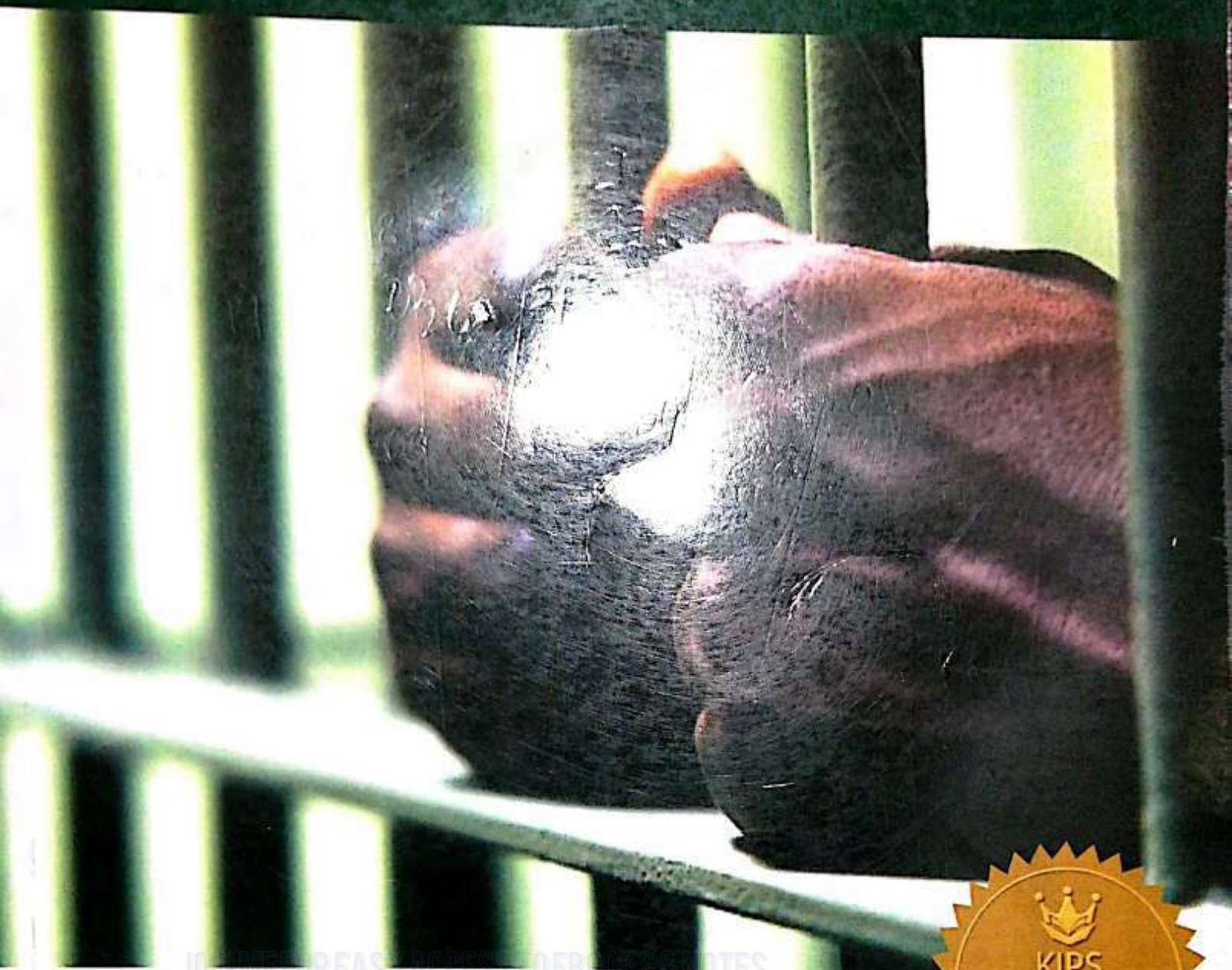


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FOR

CSS, PMS & Other Competitive Exams

Editor

Nasir Khan

PH.D Scholar Media & Crime

Chief Editor

Dr. Shahid Wazir Khan

Dedicated to

“The Teacher of the Universe”

(Peace be upon Him)

*With whose existence and by having the charity of His
knowledge the cosmos got illuminated with the light of
insight and wisdom and the journey of human
enlightenment was made possible.*

A Message From The Director CSS

There is no second opinion that KIPS has been turning the raw talent of Pakistan into polished and enlightened competitors. KIPS publications contribute a great deal in this success story. Taking the maxim "leaving no stone unturned" as its mission statement, our worthy faculty has succeeded in finalizing a book on International Relation for the competitive exams.

The book caters not only what's scattered in the annals of history of the world but also highlights topical issues of the globe including theories. The book is packed with both qualitative and quantitative content which will help the candidates of the competitive exams formulate their in depth analysis in accordance with the latest syllabus.

Dr. Shahid Wazir Khan
Director, KIPS CSS

PREFACE

CSS has become ever more competitive and analytical with the revision in the syllabus. As criminology syllabus has gone through a complete overhaul, this change in the syllabus demands a shift in the preparation strategy. New syllabus requires an aspirant to have an in depth knowledge not only of history, politics and theosies but also of changing concepts of security, regional dynamics, foreign policy, and internal and external socio political and economic cries.

This book is compiled to assist the candidates in grabbing these crucial ideas in minimum possible time and to save them from painstaking research from multiple sources. We can claim with ultimate conviction that this book will save most precious resource of a CSS aspirant i.e. time. Utmost effort has been made to include every relevant detail while keeping it short and interesting. Latest research studies, surveys and authentic sources have been consulted to provide candidates a chance to form educated and mature opinion, which is imperative to gain a better standing a better standing in this competitive exam.

In the end, special thanks to ALLAH for providing us with the opportunity. We would like to extend our special gratitude to our parents and Dr. Shahid Wazir Khan (Director CSS KIPS), for his continuous guidance.

We wish the students all the success.

Editor

Nasir Khan
PH.D Scholar Media & Crime

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INTRODUCTION TO CRIMINOLOGY

1. BASIC CONCEPT OF CRIME

Rules of the group.

*No irrelevant text/pic Islamic pic/videos

*No Smiley No Pm otherwise Removed + Blocked

*Personal text w/o Mutual consent Consider harassment.

A crime is a wrongful act of such a kind that the State deem it necessary, in the interests of the public, to repress it; for its repetition would be harmful to the community as a whole. A crime occurs when someone breaks the law by an overt act, omission or neglect that can result in punishment. A person who has violated a law, or has breached a rule, is said to have committed a criminal offense.

Crime consists of conduct that is in violation of federal, state or local laws. When a law is broken, there is a penalty imposed. The penalty can include a loss of one's freedom or even one's life. Without a law to indicate the particular prohibited behavior, there can be no crime. Therefore, even if an individual's behavior is so horrible that it is shocking, it will still not be considered criminal if there is no law making it a crime.

A normative definition views crime as deviant behavior that violates prevailing norms – cultural standards prescribing how humans ought to behave normally. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political, psychological, and economic conditions may affect changing definitions of crime and the form of the legal, law-enforcement, and penal responses made by society.

These structural realities remain fluid and often contentious. For example: as cultures change and the political environment shifts, societies may criminalize or decriminalize certain behaviours, which directly affects the statistical crime rates, influence the allocation of resources for the enforcement of laws, and influence the general public opinion.

Similarly, changes in the collection and/or calculation of data on crime may affect the public perceptions of the extent of any given "crime problem". All such adjustments to crime statistics, allied with the experience of people in their everyday lives, shape attitudes on the extent to which the State should use law or social engineering to enforce or encourage any particular social norm. Behaviour can be controlled and influenced by a society in many ways without having to resort to the criminal justice system.

Indeed, in those cases where no clear consensus exists on a given norm, the drafting of criminal law by the group in power to prohibit the behaviour of another group may seem to some observers an improper limitation of the second group's freedom, and the ordinary members of society have less respect for the law or laws in general whether the authorities actually enforce the disputed law or not.

1.1. COMMON CRIMES

The following is a list of some common crimes, felonies, and misdemeanors, with the most general explanations of the crimes. Click on the links below to read detailed descriptions of each of these crimes:

1. Accessory

A person is an accessory when they solicit, requests, commands, pursues or intentionally aids another person to engage in conduct that constitutes an offense.

2. Aggravated Assault

Aggravated assault is causing or attempting to cause serious bodily harm to another or using a deadly weapon during a crime.

3. Aiding and Abetting

The crime of aiding and abetting is when a person willfully "aids, abets, counsels, commands, induces or procures" the commission of a crime.

4. Arson

Arson is when a person intentionally burns a structure, building, land or property.

5. Assault

Criminal assault is defined as an intentional act that results in a person becoming fearful of imminent bodily harm.

6. Battery

The crime of battery is any unlawful physical contact with another person, including offensive touching.

7. Bribery

Bribery is the act of offering or receiving compensation for the purpose of influencing any person who is responsible for performing a public or legal duty.

8. Burglary

A burglary occurs when someone illegally enters almost any kind of structure for the purpose of committing an illegal action.

9. Child Abuse

Child abuse is any act or failure to act that results in the harm, potential for harm or the threat of harm to a child.

10. Child Pornography

The crime of child pornography includes the possession, production, distribution or sale of sexual images or videos that exploit or portray children.

11. Computer Crime

The Department of Justice defines computer crime as, "Any illegal act for which knowledge of computer technology is essential for successful prosecution."

12. Conspiracy

The crime of conspiracy is when two or more people get together to plan to commit a crime with the intent of committing that crime.

13. Credit Card Fraud

Credit card fraud is committed when a person uses a credit or debit card illegally to obtain funds from an account or to get merchandise or services without paying.

14. Disorderly Conduct

A broad term used to charge anyone whose behavior is a public nuisance.

15. Disturbing the Peace

Disturbing the peace involves particular behavior that disturbs the overall order of a public place or gathering.

16. Domestic Violence

Domestic violence is when one member of a household inflicts bodily harm upon another member of the same household.

17. Drug Cultivation or Manufacturing

Illegally cultivating, producing or possessing plants, chemicals or equipment used for the purpose of producing drugs.

