferred by section 4 or section 5 should be exercised, he shall record his opinion to that effect and submit the proceedings to a Magistrate of the 1st Class [*] forwarding the offender to him.

Who will be awarded with probation:

- According to Ordinance 5(1), the Power of court to make a probation order in certain cases
- (a) any male person is convicted of an offence not being an offence under Chapter VI or Chapter VII of the Penal Code, or under sections 216A, 328, 382, 386, 387, 388, 389, 392, 393, 397, 398, 399, 401, 402, 455, or 458 of that Code, or an offence punishable with death or imprisonment for life, or
- (b) any female person is convicted of any offence other than an offence punishable with death,

Duties and Responsibilities of a Probation Officer

- The Duties and responsibilities of a Probation officer are incorporated in the following sections-
- ✓ The probation of offenders' ordinance 1960, ordinance-13
- ✓ The probation offenders Rules 1971, rule-4
- ✓ The children Act 2013, section 6

Section 13: Duties of a Probation Officer

- (a) visit or receive visits from the offender at such reasonable intervals as may be specified in the probation order or, subject thereto, as the Officer-in-charge may think fit;
- (b) see that the offender observes the conditions of the bond executed under section 5;
- (c) report to the Officer-in-charge as to the behaviour of the offender;
- (d) Advise, assist and befriend the offender, and when necessary endeavour to find him suitable employment; and
- (e) perform any other duty which may be prescribed by the rules made under this

Rule-4: Duties of a Probation Officer

- explain to every probationer placed under his charge, the terms and conditions of the probation order made in respect of such probationer. and if so deemed necessary. by warning, endeavour to ensure the observance thereof by the probationer;
- in the first two months of probation, meet the probationer at least once in a fortnight, and thereafter, subject to the probation order or any general or special order of the Director keep in close touch with the probationer, meet him frequently, make enquiries into his conduct, mode of life and environment, and wherever practicable, visit his home from time to time;
- If any probationer under his charge be out of employment endeavour to find suitable employment for him and assist, befriend and advise him and strive to improve his conduct and general condition of living;
- encourage every probationer placed under his supervision to make use of any recognized agency, statutory or voluntary, which might contribute towards his welfare and general well-being and to take advantage of the social recreational and educational facilities which such agencies might provide;
- Where a probationer under his supervision, who has executed a bond with sureties under section 5, is found to have committed breach of the terms of his bond or to have otherwise misconducted himself, bring such breach or misconduct to the notice of the Court and the probationer's sureties;
- maintain the books and registers and submit reports prescribed under these rules; and
- Subject to the provisions of these rules, carry out the instructions of the Court in regard to any probationer placed by the Court under his supervision.
- Rule-5: Every probation officer shall maintain a Register of probationers.(Other responsibilities related to preserving documents and information)

Appointment of probation officers

12. (1) A probation officer referred to in a probation order may be any person appointed to be probation officer by the Officer-in-charge.

Qualifications of Probation Officer –

- ✓ **Bangladesh probation of offenders rules, 1971, Rule- 3**
- ✓ No person shall be appointed as Probation officer unless -

(a) he, is more than 20 years and less than 30 years of age at the time of his first appointment as Probation Officer;

(b) he is an Honors graduate in Social Welfare or Social Work or an M.A. in Social Welfare or Social Work from a recognized University;

(c) he possesses a good character and is in good mental and physical health;

(d) he is a citizen of Pakistan and a permanent resident of East Pakistan. or domiciled therein;

Question-6

a. What do you mean by 'Modus operandi' and 'Signature Aspect'?

