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Q White Collar Crime: Definition, Features, Comparison, Types, Remedies

The anti-social activity of persons of the upper strata in their occupation or business, which have come to be known as WCC. E.H. Sutherland → 1939
origin → 1941

Besides the traditional crimes such as assault, robbery, 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. — E.H. Sutherland, 1939

Any violation of law committed through non-violent means, involving lies, omission, deceit, misinterpretation or violation of a position of trust by an individual or organization — Bureau of Justice Statistics (BJS)

WCC represents the offences of businessmen who are in a position to determine the policies and activities of business — Sir Walter Reckless

WCC is committed by persons of status not for need but for greed — Goshami P.

Comparison

| | | | | |
|------------|---------|--------------------|---|--------|
| Definition | Origin | Person who commits | Force used | Nature |
| Punishment | Gravity | Example | D. O Per F. N. A P. G. Ex | |

Features

Recent Origin (1941) / Person: Higher Social Status / Absence of Physical Force
Non-violent in Nature / Absence of Mens rea / Punishment: Ambiguity & Uncertain
Disguised offenders / More Dangerous / Examples /

Types

- ① Fraud
- ② Insider Trading
- ③ Ponzi Scheme
- ④ ID Theft & Cybercrimes
- ⑤ Embezzlement
- ⑥ Counterfeiting
- ⑦ Money Laundering
- ⑧ Espionage

Remedial Measures

- ① Creating Awareness
- ② A special chapter on WCC should be included in PC
- ③ Strong regulatory law and drastic punishment
- ④ Special Tribunals should be constituted
- ⑤ Stiffer punishment considering the gravity of injury caused to the society
- ⑥ Implementation of ombudsman system
- ⑦ RTI Act, 2009
- ⑧ Accountability and Transparency

Q Define Probation and Parole. Differentiate them. Two. Responsibilities of Probation officer and his Qualification.

Probation As to Donald Thatt, Probation is the postponement of final judgement or sentence in a criminal case, giving the offender an opportunity to improve his character 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, Probation is a conditional release under supervision.

562-564 CrPc

Purpose to save the offender from the mischief of incarceration, give him an opportunity to rectify himself and maintain normal life like a law abiding citizen

CrPc - 562, 563, 564,
The probation of offenders Ordinance, 1960
The Probation of offenders Rules, 1970-1971
The children act, 2013

Factors Age, Character, Physical or mental condition, Nature of offence, Circumstances, Condition of Good Behav.

Parole Parole is a conditional release from imprisonment which entitles parolee to serve remainder of his term outside confines of an institution, if he satisfactorily complies with all terms and conditions provided in parole order.
Donald Thatt, 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.

Qualifications of Probation officer: (a) Age 20-30 at the time of appointment
(b) Honours or Masters in Social Welfare (c) Good Character, Good Physical & mental health
(d) Citizen of Bangladesh (e) Social Service officer

Duties and Responsibilities

- (i) PO should be subject to rules under ordinance
- (ii) observe the offender
- (iii) Explain the terms and conditions to offender
- (iv) Advise, assist and befriended
- (v) visit or receive visit
- (vi) meet the probationer at least once fortnight
- (vii) meet frequently, asking, observing, home visit
- (viii) Finding employment for him
- (ix) Bring the misconducts or breach to court
- (x) maintaining Book and Register, submit report

Probation

- (i) Probationers generally avoid prison time
- (ii) It is a sentencing decision by court
- (iii) Required reporting of Prob. officer
- (iv) Emanated from latin word, traced back in nineteenth century
- (v) No variations
- (vi) If breach of conditions happens, probation will be cancelled and prison →
- (vii) mostly on minor and short time offender
- (viii) Can be short time

Parole

- (i) offenders spend time in prison before release
- (ii) administrative decision by authority
- (iii) may not require to report or may to police, magistrate
- (iv) Emanated from Military Law
- (v) Two types - Custody and Regular
- (vi) Return to prison
- (vii) On emergency like death, illness or marriage of family members.
- (viii) Can be for a short period of time.

Criminology

Serial Killers

4 hours X 60
240 min
50 →
140
160
48 min per

09.02.24
229/76-77
Saturday

Criminology Suggestion

1. Crime → Definition, Ingredients / Elements, Classification of Crime & Criminal
2. Importance of studying Criminology, Cesare Beccaria's contribution
3. Classical school of Criminology,

2. (a) "Criminal is not made, criminal is born" — Example (biological positive) Adamic stigmata
- (b) Sutherland's DAT — 9 propositions
- (c) Sigmund Freud's Criminal Behavior

3. (a) Juvenile Delinquency — Definition, Causes, Criminal Court
- (b) Children Court vs Ordinary Criminal Court
- (c) What are the procedure of Children Court / Contribution manner according to children act

- (a) Duties of child Related Police officer
- (b) Diversion of Children Act [There is no alternative 16]
- (c) Diversionary measures (Children Act - 48)

Diversionary measures
Children Act

4. a. White collar crime — Define, [Differences wcc/BCC x]
 b. Development / history of 'wcc'
 c. How wcc is committed in different professions?
 d. Why it is called more dangerous than other crime?

5. Probation, Parole —
 a. How do you think PP system as correctional method
 b. Main Differences between Probation and Parole
 c. How can we enforce effective Probation system in RD
 d. Responsibilities and Qualification of Probation officer

6. a. Community Justice — Restorative Justice — Define, Difference
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 Concept, challenges
 b. MO vs SA — Concept

- Criminal Psychology (BATT — Thoughts, Action, Intention, Behavior)
 a. Crim. psychology — Definition, Role of Psychologist
 b. Crim. Behav — Define, George Emile (Shooting case)
 c. Different types of ...

8. Criminal Profiling — History, Concept, + Mad Bomber case
 a. Pros and Cons of Criminal Profiling
 b. What are the links between Forensic Psychology and Forensic Psychologist
 c. What are the Roles of Forensic Psychologist

9. a. Mental Disorder — Define, symptom, types — detail with schizophrenia (special)
 b. Treatment
 c. Define Insanity? M'Naghten Rule

10 a Psychological Theories of Crime — Discuss
b Serial killers — Define, Type, characteristics

c Ted Bundy Case
Joseph Murphy

Is there any relevancy of
Sigmund Freud's Theory of
sub-conscious mind or
Theory of Dream