18. Drug Possession

The crime of drug possession occurs when someone willfully possesses any illegal controlled substance.

19. Drug Trafficking or Distribution

Both a federal and state crime, drug distribution includes the selling, transportation or importing of illegal controlled substances.

20. Drunk Driving

A person is charged with drunk driving when they operate a motorized vehicle while under the influence of alcohol or drugs.

21. Embezzlement

Embezzlement is when a responsible party misappropriates the money or property that is entrusted to them.

22. Extortion

Extortion is a crime that occurs when someone obtains money, property or services through an act of coercion.

23. Forgery

Forgery includes falsifying documents, signatures, or faking an object of value with the purpose of committing fraud.

24. Fraud

Fraud is committed when a person uses deception or misrepresentation for financial or personal gain.

25. Harassment

Unwanted behavior that is intended to annoy, disturb, alarm, torment, upset or terrorize an individual or group.

26. Hate Crime

The FBI defines a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."

27. Identity Theft

The Justice Department defines identity theft as, "all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain."

28. Insurance Fraud

Insurance fraud is when a person attempts to obtain payment from an insurance company under false premises.

29. Kidnapping

The crime of kidnapping is committed when a person is illegally confined or moved from one place to another against their will

30. Money Laundering

According to the federal law, money laundering occurs when someone attempts to conceal or disguise the nature, location, source, ownership, or the control of the proceeds of unlawful activity.

31. Murder

Usually classified as first-degree or second-degree, the crime of murder is the willful taking of another person's life.

32. Perjury

Perjury occurs when a person gives false information when under oath.

33. Prostitution

A person can be charged with prostitution when they are compensated in exchange for a sexual act.

34. Public Intoxication

Someone drunk or under the influence of drugs in a public place can be charged with public intoxication.

35. Rape

Rape occurs when someone forces sexual contact with another person without their consent.

36. Robbery

Robbery involves the act of stealing from another person by the use of physical force or by putting the victim in fear of death or injury.

37. Sexual Assault

Although definition varies by state, generally it occurs when a person or persons commit a sexual act without the consent of the victim.

38. Shoplifting

Stealing merchandise from a retail store or business.

39. Solicitation

Solicitation is the offering of compensation for goods or services that are prohibited by law.

40. Stalking

The crime of stalking occurs when a person, over time, follows, harasses or watches another person.

41. Statutory Rape

Statutory rape occurs with an adult has sex with a minor who is under the age of consent. The age of consent varies by state.

42. Tax Evasion

Tax evasion involves taking deliberate actions to conceal or misrepresent a person's or business' income, profits or financial gains or to inflate or falsify tax deductions.

43. Theft

Theft is a general term that can describe various forms of larceny, including burglary, looting, shoplifting, embezzlement, fraud and criminal conversion.

44. Vandalism

The crime of vandalism occurs when a person intentionally damages property that does not belong to them.

45. Wire Fraud

Almost always a federal crime, wire fraud is the illegal activity that takes place over any interstate wires for the purpose of committing fraud.

1.2. TYPES OF CRIME

In today's society, criminal behavior and criminal trials are highly publicized in the media and commonly the storyline in hit television shows and movies. As a result, people may consider themselves well-informed on the different types of crimes. However, the law can be quite complicated.

There are many different types of crimes but, generally, crimes can be divided into seven major categories, personal crimes, property crimes, white-collar crime, organized crime, corporate crime, inchoate crimes, and statutory crimes:

1. Personal Crimes – “Offenses against the Person”: These are crimes that result in physical or mental harm to another person. Personal crimes include:

- Assault
- Battery
- False Imprisonment
- Kidnapping
- Homicide – crimes such as first and second degree, murder, and involuntary manslaughter, and vehicular homicide
- Rape, statutory rape, sexual assault and other offenses of a sexual nature

2. Property Crimes – “Offenses against Property”: These are crimes that do not necessarily involve harm to another person. Instead, they involve an interference with another person’s right to use or enjoy their property. Property crimes include:

- Larceny (theft)
- Robbery (theft by force) – Note: this is also considered a personal crime since it results in physical and mental harm.
- Burglary (penalties for burglary)
- Arson
- Embezzlement
- Forgery
- False pretenses
- Receipt of stolen goods.

3. White-Collar Crime

White-collar crimes are crimes that committed by people of high social status who commit their crimes in the context of their occupation. This includes embezzling (stealing money from one’s employer), insider trading, and tax evasion and other violations of income tax laws. White-collar crimes generally generate less concern in the public mind than other types of crime, however in terms of total dollars, white-collar crimes are even more consequential for society. Nonetheless, these crimes are generally the least investigated and least prosecuted. Panama Leaks is one of the main example of white collar crime.

4. Organized Crime

Organized crime is crime committed by structured groups typically involving the distribution of illegal goods and services to others. Many people think of the Mafia when they think of organized crime, but the term can refer to any group that exercises control over large illegal enterprises (such as the drug trade, illegal gambling, prostitution, weapons smuggling, or money laundering).

A key sociological concept in the study of organized crime is that these industries are organized along the same lines as legitimate businesses and take on a corporate form. There are typically senior partners who control the business' profits, workers who manage and work for the business, and clients who buy the goods and services that the organization provides. Terrorism is the main form of organized crime.

5. Corporate crime

Corporate crime is a crime committed by a corporation or business entity or by individuals who are acting on behalf of a corporation or business entity. In the example above, the corporate crime was committed by a corporation (Rite Aid). However, a corporate crime can also be committed by someone who is employed by a corporation if the crime benefits the organization.

For example, in the late 1980's, Beech Nut Nutrition's chief executive Neils Hoyvald and vice president John Lavery violated the Federal Food, Drug, and Cosmetic Act by falsely selling and mislabeling apple juice sold by Beech Nut Nutrition. Both Hoyvald and Lavery were sentenced to 366 days in prison and had to pay a 100,000 dollar fine. However, since the criminal act benefited Beech Nut Nutrition, the corporation was also held liable and had to pay a 2 million dollar fine.

6. Inchoate Crimes – "Inchoate" translates into "incomplete", meaning crimes that were begun, but not completed. This requires that a person take a substantial step to complete a crime, as opposed to just "intend" to commit a crime. Inchoate crimes include:

- Attempt – any crime that is attempted like "attempted robbery"
- Solicitation
- Conspiracy

7. Statutory Crimes – A violation of a specific state or federal statute and can involve either property offenses or personal offense. Statutory crimes include:

- Alcohol-related crimes such as drunk driving
- Selling alcohol to a minor.

The crimes listed above are basically prohibited in every state, but each state is different in how the law is written, how the behavior is regulated and the penalties that each crime potentially carries. Also, the list is far from complete because behavior may be prohibited in one state and not in others. For example, prostitution is legal in some parts of world, but is a crime in every other state. Likewise, carrying a concealed firearm is only legal in certain states.

1.3. CRIMINALITY

The term criminality is used often in criminology to refer to actual criminal characteristics of a person (i.e., propensity evidence such as past criminal record, etc.), we use the term criminality to refer to the extent to which a person's appearance triggers stereotypes about criminals. The behavioral definition of crime focuses on, criminality, a certain personality profile that causes the most alarming sorts of crimes. All criminal behaviors involve the use of force, fraud, or stealth to obtain material or symbolic resources.

Criminality is a style of strategic behavior characterized by self-centeredness, indifference to the suffering and needs of others, and low self-control. More impulsive individuals are more likely to find criminality an attractive style of behavior because it can provide immediate gratification through relatively easy or simple strategies. These strategies frequently are risky and thrilling, usually requiring little skill or planning. They often result in pain or discomfort for victims and offer few or meager long-term benefits because they interfere with careers, family, and friendships.

Human resources can have material, symbolic, or hedonistic value. In crimes such as thefts, individuals take material resources such as property from another person without his or her knowing cooperation. Those who commit crimes such as narcotics trafficking and gambling attempt to obtain money that can be exchanged for material resources. In crimes such as assaults not associated with theft, sexual assaults, and illicit drug use, people obtain hedonistic resources that increase pleasurable feelings or decrease unpleasant feelings. Political crimes such as terrorism or election fraud attempt to obtain symbolic resources such as power or prestige.

1.4. CRIMINAL BEHAVIOR

It is a criminal act occurs when there is a motive, a means, and an opportunity. Criminal behaviors that lead offenders to recidivate are often called "risk factors" or "criminogenic needs". One of the ways to attempt to understand criminal behavior is to gain comprehension and knowledge of criminogenic needs. These needs are traits associated with criminal thinking and behavior. It has also been dynamically defined as "crime producing factors that are strongly associated with risk". There are several factors related to increasing risk and criminality related to individuals exhibiting criminogenic traits; however, there is an identified beginning to criminal behavior, and it starts with biology and genetics.

There are four general definitions of criminal behavior that will fit all the types of it. These four areas include the following types of act:

1. Prohibited by law and are punished by the state
2. Considered to be violation moral or religious code and is believed to be punishable by a Supreme Spiritual being such as God
3. Violate norms of society or traditions and are believed to be punishable by community
4. Acts causing serious psychological stress or mental damage to a victim, but is somewhat affordable for offender (referred as "Psychological criminal behavior").

Traits of criminal behavior

Different school of thoughts have given the following traits of criminal behavior

1. Anti-social values: This is also known as criminal thinking. It includes criminal rationalization or the belief that their criminal behavior was justified. Individuals possessing this trait often blame others for their negative behavior, and show a lack of remorse.

2. Criminal Peers: Individuals with this trait often have peers that are associated with criminal activities. Most are often involved with substance abuse including drugs or alcohol. Peer influence often persuades the individual to engage in criminal behavior. They will also typically present with a lack of pro-social community involvement.

3. Anti-social personality: These traits often include atypical behavior conducted prior to the age of fifteen and can include, running away, skipping school, fighting, possessing weapons, lying, stealing and damage to either animals or property.

4. Dysfunctional family: One of the most common traits includes a lack of family support, both emotionally and otherwise. An individual's family lacks the ability to problem solve and often is unable to communicate effectively. Family members often don't possess the ability to express emotions in an appropriate manner. More often than not, they are also involved with criminal activity.