Modus operandi:

- "Modus operandi," often abbreviated as "MO," is a Latin term that means "method of operating or mode of action." It refers to a particular way or method of doing something, especially one that is characteristic of an individual or group. In criminal investigations, "modus operandi" refers to the particular methods or techniques used by a criminal when committing crimes.
- The term is used to describe someone's habits or manner of working, particularly in the context of business or investigations.
- The expression is often used in police work when discussing a crime and addressing the methods employed by the perpetrators. It is also used in criminal profiling, where it can help in finding clues to the offender's psychology. It largely consists of examining the actions used by the individual(s) to execute the crime, prevent its detection and/or facilitate escape. A suspect's modus operandi can assist in his identification, apprehension or repression, and can also be used to determine links between crimes.
- **For example**, if a burglar always breaks into homes through a window, that could be part of their modus operandi. Understanding an offender's MO can help law enforcement identify and catch them, especially if they commit similar crimes.
- **Example-** Ronnie Shelton was a serial rapist. He has committed 50 rapes. He used to enter the victim's dwelling through a window or yard entrance that faced a wooded area or bushes offering concealment. He wore a ski mask, stocking, or scarf. He convinced the victims that he was not there to rape but to rob them. However, when he had the victim under control, he would return to the rape mode. The victim would comply because she had seen his propensity for violence by his earlier actions, such as throwing her on the floor or holding a knife to her throat. In addition, Shelton would say to the victims, "Keep your eyes down," "Cover your eyes," or "Don't look at me and I won't kill you (hurt) your kids)." Before he left, he would verbally intimidate them with such warnings as "Don't call the police or I'll come back and kill you." These characteristics served as Shelton's M.O., whereas his former actions were his signature that linked him to 28 sexual offences.

Signature Aspect:

- The violent, repetitive offender often exhibits another element of criminal behavior during the crime--the signature aspect or "calling card."
- Signature aspects refer to unique behaviors or actions that a criminal repeatedly does, which are not necessary for committing the crime but are done to satisfy some psychological need or desire.
- This criminal conduct is a unique and integral part of the offender's behavior and goes beyond the actions -the MO- needed to commit the crime.
- The signature aspect remains a constant and enduring part of each offender. And, unlike the

M.O., it never changes.

- the signature aspect stays the same, whether it is the first offense or one committed 10 years later. The ritual may evolve, but the theme remains constant.
- **Example:** If a serial killer always leaves a specific item, like a piece of jewelry, at the crime scene, this is their signature.
 - **Ronnie Shelton** was a serial rapist. He has committed 50 rapes. He would rape his victims vaginally, then withdraw and exclaim on their stomachs or breasts. Shelton would also frequently masturbate over the victims or between their breasts or force them to masturbate him manually. Then, he would use their clothing to wipe off the ejaculation. He also forced many of his victims to have oral sex with him and then insisted that they swallow the ejaculation. The combination of these acts displayed Shelton's signature.
 - ❖ **The following scenarios** are fictitious accounts. They are used to show the difference between a M.O. and a signature aspect.
 - A rapist enters a residence and takes a woman and her husband captive. The offender orders the husband to lie face down on the floor and then places a cup and plate on his back. He tells the husband, "If I hear the cup move or hit the floor, your wife dies." The offender then takes the wife into the next room and rapes her.
 - In another situation, a rapist enters the house, orders the woman to phone her husband, and tells her to use some ploy to get him to come home. Once the husband arrives, the rapist ties him to a chair and forces him to watch the assault on his wife.
 - The rapist who used the cup and saucer developed an effective modus operandi to control the husband. However, the other rapist went beyond just committing the rape. He satisfied his fantasies fully by not only raping the wife but also by humiliating and dominating the husband. His personal needs compelled him to perform this signature aspect of the crime.

b. Write about the definition of community justice system and restorative justice system.

Community justice system:

- a model of justice that emphasizes reparation to the victim and the community, approaching crime from a problem-solving perspective, and citizen involvement in crime prevention.
- Community justice is a strategic method of crime reduction and prevention, which builds or enhances partnerships within communities.
- Community justice policies confront crime and delinquency through proactive, problem-solving practices aimed at prevention, control, reduction and reparation of the harm crime has caused.
- So it can be said that, the community justice system is an approach to justice that emphasizes the involvement of community members in the administration and resolution of justice. Unlike traditional criminal justice systems, community justice focuses on addressing crime and disputes through community-based solutions that are tailored to local needs and contexts.