5. Low self-control: This involves one's ability to control temperament and impulsivity. People that carry this trait often do things that they didn't plan, and will fail to think before acting. The mindset is of the here and now, and not on the consequences of the behavior.

6. Substance abuse: The use of drugs or alcohol that significantly affect one's ability to engage in a successful and productive lifestyle. There is often an increased tolerance to substances, in addition to an inability to stop use.

CHAPTER NO. 2

UNDERSTANDING CRIMINOLOGY

2. CRIMINOLOGY:

Criminology means the scientific study of crime and the criminal. It refers to the study of crime from a social perspective: the causes of crime, the social impact of crime, and the criminals involved in the crime. Criminologists study criminology in an attempt to better understand what motivates the criminal to act in a criminal manner. Their work is generally focused on the study of:

- Theories explaining illegal and/or deviant behavior
- The social reaction to crime
- The political terrain of social control
- The effectiveness of anti-crime policies
- Criminals
- Crimes
- Crime victims

Criminology is a branch of sociology and has, in effect, been studied in one way or another for thousands of years. It has only been relatively recently, though, that it has been recognized as a scientific discipline in its own right.

In essence, criminologists look at every conceivable aspect of deviant behavior. This includes the impacts of crime on individual victims and their families, society at large, and even criminals themselves. Some of the specific areas that criminology focuses on include:

- Frequency of crimes
- Location of crimes
- Causes of crimes
- Types of crimes
- Social and individual consequences of crimes
- Social reactions to crime
- Individual reactions to crime
- Governmental reactions to crime

Scope of Criminology:

The field of study known as criminology involves the studying of crime as a phenomenon on an individual as well as at a social level. Approaching from a socio-scientific

point of view, Criminology involves the study of various forms of crime, the reasons working behind an incidence of crime, and its consequences. In other words, it examines society's response to crime and prevention of crime. It is the scientific investigation of crime through analysis of evidence. Criminology includes the examination of evidence, hereditary and psychological causes of crime, various modes of investigation and conviction and the efficiencies of differing styles of punishment, rehabilitation and corrections. Criminology involves studying all these aspects associated with crime in general. Criminology is the study of factors of criminality. In other sense, it is evaluating the circumstances that provoked to do the crime and preventing/regulating future chances to do such crime. Criminology being an interdisciplinary subject, it derives its theory from the fields of sociology, psychology and law. Causes of crime and methods of preventing crime are the two most important aspects of the study of criminology. Other areas of interest in this field of study are - Crime Statistics, Criminal Behavior, Penology, evaluation of criminal justice agencies, Sociology of Law, Criminal careers and desistance.

A person professionally qualified in the subject of criminology is called a criminologist. The primary task of criminologists is to determine the reasons why people get into committing illegal activities. With the increasing numbers of crime and rapid diversification in the nature of it, criminology is gaining importance in today's society. So if you are interested in the study of criminology or criminal justice, then you can become a criminologist. Criminologists often focus on specific types of crimes. Some work with murders, some with armed robbery, others with vandalism, some with rape, others with serial crimes of different sorts. They study as many cases as possible, and use the results to formulate theories which can in turn be useful in preventing crimes in the future. Professional may alternatively specialize in crime prevention, crime scene investigation, criminal litigation, corrections, rehabilitation, or the privatization of prisons.

The responsibilities and requirements differ drastically from one job to another. There are criminology administration jobs that require organization skills, as well as court reporter jobs that require excellent writing skills and knowledge of the justice system. Criminologists and investigators need certain specialized skills, such as keen observation and logical thinking skills. All jobs in the field of criminology require absolute trust in the legal system, as well as integrity in upholding truth and justice.

A criminologist, like a psychologist, must be interested in human nature and behavior. One who is interested in this career must have creativity, analytical thinking capacity, problem solving ability, public speaking skill and ability to convince people. A criminologist must be able to express ideas and concepts clearly, both in writing and verbally. A criminologist may need to address large groups of people and demonstrate good public speaking skills as well.

Criminologist working in prisons, law firms etc. must be able to read the mind of the person and counsel them. Strong research and analysis skills are vital as so much of the job involves data collection and interpretation. Such a professional must be computer literate and proficient in computer and Internet use, especially research related to criminology. This professional must be dedicated to the profession of criminology and its goals of improving the criminal rehabilitation system and preventing crime

2.1. CRIMINOLOGY AND CRIMINAL LAW

Criminology is the study (or scientific study) of criminal behaviour on the individual and social levels. It includes theoretical and practical investigations into the nature, consequences, prevention, control, management of criminal behaviour, including penal and corrective measures for such behaviour.

Criminal law is one of the major divisions of the body of law of a country. It is law that relates to crime and public order. It regulates social conduct by setting rules and regulations for actions and activities that are harmful, threatening or otherwise dangerous to the physical and moral security of people and property. Violations of these laws are punishable, generally either by imprisonment or fines, or both.

Criminal Law is an extreme field of practice covering all those aspects that entail crime as its factor. Every act or omission that violates a command, derives its force from legislature or from authority either political or religious that has absolute sway over the matters of state is considered to be a crime. This is the reason that state stands as a prosecutor against the alleged culprit. The main intention of criminal law is to maintain the sway of state in all matters involving acts or omissions: no act or omission that challenges the sway of the state can be allowed by the criminal law of the state.

Pakistan has a very detailed criminal law that is though outdated to some extent but it tends to cover all aspects that do constitute a crime. To understand the criminal law in Pakistan one needs to understand the socio cultural phenomena of this country also. Most of the criminal law that has been prevailing in Pakistan was introduced by the British Empire when India was a colony and Pakistan was part of it. Even then a care was taken to understand the social conditions and criminal law was tried to be conditioned according to the cultural circumstances of the colony. This is the reason that it was willfully accepted by India and Pakistan both after their freedom from British Empire. Code of Criminal Procedure (V of 1898) that was implemented in colony is still largely the prescribed criminal procedure followed by the courts in Pakistan.

2.2. CRIME AS A SOCIAL PROBLEM

A social problem is a condition that at least some people in a community view as being undesirable. Social problems directly or indirectly affect a person or many members of a society and are considered to be problems, controversies related to moral values or both. A few examples of social problems include murder, drug abuse etc.

A social issue (also called a social problem or a social situation) is an issue that relates to society's perception of a person's personal life. Different cultures have different perceptions and what may be "normal" behavior in one society may be a significant social issue in another society. Social issues are distinguished from economic issues. Some issues have both social and economic aspects, such as immigration. There are also issues that don't fall into either category, such as wars.

Behaviors become crimes through a process of social construction. The same behavior may be considered criminal in one society and an act of honor in another society or in the

same society at a different time. The legal status of a behavior whether it is defined as a crime lies not in the content of the behavior itself but in the social response to the behavior or to the persons who engage in it. Changes in the legal status of a behavior are often brought about by social movements and may entail considerable social conflict. Examples include the recent controversies over abortion policy and assisted suicide in the United States. Finally, the social response to crime including many social-science explanations of criminal behavior are based not only on the qualities of the act but also on the social and moral standing of the offender and the victim.

From a social constructionist perspective, a given act or behavior (abortion, drunk driving, domestic violence, race or ethnic bias) becomes a social problem through a process of successful claims making by social movements or groups that advance a particular definition of a problem and seek to mobilize particular kinds of social response (such as psychiatric evaluation, medical treatment, or imprisonment).

It is considered as historical changes in the definition and social response to mental illness, drug addiction, homosexuality, and other conditions accompanying the growing dominance of the institution of medicine and the rise of the medical model of deviance.

One of the serious problems of today's crimes is that in many cases the criminals are socially, politically and economically so powerful that they decide the course of punishment for others while they themselves manage to get escaped completely. Poverty, education system, unemployment, injustice, political setup, social change, changes in values and inequality are the major social problems. These social problems construct the crime in different ways.

The social problems point of view holds that social issues, such as poverty, discrimination and the collapse of traditional social institutions contribute to crime within a community. In the theory, lack of access to quality formal education, prevalent domestic violence and inadequate positive socialization opportunities are tied to the prevalence of crime. Experts believe that the root of the social crime problem must be addressed by supporting social programs that improve quality of life and prevent the development of criminal behaviors.

Society at large keeps a unified stance about some social problems, such as murders, theft and auto accidents caused by driving under the influence of drugs or alcohol. Violence and drug abuse are crimes that are undesirable in the society. However, some crimes are only viewed as a problem by certain groups of people. For instance, young people who play disturbingly loud music in a public park may not see their behavior as problematic, but may still receive a noise citation.

2.3. DEVIANCE

Deviant means departing from the norm, and to a sociologist, that can be biased toward the positive or negative. While there are crimes that are certainly deviant because they are outside the norm (such as murder, rape, etc.), there are also crimes that are not deviant. The word deviance connotes odd or unacceptable behavior, but in the sociological sense of

the word, deviance is simply any violation of society's norms. Deviance can range from something minor, such as a traffic violation, to something major, such as murder.

Each society defines what is deviant and what is not, and definitions of deviance differ widely between societies. For example, some societies have much more stringent rules regarding gender roles than we have in the Pakistan, and still other societies' rules governing gender roles are less stringent than ours.

Deviance is any behavior that violates cultural norms. Deviance is often divided into two types of deviant activities.

1. The first, crime is the violation of formally enacted laws and is referred to as formal deviance. Examples of formal deviance would include: robbery, theft, rape, murder, and assault, just to name a few.
2. The second type of deviant behavior refers to violations of informal social norms, norms that have not been codified into law, and is referred to as informal deviance. Examples of informal deviance might include: picking one's nose, belching loudly (in some cultures), or standing too close to another unnecessarily (again, in some cultures).

Deviance and Relativism

Deviance is a relative issue, and standards for deviance change based on a number of factors, including the following:

- **Location:** A person speaking loudly during a church service would probably be considered deviant, whereas a person speaking loudly at a party would not. Society generally regards taking the life of another person to be a deviant act, but during wartime, killing another person is not considered deviant.
- **Age:** A five-year-old can cry in a supermarket without being considered deviant, but an older child or an adult cannot.
- **Social status:** A famous actor can skip to the front of a long line of people waiting to get into a popular club, but a non-famous person would be considered deviant for trying to do the same.