Core Principles of Community Justice

1. **Community Involvement:** Central to community justice is the active participation of local residents in the justice process. This can include roles in decision-making, problem-solving, and the implementation of justice-related policies and practices.
2. **Restorative Practices:** Community justice often incorporates restorative justice principles, which focus on repairing the harm caused by crime rather than solely punishing the offender. This involves facilitating dialogue between victims, offenders, and the community to reach a resolution that addresses the needs of all parties involved.
3. **Prevention and Rehabilitation:** The system places a strong emphasis on crime prevention and the rehabilitation of offenders. By addressing underlying social issues and providing support services, community justice aims to reduce recidivism and promote positive behavioral changes.
4. **Local Solutions:** Community justice systems are designed to address the specific needs and dynamics of local communities. Solutions are often developed collaboratively with input from community members, ensuring that responses to crime and conflict are culturally relevant and contextually appropriate.
5. **Empowerment and Accountability:** The approach seeks to empower communities to take an active role in managing justice-related issues. This fosters a sense of ownership and accountability, which can enhance the effectiveness of justice interventions and promote community cohesion.

Restorative justice system:

- Restorative Justice contends that society needs to hold offenders accountable to put right their harms. Victims and the community are central to this type of justice processes. Restorative justice programs enable the victim, the offender and affected members of the community to be directly involved in responding to the crime. The offender has a personal responsibility to victims and to the community for crimes committed. Research shows that victims are more satisfied in cases that are resolved using restorative justice compared to those that do not go through restorative justice.

- Restorative justice is a justice framework that focuses on repairing the harm caused by criminal behavior through processes that involve the victim, the offender, and the community. Unlike traditional retributive justice systems, which emphasize punishment and deterrence, restorative justice seeks to address the underlying issues and relationships affected by the crime. The aim is to achieve healing, accountability, and resolution for all parties involved.

Core Principles of Restorative Justice

- **Repairing Harm:** The primary goal of restorative justice is to repair the harm caused by crime. This involves acknowledging the impact of the offense on victims, offenders, and the community, and seeking ways to address this harm through meaningful dialogue and restitution.
- **Involvement of Stakeholders:** Restorative justice processes typically involve the key stakeholders in the justice process: the victim, the offender, and community members. This inclusive approach ensures that all affected parties have a voice in the resolution process and can contribute to finding a fair and constructive outcome.
- **Accountability:** Offenders are encouraged to take responsibility for their actions and understand the impact of their behavior on others. This accountability is crucial for facilitating personal growth and ensuring that offenders make amends for their actions.
- **Restoration of Relationships:** By fostering open communication and understanding, restorative justice aims to rebuild and restore relationships between victims and offenders, as well as within the wider community. This process can help to reduce feelings of animosity and promote reconciliation.
- **Community Involvement:** The community plays a vital role in restorative justice by participating in discussions, supporting victims, and helping to integrate offenders back into society. This collective involvement strengthens community bonds and enhances social cohesion.
-

c. What are the challenges of Restorative justice system?

1. Voluntary Participation

One of the fundamental principles of restorative justice is that all parties involved must voluntarily participate in the process. This voluntary nature can be a challenge as it requires the cooperation of both victims and offenders.

Reference: Latimer, J., Dowden, C., & Muise, D. (2005). *The Effectiveness of Restorative Justice Practices*, p: 127-144.

2. Consistency and Fairness of Outcomes

Ensuring consistent and fair outcomes across different cases can be challenging. Restorative justice processes are often tailored to individual circumstances, which can lead to variability in resolutions and perceived fairness.

Reference: Morris, A. (2002). *Critiquing the Practice of Restorative Justice*. P: 331-347.

3. Resource and Training Needs

Effective implementation of restorative justice requires significant resources and training for facilitators, participants, and community members. Limited resources can also impact the accessibility and sustainability of restorative justice programs.

- **Reference:** Davis, R., & Dutton, D. (1998). *Restorative Justice and the Role of the Facilitator*, p: 183-197. This study examines the training and resource needs for effective restorative justice facilitation.

4. Community and Cultural Acceptance

The acceptance and integration of restorative justice practices within different communities can vary. In some cases, communities may not fully embrace restorative justice due to cultural norms, skepticism about its effectiveness, or resistance to changing traditional justice processes. Building community support and understanding is crucial for the successful implementation of restorative justice.

5. Potential for Re-victimization

In some cases, the restorative justice process might inadvertently lead to re-victimization, particularly if victims feel pressured to forgive or engage with offenders. The emotional and psychological impact on victims must be carefully managed to prevent any additional harm during the restorative process.

6. Implementation and Integration

Integrating restorative justice practices within existing legal and institutional frameworks can be complex. There may be challenges in aligning restorative processes with traditional legal procedures and ensuring that restorative justice is effectively integrated into broader justice systems.

In summary, while restorative justice offers a valuable alternative to punitive approaches, it faces several challenges related to voluntary participation, consistency, resource needs, community acceptance, potential re-victimization, and integration with existing systems. Addressing these challenges requires ongoing research, adaptation, and commitment from practitioners, policymakers, and communities to ensure the effectiveness and fairness of restorative justice practices.

Question-8

g. What is serial Killer? What is the treatment of serial killer? Write about ted Bandy case?

Serial Killer:

- Serial killer is defined as an individual who commits a series of two or more murders, typically with a psychological motive, and often following a characteristic pattern or modus operandi. The murders are usually separated by a period of time, known as a "cooling-off" period, during which the killer may appear to lead a normal life. Serial killers often have specific preferences or rituals associated with their crimes and may target victims based on particular traits or behaviors.

Key Characteristics of Serial Killers

1. **Pattern of Behavior:** Serial killers exhibit a repetitive pattern of behavior in their crimes, which can include specific methods of killing, victim selection, and crime scene staging. This pattern often reflects a psychological or emotional need or desire.
2. **Cooling-Off Period:** Unlike spree killers, who commit multiple murders in a single event or over a short period, serial killers have intervals between their killings. These cooling-off periods can vary widely in length and are often driven by the killer's psychological state.
3. **Psychological Motive:** Serial killers are often driven by complex psychological motives, such as a need for power, control, or revenge. Their actions are frequently rooted in deep-seated personal issues or disorders.
4. **Victim Selection:** Serial killers may have specific criteria for selecting their victims, such as age, gender, race, or other characteristics. The choice of victims often reflects the killer's psychological needs or fantasies.

Treatment of serial killer:

Treating serial killers presents significant challenges due to the complexity of their psychological profiles and the severity of their crimes. Treatment approaches are typically multidisciplinary, combining psychological therapy, psychiatric care, and sometimes pharmacological interventions. The goals of treatment can vary, including addressing underlying mental health disorders, reducing recidivism risk, and managing dangerous behaviors. However, successful treatment is difficult and often controversial due to the nature of the crimes and the individuals involved.

Key Approaches to Treatment

1. **Psychiatric Evaluation and Diagnosis**

Before treatment begins, a thorough psychiatric evaluation is conducted to diagnose any underlying mental health disorders. Common diagnoses among serial killers may include

personality disorders (such as antisocial personality disorder), psychopathy, or other severe mental illnesses. Accurate diagnosis is crucial for developing an effective treatment plan.