Individual societies: In the United States, customers in department stores do not try to negotiate prices or barter for goods. In some other countries, people understand that one should haggle over the price of an item; not to do so is considered deviant.

Relationship between deviance and crime

Theories abound on what causes a person to commit a crime. Some people don't think it is a deviant behavior to break the speeding law, but they consider the crime of murder a deviant act. Others consider any deviance from societal norms to be deviant, regardless of whether they violate a law.

Social rules that come with a penalty for violating them are known as laws. Society dictates through the laws that they create the behaviors they consider to be deviant and worthy of punishment if undertaken by its members. Violation of these laws are called crimes and worthy of legal action by law enforcement officers and the judicial system at large, which

includes courts, jails and prisons. Without laws, chaos would ensue, leading to harm to citizens. So crime must be defined by someone and laws created to recognize and punish it, even if not everyone agrees with it.

Generally, deviant behavior is any behavior that differs from the norm, or the majority in a given locale. However, behaviors that violate religious beliefs may be considered deviant by that particular religion's believers and not deviant by another belief system or the legal system of the geographical area. Hence, deviance varies depending upon the culture and the legal system and society of that culture. Theories on deviance include the position that deviance is due to cultural transmissions (it is learned), structural strains (the deviant individual is not conforming to others around him as he should), or labeling (society chooses what is labeled deviant, but that act may not really be deviant to everyone).

Criminal laws will evolve based upon the actions the majority in a given society feels does not conform to the norms of the geographical area; once the society determines a behavior is deviant, it can create laws to punish the behavior. The only way this will change is to change the minds of the citizens who feel one act is deviant and another is not. Until an act labeled deviant is viewed as normal by society at large, it will continue to prompt the inevitable relationship between law creation and the label deviant.

2.4. SIN

A definition of sin is doing what is wrong or not doing what is right according to God's rules. If God says "Do not steal" and you steal, then you have sinned. According to God, sin separates you from Him. God has a moral law and has given every man a conscience. The conscience acts to accuse or excuse us, compelling us to remain within the bounds of God's moral standards of conduct. Nevertheless, the conscience, much like a human muscle, though it remains strong if exercised, it atrophies with disuse. At one point, while morality still exists, one no longer feels constrained by it. After continually ignoring the urging of the conscience for a period of time, the conscience no longer functions as it should.

Two things are involved in a sin:

- a voluntary act which the sinner intends in such-and-such matter, and
- The act's disorderedness, which consists in its departure from God's law. The distinction among sins thus follows the distinction among voluntary acts, and such acts are distinct from one another according to their objects.

Classification of Sin

Sins can also be classified as sins against God, against oneself, and against one's neighbor, depending on their objects.

- Sins against God are opposed to the theological virtues;
- sins against oneself are opposed to the virtues of temperance and fortitude; and
- sins against one's neighbor are opposed to the virtue of justice.

Original sin is a "habit" in the sense in which health and sickness are habits, i.e., dispositions of a nature composed of many elements according to which one is related well or

badly to a standard set by the nature. The condition of original sin is had by us through our origin rather than through our actions.

2.5. VICE

A generic legal term for offenses involving immorality, including prostitution, lewdness, lasciviousness, and obscenity. Vice is opposed to virtue directly insofar as a vice is a habit by which one is disposed to behave in a way inappropriate for perfecting his nature; badness is opposed to virtue because it is directly opposed to the goodness that virtue involves; Actually it's all about the "break laws made human and based on morality".

It is a practice, behaviour, or habit generally considered immoral, sinful, criminal, rude, taboo, depraved, or degrading in the associated society. In more minor usage, vice can refer to a fault, a negative character trait, a defect, an infirmity, or a bad or unhealthy habit (such as an addiction to smoking). Vices are usually associated with a transgression in a person's character or temperament rather than their morality. Synonyms for vice include fault, sin, depravity, iniquity, wickedness, and corruption.

Vice crimes offend the sensibilities, yet are often victimless and harmless, other than harm done to the defendant or society in general.

2.6. EVIL

Evil in the broad sense, which includes all natural and moral evils, tends to be the sort of evil referenced in theological contexts, such as in discussions of the problem of evil. The problem of evil is the problem of accounting for evil in a world created by an all-powerful, all-knowing, all-good God. It seems that if the creator has these attributes, there would be no evil in the world. But there is evil in the world. Thus, there is reason to believe that an all-powerful, all-knowing, all-good creator does not exist.

During the past thirty years, moral, political, and legal philosophers have become increasingly interested in the concept of evil. This interest has been partly motivated by ascriptions of 'evil' by laymen, social scientists, journalists, and politicians as they try to understand and respond to various atrocities and horrors of the past eighty years, e.g., the Holocaust, the Rwandan genocide, the 9/11 terrorist attacks, and killing sprees by serial killers. It seems that we cannot capture the moral significance of these actions and their perpetrators by calling them 'wrong' or 'bad' or even 'very very wrong' or 'very very bad.'

To avoid confusion, it is important to note that there are at least two concepts of evil: a broad concept and a narrow concept. The broad concept picks out any bad state of affairs, wrongful action, or character flaw. The suffering of a toothache is evil in the broad sense as is a white lie. Evil in the broad sense has been divided into two categories: natural evil and moral evil. Natural evils are bad states of affairs which do not result from the intentions or negligence of moral agents. Hurricanes and toothaches are examples of natural evils. By contrast, moral evils do result from the intentions or negligence of moral agents. Murder and lying are examples of moral evils.

In contrast to the broad concept of evil, the narrow concept of evil picks out only the most morally despicable sorts of actions, characters, events, etc. Since the narrow concept of

evil involves moral condemnation, it is appropriately ascribed only to moral agents and their actions. For example, if only human beings are moral agents, then only human beings can perform evil actions. Evil in this narrower sense is more often meant when the term 'evil' is used in contemporary moral, political, and legal contexts. This entry will focus on evil in this narrower sense. The entry will not discuss evil in the broad sense or the problem of evil to any significant degree.

2.7. SOCIAL NORMS

Every society has expectations about how its members should and should not behave. A norm is a guideline or an expectation for behavior. Each society makes up its own rules for behavior and decides when those rules have been violated and what to do about it. Norms change constantly.

Social Norms are unwritten rules about how to behave. They provide us with an expected idea of how to behave in a particular social group or culture. For example we expect students to arrive to lesson on time and complete their work.

The idea of norms provides a key to understanding social influence in general and conformity in particular. Social norms are the accepted standards of behavior of social groups.

These groups range from friendship and work groups to nation states. Behavior which fulfills these norms is called conformity, and most of the time roles and norms are powerful ways of understanding and predicting what people will do.

There are norms defining appropriate behavior for every social group. For example, students, neighbors and patients in a hospital are all aware of the norms governing behavior. And as the individual moves from one group to another, their behavior changes accordingly.

Norms provide order in society. It is difficult to see how human society could operate without social norms. Human beings need norms to guide and direct their behavior, to provide order and predictability in social relationships and to make sense of and understanding of each other's actions. These are some of the reasons why most people, most of the time, conform to social norms.

Norms differ widely among societies, and they can even differ from group to group within the same society. Wherever we go, expectations are placed on our behavior. Even within the same society, these norms change from setting to setting.

Example: The way we are expected to behave in church differs from the way we are expected to behave at a party, which also differs from the way we should behave in a classroom.

Social norms grow out of social value and both serve to differentiate human social behavior from that of other species. The significance of learning in behavior varies from species to species and is closely linked to processes of communication. Only human beings are capable of elaborate symbolic communication and of structuring their behavior in terms of abstract preferences that we have called values. Norms are the means through which values are expressed in behavior.

Norms generally are the rules and regulations that groups live by. Or perhaps because the words, rules and regulations, call to mind some kind of formal listing, we might refer to norms as the standards of behavior of a group. For while some of the appropriate standards of behavior in most societies are written down, many of them are not that formal. Many are learned, informally, in interaction with other people and are passed "that way from generation to generation.

The term "norms" covers an exceedingly wide range of behaviour. So that the whole range of that behaviour may be included. Sociologists have offered the following definition. Social norms are rules developed by a group of people that specify how people must, should, may, should not, and must not behave in various situations.

Some norms are defined by individual and societies as crucial to the society. For example, all members of the group are required to wear clothing and to bury their dead. Such "musts" are often labeled "mores", a term coined by the American sociologist William Graham Sumner.

Many social norms are concerned with "should"; that is, there is some pressure on the individual to conform but there is some leeway permitted also. The 'should behaviors' are what Sumner called "folk-ways"; that is, conventional ways of doing things that are not defined as crucial to the survival of either the individual or the society. The 'should behaviors' in our own society include the prescriptions that people's clothes should be clean, and that death should be recognized with public funerals. A complete list of the should behaviors in a complex society would be virtually without end.

Social norms cover almost every conceivable situation, and they vary from standards where almost complete conformity is demanded to those where there is great freedom of choice. Norms also vary in the kinds of sanctions that are attached to violation of the norms. Since norms derive from values, and since complex societies have multiple and conflicting value systems, it follows that norms frequently are in conflict also.

2.8. SOCIAL VALUES

In sociology, the meaning of value is different from meaning of value in economics or philosophy. For example, in economics values means price.

Social values form an important part of the culture of the society. Values account for the stability of social order. They provide the general guidelines for social conduct. Values such as fundamental rights, patriotism, respect for human dignity, rationality, sacrifice, individuality, equality, democracy etc. guide our behaviour in many ways. Values are the criteria people use in assessing their daily lives; arrange their priorities and choosing between alternative course of action.

According to Peter Worsley, "Values are general conceptions of "the good", ideas about the kind of ends that people should pursue throughout their lives and throughout the many different activities in which they engage".

In simple words, values may be defined as measure of goodness or desirability.

Values are standards of social behaviour derived from social interaction and accepted as constituent facts of social structure. They are objects that social conditions desire. These are culturally defined goals and involve "sentiments and significance." These consist of "aspirational reference."

Relation between Norms and Values:

Norms and values have salient relation. Norms are specific, values are not. There may be, in a particular situation, delusion of norms, but values are commanding. Norms are rules for behaving: they say more or less specifically what should or should not be done by particular types of actors in given circumstances. Values are standard of desirability that are more nearly independent of specific situations.