2. Therapeutic Interventions

Psychotherapy, particularly cognitive-behavioral therapy (CBT), is often used to address distorted thinking patterns and behaviors. Therapy aims to help individuals recognize and alter harmful thought processes, develop empathy, and understand the impact of their actions. However, therapy with serial killers can be challenging due to issues such as manipulative behavior and lack of genuine remorse.

3. Pharmacological Treatment

Medication may be used to manage symptoms of mental illness, such as mood disorders or psychotic episodes. Antidepressants, antipsychotics, or mood stabilizers can be prescribed depending on the individual's specific symptoms and diagnoses. However, medication alone is rarely sufficient and is typically used in conjunction with other therapeutic approaches.

4. Risk Assessment and Management

For serial killers, assessing and managing the risk of future violent behavior is crucial. Risk assessment tools, such as the Hare Psychopathy Checklist-Revised (PCL-R), are used to evaluate the likelihood of recidivism. Management strategies may include secure confinement and monitoring, as well as structured interventions designed to reduce the risk of future offenses.

5. Ethical and Legal Considerations

Treating serial killers involves complex ethical and legal considerations. Issues such as the potential for manipulation, the safety of others, and the balance between treatment and punishment must be carefully considered. Ethical guidelines and legal constraints often shape the approach to treatment and management.

Summary and Challenges

Treating serial killers is fraught with difficulties due to the nature of their offenses and psychological profiles. Effective treatment requires a comprehensive approach, including psychiatric evaluation, therapeutic interventions, pharmacological management, and ongoing risk assessment. Despite these efforts, achieving successful outcomes is challenging and often limited by the inherent characteristics of serial killers, such as manipulative tendencies and lack of empathy.

References:

- Kandel, E. R. (1998). *A New Intellectual Framework for Psychiatry*. *Journal of Clinical Psychiatry*, 59(1), 4-11.

Characteristics of Serial Killers

1. Pattern of Behavior:

- ☐ Serial killers often follow a specific pattern or ritual when committing their crimes. This may include the method of killing, the type of victims chosen, and the way they dispose of bodies.

2. Cooling-Off Period:

- ☐ Unlike mass murderers who kill multiple people in a single event, serial killers have a "cooling-off" period between their murders. This period can vary from days to years.

3. Compulsion to Kill:

- ☐ Serial killers often feel a compulsion or urge to kill, which drives them to commit multiple murders over time.

4. Lack of Remorse:

- ☐ Many serial killers show little to no remorse for their actions. They may have a lack of empathy and disregard for human life.

5. Psychological Issues:

- ☐ Serial killers often have underlying psychological issues, such as personality disorders, childhood trauma, or a history of abuse.

Classification of Serial Killers

Serial killers can be classified based on their motives and the nature of their crimes. Here are the main types:

1. Visionary Killers:

- ☐ Motivated by delusions or hallucinations, these killers believe they are compelled to murder by voices or visions.

2. Mission-Oriented Killers:

- ☐ These killers believe they are on a mission to eliminate a certain group of people (e.g. prostitutes, homeless individuals) whom they consider undesirable.

3. Hedonistic Killers:

Motivated by the thrill or pleasure of killing, hedonistic killers derive enjoyment from the act of murder. They may also kill for financial gain or sexual gratification.

Subtypes include:

- ☐ Lust Killers: Motivated by sexual pleasure.
- ☐ Thrill Killers: Seek excitement and adrenaline.
- ☐ Comfort Killers: Kill for financial gain or material comfort.

4. Power/Control Killers:

- ☐ These killers derive satisfaction from having complete control over their victims. The ~~to~~ of dominating and exercising power over another person is their primary motivation.

Typologies of Serial Killers

1. Organized Serial Killers:

- ☐ These killers plan their crimes methodically, often luring victims and taking steps to avoid detection. They are usually of average or above-average intelligence and follow a specific modus operandi.

2. Disorganized Serial Killers:

- ☐ These killers act impulsively and leave chaotic crime scenes. They are often ~~b~~ intelligent and socially awkward. Their crimes are unplanned, and they take little care in concealing evidence.