The same value may be a point of reference for a great many specific norms; a particular norm may represent the simultaneous application of several separable values. Thus, the value premise "equality" may enter into norms for relationships between husband and wife, brother and brother, teacher and student and so on.

On the other hand, the norm "a teacher must not show favouritism in grading" may in particular instance involve the value of equality, honesty, humanitarianism and several others. Values, as standards (criteria) for establishing what should be regarded as desirable, provide the grounds for accepting or rejecting particular norm.

Functions of Values:

1. Values provide goals or ends for the members to aim for.
2. Values provide for stabilities and uniformities in group interaction. They hold the society together because they are shared in common. Some sociologists argue that shared values form the basis for social unity. Since they share the same values with others, the members of society are likely to see others as "people like themselves". They will therefore, have a sense of belonging to a social group. They will feel a part of the wider society.
3. Values bring legitimacy to the rules that govern specific activities. The rules are accepted as rules and followed mainly because they embody the values that most people accept. The Americans for example, believe that the capitalist organization is the best one because it allows people to seek success in life.
4. Values help to bring about some kind of adjustment between different sets of rules. The people seek the same kinds of ends or goals in different field of their life. Hence, it is possible for them to modify the rules to help the pursuit of this end.

For example, if the Pakistan people cherish the value of "the principle of equality", then they will have to modify the rules governing the interpersonal relationship of husband and wife; and man and woman. As and when new activities emerge, people create rules in the light of their beliefs about what is 'good' and 'right'.

2.9. SECURITY

The Dictionary definition of "Secure" and "Security" is as follows:

Free from danger or risk, or loss; safe. Free from fear or doubt, not anxious or unsure. Not likely to fail or give way; stable, strong. Anything that gives or assures safety. Freedom from risk or danger; safety. Freedom from doubt, anxiety or fear; confidence; something deposited or given as an assurance of the fulfillment of an obligation; a pledge. Security thus security flows from social processes which reduce risk, enhance normality, predictability and mutual reassurance. The prospect of complete freedom from care is impossible and socially undesirable since some uncertainty and paradox is a characteristic of living and without it human beings stagnate, cease learning and stop exercising imagination

Security is primarily a question of the survival of the nation state and normally don't bother trying to define it in any more detail. They rather lazily assume that security has to do with maintaining the integrity of the state and protecting national values against actual or imagined adversaries. What this has meant in practice is that security has become inextricably associated with the activities of diplomats, security specialists, military personnel, politicians and those academics who study such people. Security thus becomes whatever national security elites say it is. There is normally little effort made to see whether these views coincide with those of other branches of the state or the broader views of citizens.

Security is a very slippery word to define and even more difficult to operationalise. Most sociologists ignore the concept altogether preferring to focus on power, authority, order and control. They concentrate on electoral processes, interest groups, political organisation and socialisation. There is no recognisable sociology of security.

Thus security is a very subjective concept which only assumes real meaning when we ask additional questions which enable us to see it in terms of particular actors, groups, organisations, societies, nations and so forth. Security has to become a grounded concept for it to assume any real meaning. Security for whom, for what and under what circumstances or conditions?

Major Concepts of Security

Certain concepts recur throughout different fields of security:

- Assurance - assurance is the level of guarantee that a security system will behave as expected
- Countermeasure - a countermeasure is a way to stop a threat from triggering a risk event
- Defense in depth - never rely on one single security measure alone
- Risk - a risk is a possible event which could cause a loss
- Threat - a threat is a method of triggering a risk event that is dangerous
- Vulnerability - a weakness in a target that can potentially be exploited by a security threat
- Exploit - a vulnerability that has been triggered by a threat

PHYSICAL SECURITY

Physical security describes security measures that are designed to deny unauthorized access to facilities, equipment and resources, and to protect personnel and property from

damage or harm (such as espionage, theft, or terrorist attacks). Physical security involves the use of multiple layers of interdependent systems which include CCTV surveillance, security guards, protective barriers, locks, access control protocols, and many other techniques.

Physical security improved in most countries over the last ten years, as shown by the latest available data on homicides. Homicide figures are the most comparable of crime data available in world. Homicides are universally reported because of their seriousness, and definitions vary less between countries than those of other types of crime. Hence, homicide data is a reliable proxy indicator of physical security. However, there are limitations in using this indicator, as the data may to some extent depend on police procedures for declaring homicides.

For statistical purposes, homicide is defined as the intentional killing of a person, including murder, manslaughter, euthanasia and infanticide. It excludes death by dangerous driving, abortion and assisted suicide. Attempted homicide is also excluded. In contrast with other offences, it is the number of victims that is counted, not the number of cases.

To understand physical security, we first need to understand physical threats.

There are three types of physical threats:

1. External physical threats:

Flooding, lightning, earthquake, wind, tornado, hurricane, ice, fire, chemical

2. Internal physical threats:

Fire, environmental failure, liquid leakage, electrical interruption

3. Human physical threats:

Theft, vandalism, sabotage, espionage, errors

Physical Security Control

To prevent these threats from becoming reality, physical security controls should be implemented. Some examples of effective physical security controls include:

1. Exterior physical security controls:

Fences, Barriers

2. Entrance physical security controls:

Doors and Gates with Locks

3. Administrative physical security controls:

Badges and Escorts

4. Property physical security controls:

Monitoring/Detection Systems, Lighting

5. Environmental physical security controls:

HVAC System, Power Protection, Water and Fire Protection

All of these controls require detailed and careful planning prior to setting up an office with computing facilities. We will discuss physical controls in more detail later.

ECONOMIC SECURITY

Economic security is composed of basic social security, defined by access to basic needs, infrastructure pertaining to health, education, dwelling, information, and social protection, as well as work-related security. Economic security or financial security is the condition of having stable income or other resources to support a standard of living now and in the foreseeable future. It includes: probable continued solvency, predictability of the future cash flow of a person or other economic entity, such as a country.

Economic security as the ability of individuals, households or communities to cover their essential needs sustainably and with dignity. This can vary according to an individual's physical needs, the environment and prevailing cultural standards. Food, basic shelter, clothing and hygiene qualify as essential needs, as does the related expenditure; the essential assets needed to earn a living, and the costs associated with health care and education also qualify.

key livelihood outcomes." These are:

1. **Food consumption:** What are people eating? Does their diet cover their nutritional requirements?
2. **Food production:** Are people able to hunt, fish, produce food or forage as they normally would?
3. **Income:** Do people earn or obtain enough money to cover their basic expenses?
4. **Living conditions:** Are people protected against bad weather? Do they have the means to cook food? Can they maintain basic standards of hygiene?
5. **Capacity:** Can the government, civil society, National Red Cross or Red Crescent Societies and others help meet people's economic security needs?

Seven component of economic security

1. **Income security** denotes adequate actual, perceived and expected income, either earned or in the form of social security and other benefits. It encompasses the level of income (absolute and relative to needs), assurance of receipt, expectation of current and future income, both during working life and in old age or disability retirement. Classic income security protection mechanisms include a minimum wage machinery, wage indexation, comprehensive social security, and progressive taxation.

2. **Representation security** refers to both individual representation and collective representation. Individual representation is about individual rights enshrined in laws as well as the individuals' access to institutions. Collective representation means the right of any individual or group to be represented by a body that can bargain on their behalf and which is sufficiently large, sufficiently independent and sufficiently competent to do so. Independent trade unions with the right to collectively bargain over wages, benefits, and working conditions as well as to monitor working practices and strike have been typical forms of granting representation security.

3. **Labour market security** arises when there are ample opportunities for adequate income-earning activities. It has a structural component, in that it represents the types and quantity of

opportunities. Furthermore, it has a cognitive side, as it also features expectations that opportunities are or will become adequate. Policies aimed at enhancing this form of security have included full-employment oriented macro-economic policies, the creation of employment agencies, and other placing services.

4. Employment security is protection against loss of income-earning work. For wage and salary workers, employment security exists in organizations and countries, in which there is strong protection against unfair or arbitrary dismissal and where workers can redress unfair dismissal. For the self-employed, it means protection against sudden loss of independent work, and/or business failure. Typical forms of enhancing employment security have been protection against arbitrary dismissal, regulations on hiring and firing, and imposition of costs on employers for failing to adhere to rules.

5. Job security signifies the presence of niches in organizations and across labour markets allowing the workers some control over the content of a job and the opportunity to build a career. Whereas employment security refers to the opportunity of a worker to continue working in an enterprise, job security refers to the worker's ability to pursue a line of work in conjunction with his or her interests, training and skills. Protection mechanisms have consisted of barriers to skill dilution such as craft boundaries, job qualifications, restrictive practices, craft unions, etc.

6. Work security denotes working conditions in organizations that are safe and promote workers' well being. Classic "occupational health and safety" provisions shielding workers from occupational hazards, diseases, and injuries are an integral part. Work security goes beyond this, though, in addressing the modern scourges of stress, overwork, absenteeism, and harassment. Protection devices for work security include provisions and insurance against accidents and illness at work, and limits on working time.

7. Skill reproduction security denotes workers' access to basic education as well as vocational training to develop capacities and acquire the qualifications needed for socially and economically valuable occupations. Ways to further skill reproduction security include policies to generate widespread opportunities to gain and retain skills through education, apprenticeships, and employment training

SOCIAL SECURITY

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Social security may refer to:

- social insurance, where people receive benefits or services in recognition of contributions to an insurance program. These services typically include provision for retirement pensions, disability insurance, survivor benefits and unemployment insurance.

- **services** provided by government or designated agencies responsible for social security provision. In different countries, that may include medical care, financial support during unemployment, sickness, or retirement, health and safety at work, aspects of social work and even industrial relations.
- **basic security** irrespective of participation in specific insurance programs where eligibility may otherwise be an issue. For instance, assistance given to newly arrived refugees for basic necessities such as food, clothing, housing, education, money, and medical care.

What types of benefits does Social Security provide?

Social Security provides a guaranteed lifetime income. The best part about these benefits is they never run out (until surviving children become adults), are fully portable between jobs, and keep pace with inflation something that plans and many pension plans don't even do. You get benefits if any of the following happen to you and your family:

- **Retirement:** When you retire, Social Security provides a monthly benefit that replaces a significant portion of pre-retirement earnings.
- **Disability:** If you become severely disabled and can no longer work, Social Security provides you and your family members with monthly benefits.
- **Survivors:** Social Security is, by far, the nation's most important life insurance, providing benefits to older persons (i.e., widow and widowers) whose spouse has died, to many younger spouses caring for dependent children, and to children whose parent has died.

CHAPTER NO. 3

CRIME AND CRIMINALS

1. CRIMINAL:

A popular term for anyone who has committed a crime, whether convicted of the offense or not. More properly it should apply only to those actually convicted of a crime. Repeat offenders are sometimes called habitual criminals.

TYPES OF CRIMINAL

Major types of criminal are

1. Occasional criminals,
2. Habitual criminals,
3. Professional criminals

1. THE OCCASIONAL CRIMINALS

The occasional criminal only performs the act if the opportunity occurs in his/her routine of daily life. For example someone is walking by a car & it happens to be unlocked & the person notices they might take their car stereo, etc.

Those whose criminal acts were due to external circumstances and who were driven to commit crimes because of a special passion.

- Most crime committed by amateurs whose acts are unskilled, and unplanned
- Occasional crime occurs when there is a situational inducement
- Frequency of occasional crime varies according to age, class, race, and gender
- Occasional criminals have little group support for the crimes

There is a class of occasional criminals, who do not exhibit, or who exhibit in slighter degrees, the anatomical, physiological, and psychological characteristics which constitute the type described by Lombroso as "the criminal man." There are occasional criminals who commit the offences characteristic of habitual criminality, such as homicides, robberies, rapes, etc., so there are born criminals who sometimes commit crimes out of their ordinary course.

Occasional criminals, who without any inborn and active tendency to crime lapse into crime at an early age through the temptation of their personal condition, and of their physical and social environment, and who do not lapse into it, or do not relapse, if these temptations disappear. Thus they commit those crimes and offences which do not indicate natural criminality, or else crimes and offences against person or property, but under personal and social conditions altogether different from those in which they are committed by born and habitual criminals.

There is no doubt that, even with the occasional criminal, some of the causes which lead him into crime belong to the anthropological class; for external causes would not suffice without individual predispositions. For instance, during a scarcity or a hard winter, not all of those who experience privation have recourse to theft, but some prefer to endure want, however undeserved, without ceasing to be honest, whilst others are at the utmost driven to beg their food; and amongst those who yield to the suggestion of crime, some stop short at simple theft, whilst others go as far as robbery with violence.

The broadest and most inclusive category of occasional criminals include four types.

1. The Pseudocriminal

Individuals who become criminals by mere accident e.g. killing in self-defense. These criminals are also called Judicial Criminals.

2. Criminaloid

These are epileptoids who suffer from a milder form of the disease so that without adequate cause criminality is not manifested. These are individuals with weak natures who can be swayed by circumstances to commit crime. Often showing hesitation before committing crime.

3. Habitual Criminals

Individuals who regard the systematic violation of the law in the light of an ordinary trade. Include those convicted of theft, fraud, arson, forgery and blackmail.

4. Epileptoid Criminal

Individual suffering from epilepsy. In short, for occasional criminals who commit slight offences, in circumstances which show that they are not of a dangerous type, I say, as I have said already, that reparation of the damage inflicted would suffice as a defensive measure, without a conditional sentence of imprisonment.

As to the occasional criminals who commit serious offences, for which reparation alone would not be sufficient, temporary removal from the scene of the crime should be added in the less serious cases, whilst in the cases of greater gravity, owing to material and personal considerations, there should be indefinite segregation in an agricultural colony, with lighter work and milder discipline than those prescribed in colonies for born criminals and recidivists.

The last category is that of criminals through an impulse of passion, not anti-social but susceptible of excuse, such as love, honor, and the like. For these individuals all punishment is clearly useless, at any rate as a psychological counteraction of crime, for the very conditions of the psychological convulsion which caused them to offend precludes any deterrent influence in a legal menace.

2. HABITUAL CRIMINAL

A habitual criminal is a person convicted of a new crime who was previously convicted of a crime(s). Various state and jurisdictions may have laws targeting habitual offenders, and specifically providing for enhanced or exemplary punishments or other sanctions. They are designed to counter criminal recidivism by physical incapacitation via imprisonment.

The nature, scope and type of habitual offender statutes vary, but generally they apply when a person has been convicted twice for various crimes. Some codes may differentiate between classes of crimes (for example, some codes only deal with violent crime) and the length of time between convictions. Usually the sentence is greatly enhanced, in some circumstances it may be substantially more than the maximum sentence for the crime.

Habitual offender laws may provide for mandatory sentencing in which a minimum sentence must be imposed, or may allow judicial discretion in allowing the court to determine a proper sentence. One example of a habitual offender statute is a provision requiring the revocation of a driver's license for a person convicted multiple times of driving under the influence.

Habitual Offender Statute

A habitual offender statute will usually target offenders who repeat the same type of misdemeanor or felony offense. Habitual offender statutes may vary by state. For example, some state statutes only deal with repeat offenses involving violent crime, while others may also include drug crimes or other convictions. Thus, the legal definition for what is a habitual offender may vary according to jurisdiction.

Generally, a habitual offender statute will impose additional punishments on offenders who have been convicted at least twice for certain crimes. Also, most habitual offender statutes will consider the length of time that has passed in between the various convictions.

In some states, statutes might list mandatory sentencing guidelines that must be followed. In other states, the judge may have some discretion in setting sentences for habitual offenders.

Some states have "Three Strikes" statutes, which focus on defendants with convictions involving serious criminal offenses. Penalties increase with each "strike" or felony conviction; by the third strike, the offender may have to face a life sentence in jail.

Consequences of Habitual Offenses?

Being classified as a habitual offender can result in severe legal consequences, including:

- Higher criminal fines
- Longer jail or prison sentences (often times much longer than the normal maximum limit for the crime)
- Loss of various rights and privileges, such as the right to own a firearm or the loss of driving licenses
- Negative impacts on the defendant's child custody privileges

Also, many habitual offenders repeat their crimes because they involve some element of addiction. For example, addiction may be an element in some crimes, especially drug and alcohol-related crimes (such as DUI, public drunkenness, drug possession, etc.). In such cases, the defendant may also be required to complete mandatory substance abuse courses and/or psychological counseling.

3. PROFESSIONAL CRIMINALS

Crimes committed by persons for whom criminally punishable acts are a permanent occupation and the primary source of money. Persons who engage in professional crime have the skills and means necessary for criminal activity and specialize in some particular type of crime, such as theft or swindling. Professional crime has its own psychology and customs. Professional Criminals normally perform criminal activity because

- Professional criminals are skilled in their criminal activity
- Professional criminals depend on crime as a main source of earning their livelihood
- Professional criminals are habitual criminals
- Professional criminals not only regard themselves as criminals but are also known to others as criminals,
- Professional criminals get status and recognition only in the underworld
- Professional criminals avoid other types of criminals and associate primarily with one another
- Professional criminals have their own philosophy of life
- Professional criminals tend to continue in crime for most part of their lives

Characteristics of professional crime and criminals

There are six characteristics of professional crime:

1. Regularity, i.e., continuity in work as crime.
2. Technical skill, i.e., use of complex techniques for committing crime which have been used in crime over a long period of time.
3. Status, i.e., enjoying a position of high prestige in the world of crime.
4. Consensus, i.e., sharing of common values, beliefs, and attitudes with other criminals.
5. Organisation, i.e., pursuing activities through an informal information and assistance system.
6. Differential association, i.e., association with other professional criminals to the exclusion of ordinary criminals as well as law-abiding persons.

2.0. WHITE COLLAR CRIMES

White collar crimes involve criminal activities committed by people in the regular course of their business and involve bribery, extortion, fraud and embezzlement. These crimes usually end in financial gain for the perpetrator. Not every crime involves a smoking gun. Some crimes are committed right under the victim's nose without a single shot fired! White collar crimes are criminal acts that are performed by people in the course of business committed for financial gain. These types of crimes can cost citizens millions of dollars.

Government can prosecute both the individual committing the crime and the corporation for which he works.

TYPES OF WHITE COLLAR CRIME

The following are the main types of white collar crime

1. Bank Fraud:

To engage in an act or pattern of activity where the purpose is to defraud a bank of funds.

2. Blackmail:

A demand for money or other consideration under threat to do bodily harm, to injure property, to accuse of a crime, or to expose secrets.

3. Bribery:

When money, goods, services, information or anything else of value is offered with intent to influence the actions, opinions, or decisions of the taker. You may be charged with bribery whether you offer the bribe or accept it.

4. Cellular Phone Fraud:

The unauthorized use, tampering, or manipulation of a cellular phone or service. This can be accomplished by either use of a stolen phone, or where an actor signs up for service under false identification or where the actor clones a valid electronic serial number (ESN) by using an ESN reader and reprograms another cellular phone with a valid ESN number.

5. Computer fraud:

Where computer hackers steal information sources contained on computers such as: bank information, credit cards, and proprietary information.

6. Counterfeiting:

Occurs when someone copies or imitates an item without having been authorized to do so and passes the copy off for the genuine or original item. Counterfeiting is most often associated with money however can also be associated with designer clothing, handbags and watches.

7. Credit Card Fraud:

The unauthorized use of a credit card to obtain goods of value.

8. Currency Schemes:

The practice of speculating on the future value of currencies.

9. Embezzlement:

When a person who has been entrusted with money or property appropriates it for his or her own use and benefit.

10. Environmental Schemes:

The overbilling and fraudulent practices exercised by corporations which purport to clean up the environment.

11. Extortion:

Occurs when one person illegally obtains property from another by actual or threatened force, fear, or violence, or under cover of official right.

12. Forgery:

When a person passes a false or worthless instrument such as a check or counterfeit security with the intent to defraud or injure the recipient.

13. Health Care Fraud:

Where an unlicensed health care provider provides services under the guise of being licensed and obtains monetary benefit for the service.

14. Insider Trading:

When a person uses inside, confidential, or advance information to trade in shares of publicly held corporations.