3. Mixed Serial Killers:

- ☐ Some serial killers exhibit both organized and disorganized characteristics, making ~~in~~ harder to categorize.

Conclusion

Understanding the definition, characteristics, classification, and typologies of serial killers helps in developing psychological profiles and investigative strategies. Each type of serial killer has distinct motivations and behavioral patterns, which can provide crucial insights for law enforcement and criminal psychologists

a) **Discuss famous Ted Bundy case.**

The Famous Ted Bundy Case

Ted Bundy is one of the most infamous serial killers in American history, known for his charm, intelligence, and brutal crimes.

Background

- ☐ Full Name: Theodore Robert Bundy
- ☐ Born: November 24, 1946, in Burlington, Vermont, USA
- ☐ Education: Studied psychology at the University of Washington and attended law ~~and~~ at the University of Utah.

Crimes

- ☐ Modus Operandi: Bundy often lured his victims by pretending to be injured ~~and~~ impersonating an authority figure. He would ask for help and then abduct them.
- ☐ Victims: He targeted young women, often college students, and his crimes included kidnapping, assault, and murder.
- ☐ Geographic Range: Bundy's crimes spanned multiple states, including Washington, Oregon, Utah, Colorado, and Florida.

Key Events

1. First Known Murders:

Bundy's first confirmed murders began in 1974 in the Pacific Northwest. He abducted and killed several women in Washington and Oregon.

2. Arrest and Escape:

Bundy was first arrested in Utah in 1975 but escaped from custody twice in 1977. During his second escape, he fled to Florida.

3. Florida Killings:

- ☐ In Florida, Bundy committed some of his most brutal crimes. In January 1978, ~~he~~ attacked the Chi Omega sorority house at Florida State University, killing two women and severely injuring two others.
- ☐ He also kidnapped and murdered a 12-year-old girl named Kimberly Leach.

Capture and Trial

- ☐ Final Arrest: Bundy was finally captured in Florida in February 1978.
- ☐ Trials: Bundy faced multiple trials for his crimes. He acted as his own attorney in ~~one~~ cases, displaying his intelligence and confidence.
- ☐ Conviction: Bundy was convicted of multiple murders and sentenced to death.

Execution

Date: January 24, 1989

Method: Electric chair

Psychological Profile

- ☐ Charm and Manipulation: Bundy was known for his good looks and charm, which he used to manipulate his victims and those around him.
- ☐ Psychopathy: Many experts believe Bundy was a psychopath, characterized by a lack of empathy, manipulateness, and superficial charm.
- ☐ Behavioral Patterns: Bundy's crimes were meticulously planned, and he took great ~~at~~ to avoid detection, showcasing organized serial killer traits.

Legacy

Ted Bundy's case remains one of the most studied and discussed in the field of criminal psychology and criminology. His ability to blend into society while committing heinous crimes has made him a subject of fascination and horror. The Bundy case has also led to significant advancements in forensic science and criminal profiling.

e. Define insanity. Explain M'Naughton Rule in case of insanity. Discuss famous case of Lorena Bobbitt.

Definition of Insanity

Insanity is a legal term used to describe a mental state in which a person is unable to understand the nature or wrongfulness of their actions due to a severe mental disorder. It is not a medical diagnosis but a legal defense used in criminal cases.

M'Naughton Rule in Cases of Insanity

The M'Naughton Rule, also known as the M'Naghten Rule, is a legal standard used to determine whether a defendant can be held responsible for their actions due to insanity. According to this rule:

- ☐ Defect of Reason: The defendant must have been suffering from a "defect of ~~reason~~" caused by a mental illness.
- ☐ Lack of Understanding: The defendant must have been unable to understand the ~~nature~~ and quality of their actions or unable to distinguish right from wrong at the time of the crime.