15. Insurance Fraud:

To engage in an act or pattern of activity wherein one obtains proceeds from an insurance company through deception.

16. Investment Schemes:

Where an unsuspecting victim is contacted by the actor who promises to provide a large return on a small investment.

17. Kickback:

Occurs when a person who sells an item pays back a portion of the purchase price to the buyer.

18. Larceny/Theft:

When a person wrongfully takes another person's money or property with the intent to appropriate, convert or steal it.

19. Money Laundering:

The investment or transfer of money from racketeering, drug transactions or other embezzlement schemes so that it appears that its original source either cannot be traced or is legitimate.

20. Racketeering:

The operation of an illegal business for personal profit.

21. Securities Fraud:

• The act of artificially inflating the price of stocks by brokers so that buyers can purchase a stock on the rise.

22. Tax Evasion:

When a person commits fraud in filing or paying taxes.

23. Telemarketing Fraud:

Actors operate out of boiler rooms and place telephone calls to residences and corporations where the actor requests a donation to an alleged charitable organization or where the actor requests money up front or a credit card number up front, and does not use the donation for the stated purpose.

24. Welfare Fraud:

To engage in an act or acts where the purpose is to obtain benefits (i.e. Public Assistance, Food Stamps, or Medicaid) from the State or Federal Government.

25. Weights and Measures:

The act of placing an item for sale at one price yet charging a higher price at the time of sale or short weighing an item when the label reflects a higher weight.

3.0 ORGANIZED CRIME

Organized crime is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals who intend to engage in illegal activity, most commonly for money and profit. Some criminal organizations, such as terrorist groups, are politically motivated. Sometimes criminal organizations force people to do business with them, such as when a gang extorts money from shopkeepers for so-called "protection". Gangs may become disciplined enough to be considered organized. A criminal organization or gang can also be referred to as a mafia, mob, or crime syndicate; the network, subculture and community of criminals may be referred to as the underworld.

Typical Activities

Organized crime groups provide a range of illegal services and goods. Organized crime often victimizes businesses through the use of extortion or theft and fraud activities like hijacking cargo trucks, robbing goods, committing bankruptcy fraud (also known as "bust-out"), insurance fraud or stock fraud (inside trading). Organized crime groups also victimize individuals by car theft (either for dismantling at "chop shops" or for export), art theft, bank robbery, burglary, jewelry and gems theft and heists, computer hacking, credit card fraud, economic espionage, embezzlement, identity theft, and securities fraud ("pump and dump" scam). Some organized crime groups defraud national, state, or local governments by bid rigging public projects, counterfeiting money, smuggling or manufacturing untaxed alcohol (bootlegging) or cigarettes (buttlegging), and providing immigrant workers to avoid taxes.

Organized crime groups seek out corrupt public officials in executive, law enforcement, and judicial roles so that their activities can avoid, or at least receive early warnings about, investigation and prosecution:

Activities of organized crime include loan sharking of money at very high interest rates, assassination, blackmailing, bombings, bookmaking and illegal gambling, confidence tricks, copyright infringement, counterfeiting of intellectual property, fencing, kidnapping,

prostitution, smuggling, drug trafficking, arms trafficking, oil smuggling, antiquities smuggling, organ trafficking, contract killing, identity document forgery, money laundering, point shaving, price fixing, illegal dumping of toxic waste, illegal trading of nuclear materials, military equipment smuggling, nuclear weapons smuggling, passport fraud, providing illegal immigration and cheap labor, people smuggling, trading in endangered species, and trafficking in human beings. Organized crime groups also do a range of business and labor racketeering activities, such as skimming casinos, insider trading, setting up monopolies in industries such as garbage collecting, construction and cement pouring, bid rigging, getting "no-show" and "no-work" jobs, political corruption and bullying.

Violence/ Assault

The commission of violent crime may form part of a criminal organization's 'tools' used to achieve criminogenic goals (for example, its threatening, authoritative, coercive, terror-inducing, or rebellious role), due to psychosocial factors (cultural conflict, aggression, rebellion against authority, access to illicit substances, counter-cultural dynamic), or may, in and of itself, be crime rationally chosen by individual criminals and the groups they form. Assaults are used for coercive measures, to "rough up" debtors, competition or recruits, in the commission of robberies, in connection to other property offenses, and as an expression of counter-cultural authority; violence is normalized within criminal organizations (in direct opposition to mainstream society) and the locations they control. Whilst the intensity of violence is dependent on the types of crime the organization is involved in (as well as their organizational structure or cultural tradition) aggressive acts range on a spectrum from low-grade physical assaults to murder. Bodily harm and grievous bodily harm, within the context of organized crime, must be understood as indicators of intense social and cultural conflict, motivations contrary to the security of the public, and other psychosocial factors.

Murder

Murder has evolved from the honor and vengeance killings of the Yakuza or Sicilian mafia which placed large physical and symbolic importance on the act of murder, its purposes and consequences, to a much less discriminate form of expressing power, enforcing criminal authority, achieving retribution or eliminating competition. The role of the hit man has been generally consistent throughout the history of organized crime, whether that be due to the efficiency or expediency of hiring a professional assassin or the need to distance oneself from the commission of murderous acts (making it harder to prove liability). This may include the assassination of notable figures (public, private or criminal), once again dependent on authority, retribution or competition. Revenge killings, armed robberies, violent disputes over controlled territories and offenses against members of the public must also be considered when looking at the dynamic between different criminal organizations and their (at times) conflicting needs.

Terrorism

In addition to what is considered traditional organized crime involving direct crimes of fraud swindles, scams, racketeering and other Racketeer Influenced and Corrupt

Organizations Act (RICO) predicate acts motivated for the accumulation of monetary gain, there is also non-traditional organized crime which is engaged in for political or ideological gain or acceptance. Such crime groups are often labelled terrorist groups.

There is no universally agreed, legally binding, criminal law definition of terrorism. Common definitions of terrorism refer only to those violent acts which are intended to create fear (terror), are perpetrated for a religious, political or ideological goal, deliberately target or disregard the safety of non-combatants (e.g., neutral military personnel or civilians), and are committed by non-government agencies.[citation needed] Some definitions also include acts of unlawful violence and war, especially crimes against humanity, allied authorities deeming the German Nazi Party, its paramilitary and police organizations, and numerous associations subsidiary to the Nazi Party "criminal organizations". The use of similar tactics by criminal organizations for protection rackets or to enforce a code of silence is usually not labeled terrorism though these same actions may be labeled terrorism when done by a politically motivated group.

Financial crime

Organized crime groups generate large amounts of money by activities such as drug trafficking, arms smuggling and financial crime. This is of little use to them unless they can disguise it and convert it into funds that are available for investment into legitimate enterprise. The methods they use for converting its 'dirty' money into 'clean' assets encourages corruption. Organized crime groups need to hide the money's illegal origin. It allows for the expansion of OC groups, as the 'laundry' or 'wash cycle' operates to cover the money trail and convert proceeds of crime into usable assets. Money laundering is bad for international and domestic trade, banking reputations and for effective governments and rule of law. Accurate figures for the amounts of criminal proceeds laundered are almost impossible to calculate.

The rapid growth of money laundering is due to:

- the scale of organized crime precluding it from being a cash business - groups have little option but to convert its proceeds into legitimate funds and do so by investment, by developing legitimate businesses and purchasing property;
- globalization of communications and commerce - technology has made rapid transfer of funds across international borders much easier, with groups continuously changing techniques to avoid investigation; and,
- a lack of effective financial regulation in parts of the global economy.

Remittance services

In addition to ordinary banking, however, money and other forms of value can be transferred through the use of so-called 'remittance services' which have operated for hundreds of years in non-Western societies. Originating in southeast Asia and India, users of these systems transfer funds through the use of agents who enter into agreements with each other to receive money from people in one country (such as overseas workers) and to pay money to specified relatives or friends in other countries without having to rely on conventional banking arrangements. Funds can be moved quickly, cheaply and securely between locations

that often don't have established banking networks or modern forms of electronic funds transfers available. Because such systems operate outside conventional banking systems, they are known as 'alternative remittance', 'underground' or 'parallel banking' systems.

Counterfeiting

The scope of counterfeit products to include food, pharmaceuticals, pesticides, electrical components, tobacco and even household cleaning products in addition to the usual films, music, literature, games and other electrical appliances, software and fashion. A number of qualitative changes in the trade of counterfeit products:

- a large increase in fake goods which are dangerous to health and safety;
- most products repossessed by authorities are now household items rather than luxury goods;
- a growing number of technological products; and,
- production is now operated on an industrial scale

CYBERCRIME

Identity theft is a form of fraud or cheating of another person's identity in which someone pretends to be someone else by assuming that person's identity, typically in order to access resources or obtain credit and other benefits in that person's name. Victims of identity theft (those whose identity has been assumed by the identity thief) can suffer adverse consequences if held accountable for the perpetrator's actions, as can organizations and individuals who are defrauded by the identity thief, and to that extent are also victims. Internet fraud refers to the actual use of Internet services to present fraudulent solicitations to prospective victims, to conduct fraudulent transactions, or to transmit the proceeds of fraud to financial institutions or to others connected with the scheme. In the context of organized crime, both may serve as means through which other criminal activity may be successfully perpetrated or as the primary goal themselves. Email fraud, advance-fee fraud, romance scams, employment scams, and other phishing scams are the most common and most widely used forms of identity theft, though with the advent of social networking fake websites, accounts and other fraudulent or deceitful activity has become commonplace.

4.0 CORPORATE CRIME

Corporate crime refers to crimes committed either by a corporation (i.e., a business entity having a separate legal personality from the natural persons that manage its activities), or by individuals acting on behalf of a corporation or other business entity (see vicarious liability and corporate liability). Some negative behaviours by corporations may not actually be criminal; laws vary between jurisdictions. For example, some jurisdictions allow insider trading.

Corporate crime overlaps with:

- white-collar crime, because the majority of individuals who may act as or represent the interests of the corporation are white-collar professionals;

- organized crime, because criminals may set up corporations either for the purposes of crime or as vehicles for laundering the proceeds of crime. The world's gross criminal product has been estimated at 20 percent of world trade.
- state-corporate crime because, in many contexts, the opportunity to commit crime emerges from the relationship between the corporation and the state.