The M'Naughton Rule is used to assess whether a defendant should be considered legally insane and therefore not responsible for their criminal actions.

Famous Case of Lorena Bobbitt

The case of Lorena Bobbitt is one of the most well-known instances involving the insanity defense:

1. Background:

- ☐ Lorena Bobbitt was married to John Wayne Bobbitt. She alleged that she suffered ~~years~~ of abuse at his hands, including physical, emotional, and sexual abuse.
- ☐ On June 23, 1993, Lorena cut off her husband's penis with a kitchen knife while he ~~was~~ asleep. She then fled the scene and threw the severed organ out of her car window.

2. Legal Proceedings:

- ☐ Lorena was charged with malicious wounding. During the trial, her defense team ~~argued~~ that she was suffering from clinical depression and a post-traumatic stress disorder due to the abuse she endured.
- ☐ The defense claimed that her actions were a result of an "irresistible impulse" caused ~~by~~ her mental state, a concept related to the insanity defense.

3. Outcome:

- ☐ The jury found Lorena not guilty due to temporary insanity. She was ordered to undergo a 45-day psychiatric evaluation at a state hospital but was not sentenced to prison.
- ☐ John Wayne Bobbitt underwent surgery to reattach his penis and later became a controversial public figure.

The Lorena Bobbitt case brought significant media attention and sparked discussions about domestic violence, mental health, and the use of the insanity defense in criminal cases.

a) Discuss the psychological theory of crime (only psychological psychodynamic).

Psychological Theory of Crime: Psychodynamic Perspective

The psychodynamic theory of crime, rooted in the work of Sigmund Freud and other psychoanalysts, suggests that criminal behavior is the result of unconscious psychological conflicts and unresolved childhood experiences. Here are the key concepts:

2. Unconscious Mind:

- ☐ The unconscious mind, according to Freud, is a reservoir of feelings, thoughts, ~~ugs~~ and memories that are outside of conscious awareness. These unconscious elements significantly influence behavior.

3. Id, Ego, and Superego:

- ☐ Id: The primitive and instinctual part of the mind that contains sexual and aggressive drives and hidden memories. It operates on the pleasure principle, seeking immediate gratification.
- ☐ Ego: The rational part of the mind that mediates between the desires of the id and ~~h~~ realities of the external world. It operates on the reality principle.
- ☐ Superego: The moral conscience that incorporates the values and norms of society, learned from parents and others.

4. Criminal Behavior as a Result of Conflict:

- ☐ Criminal behavior can occur when there is an imbalance or conflict between the id, ~~g~~ and superego. For example, if the id's aggressive impulses are not adequately controlled by the ego and superego, an individual may act out in socially unacceptable ways, including criminal acts.

5. Unresolved Childhood Experiences:

- ☐ Freud believed that early childhood experiences, particularly those involving

relationships with parents, play a crucial role in shaping personality and behavior. Traumatic or unresolved experiences can lead to psychological issues that manifest as criminal behavior.

- ☐ For instance, a child who experiences neglect or abuse may develop feelings of ~~ang~~ and aggression that are repressed into the unconscious. These repressed feelings can later surface as violent or criminal behavior.

6. Defense Mechanisms:

- ☐ Individuals use defense mechanisms (e.g., repression, denial, projection) to ~~man~~ internal conflicts and anxiety. However, overreliance on these mechanisms can lead to maladaptive behaviors, including criminal acts.

7. Psychoanalytic Therapy:

- ☐ Psychodynamic theory suggests that addressing criminal behavior involves uncovering and resolving unconscious conflicts through therapy. Psychoanalytic therapy aims to bring unconscious thoughts and feelings to conscious awareness, helping individuals understand and manage their behavior.

In summary, the psychodynamic perspective on crime emphasizes the influence of unconscious psychological processes and early childhood experiences on criminal behavior. It suggests that unresolved internal conflicts and repressed emotions can lead to actions that violate societal norms and laws.