Corporate crimes are offenses committed by corporate officials for their corporation and the offenses of the corporation themselves for corporate gain. Typically a corporate criminal bribes a government, dumps toxic industrial waste into rivers. Corporate crimes are often called quiet acts because people not only don't know whom to blame but may not even know that they have been victimized. There are data collection problems also.

TYPES OF CORPORATE CRIMES:

CORPORATE VIOLENCE

Violence against workers: 6 million workers injured on the job in the US and 10,000 people die in the workplace from injuries and 10,000 from long term effects of occupational diseases. Corporate executives are responsible for the vast majority of deaths because they have violated occupational health and safety standards or have chosen not to create adequate standards. So, workers are safer on the streets than on their job. For every person murdered by a stranger on the street, two are murdered by their employees.

Violence against consumers: thousands of unsafe products injure or kill consumers every year. 100,000 people are permanently disabled each year and 30,000 die. Another important factor to take into account is dumping of products in the third world.

Corporate pollution:

The general public also experiences violence in the form of pollution and other green crimes. There are many different green crimes but they are all committed for the sake of profit and they all harm the environment.

ECONOMIC CORPORATE CRIMES

Price fixing: tacit price fixing occurs when a limited number of controlling companies in a particular market follow the lead of their competitors in price increases. Overt price fixing involves secret meetings and subtle communications between competitors in given industries. Most common forms: (i) setting prices at predetermined, similar levels, (ii) dividing the market into regions, with each firm agreeing to stay out of the other's territory, and (iii) agreeing to take turns submitting winning competitive bids for contracts, often from government agencies.

False advertising:

When companies use false advertisements to entice consumers to buy products or services that offer few, if any, of the publicized benefits. Two forms: (i) blatantly false and (ii) puffery, which is a legal, more subtle form of false advertising that typically involves making exaggerated claims for a product or service. It does not violate criminal or civil laws, but it is designed to mislead consumers.

CHAPTER NO. 4

CRIME AND CRIMINALITY: THEORETICAL PERSPECTIVES

1.0 Biological Theory

Biological Theory of Crime can be traced back to the nineteen-century work of Cesare Lombroso. Shortly before his death, Lombroso help his daughter Gina translate the text of Criminal Man for an English speaking audience. Prior to Lombroso's Biological theory of crime, Cesare Beccaria and Jeremy Bentham had introduced the Classical School of Crime. The Classical School of Crime was a theory based on the notion that, an individual who possesses "free will" chooses a life of crime. Cesare Lombroso would dispute the concept behind the Classical School, on the basis that the individual and the crime itself are two different components.

In the text Criminal Man, Lombroso retells a moment in his life where he filled his leisure time working as a doctor for the Italian army. While working as a doctor, Lombroso was captivated by the extent of the bodies of many soldiers covered in tattoos while other comrades bare none. This would lead to Cesare Lombroso being fascinated of a possible correlation in distinguishing, "the honest comrades from the vicious comrade". Cesare was quickly met with defeat, as he realized that there was in fact no relation distinguishing the honest comrades from the vicious ones.

This minor setback did not discourage Cesare Lombroso's ambition in supporting his causation of crime theory which was based on biological factors. Lombroso's major break came when he was instructed to perform a post-mortem examination on Giuseppe Villela, who had been imprisoned for theft. Upon examining Villela's skull, Lombroso noticed what he classified as a "depression in the middle of the occipital part of the skull". Furthermore Horn states how, "historians have tended to discount the significance of this story due in part by the several exaggerations and inconsistencies pertaining to the incident". As a result of the unusual structure of the skull, Cesare Lombroso would refer to the skull as "atavism." Charles A. Ellwood defines atavistic as, "reproducing the physical psychical characteristics of remote ancestors, he is a savage born into the modern world". For example Lombroso describe an atavistic criminal as one who possesses primitive traits that can be linked to evolutionary times. For example some primitive traits that were of importance in evolutionary times consisted of gall bladders, pubic hair and appendix. At one point in the evolutionary cycle, these primitive features serve a primary function in the survival of human beings, but as humans adapted these atavistic features outlived their function. As a result, this enabled Lombroso to argue the reason for crimes being outlawed because as Lombroso interpreted it, human beings were just

reproducing similar acts that were customary in evolutionary pasts. For example Lombroso would describe a time in which, "vendetta killings among uncivilized Italians were labeled as customary duties rather than crimes".

In support of his theory, Cesare Lombroso conducted studies in which he measured the length in space from the first and second toes of criminals. Lombroso would then compare the measurements of the criminals to that of non-criminals toes. Surprisingly the results concluded that when relaxed, the length in space between criminals' toes had an interdigital space of 3mm greater than of that of non-criminals. This analysis supported Lombroso concept of an atavistic criminal, in which they tend to have distinct physical characteristics. In addition to measuring the length in space of first and second toes, Lombroso would further compare physical measurements such as length of arms, abnormal teeth as take into consideration the amount of body hair in individuals bodies.

Besides noting the abnormality in physical characteristics within criminals, Lombroso was also intrigue by the difference in writing styles. For example Lombroso argued that criminals were capable of writing in words but choose the alternative expressing themselves through images. Lombroso states that the difference in writing and language can be attributed to, "the tendency for criminals to express their thoughts in images even though they were capable of writing words they resorted to pictography".

Furthermore Cesare Lombroso conducts a study in which he presents images of criminals to young girls in which he classifies as "inexpert in the world of good and evil" (Horn, 2003, p.74). The study consisted of young girls viewing images of criminals and non-criminals the objective being to differentiate them based solely on facial features. To the surprise of many experts, the young girls who were referred as unknowledgeable in the world of good and evil had more often than not correctly identified the criminals from the non-criminals solely on facial characteristics. As a result of the various studies conducted in support of his theory, Lombroso claimed to have found numerous biological features that help classify criminals from non-criminals.

Cesare Lombroso's theory did not go unchallenged, for instance many criminologist in France rejected the overall concept behind Biological Theory of Crime. One of the biggest critics of Cesare Lombroso was a prison medical doctor named Charles Goring. Charles Goring conducted a statistical study in which he set out to measure the accuracy of Lombroso's theory of crime, which was based under the notion of distinct physical differences between criminals and non-criminals. Results from study ultimately concluded that there were in fact no distinct physical abnormalities differentiating criminals from non-criminals.

Additional criticism can also be noted in the way, "legislators refused to replace a system of penalties with measures of social defense". To the surprise of many, juries also criticized the concept of distinct physical features noted in criminals. For example when the inception of Biological theory came about, may jurors lack the knowledge to grasp the meaning of many scientific terms, resulting in many jurors feeling overwhelmed. Furthermore David G. Horn would detailed how, "jurors would become fed up by an excess of subtle scientific analyses and not be able to follow the witness".

Cesare Lombroso comes from a relatively small group of social scientists that lived long enough to fully complete his research. Overall can make the case that Cesare Lombroso accomplished his task by strictly arguing that crime was an effect of biological traits of a born criminal. Lombroso's contributions can be noted by the numerous studies he conducted to support his theory of a born criminal. Ellwood states that, "the criminal man must be studied and not simply crime in the abstract, the criminal must be treated as an individual and not his act alone considered". Even though critics criticized the concept of Biological Theory of crime, overall it brought out a new thinking among social scientists that considers the biological inheritances of an individual when measuring the cause of committing a crime. Ellwood states, "the problem still remains, however, whether these biological roots are the true causes of crime or whether crime can still exist without them"

1.2. PSYCHOLOGICAL THEORIES

Why do individuals commit crimes? At the same time, why is crime present in our society? The criminal justice system is very concerned with these questions, and criminologists are attempting to answer them. In actuality, the question of why crime is committed is very difficult to answer. It is important to recognize that there are many different explanations as to why individuals commit crime. One of the main explanations is based on psychological theories, which focus on the association among intelligence, personality, learning, and criminal behavior. Thus, in any discussion concerning crime causation, one must contemplate psychological theories.

When examining psychological theories of crime, one must be cognizant of the three major theories. The first is psychodynamic theory, which is centered on the notion that an individual's early childhood experience influences his or her likelihood for committing future crimes. The second is behavioral theory. Behavioral theorists have expanded the work of Gabriel Tarde through behavior modeling and social learning. The third is cognitive theory, the major premise of which suggests that an individual's perception and how it is manifested affect his or her potential to commit crime. In other words, behavioral theory focuses on how an individual's perception of the world influences his or her behavior.

Also germane to psychological theories are personality and intelligence. Combined, these five theories or characteristics (i.e., psychodynamic, cognitive, behavioral, personality, and intelligence) offer appealing insights into why an individual may commit a crime. However, one should not assume this there is only one reason why a person commits crime. Researchers looking for a single explanation should be cautious, because there is no panacea for the problem of crime.

1.2.1 Psychodynamic Theory

Proponents of psychodynamic theory suggest that an individual's personality is controlled by unconscious mental processes that are grounded in early childhood. This theory was originated by Sigmund Freud (1856–1939), the founder of psychoanalysis. Imperative to this theory are the three elements or structures that make up the human personality: (1) the id, (2), the ego, and (3) the superego. One can think of the id is as the primitive part of a

person's mental makeup that is present at birth. Freud (1933) believed the id represents the unconscious Psychological Theories of Crimecious biological drives for food, sex, and other necessities over the life span. Most important is the idea that the id is concerned with instant pleasure or gratification while disregarding concern for others. This is known as the pleasure principle, and it is often paramount when discussing criminal behavior. All too often, one sees news stories and studies about criminal offenders who have no concern for anyone but themselves. Is it possible that these male and female offenders are driven by instant gratification? The second element of the human personality is the ego, which is thought to develop early in a person's life. For example, when children learn that their wishes cannot be gratified instantaneously, they often throw a tantrum.

1.2.2 Mental Disorders and Crime

Within the psychodynamic theory of crime are mood disorders. Criminal offenders may have a number of mood disorders that are ultimately manifested as depression, rage, narcissism, and social isolation. One example of a disorder found in children is conduct disorder. Children with conduct disorder have difficulty following rules and behaving in socially acceptable ways. Conduct disorders are ultimately manifested as a group of behavioral and emotional problems in young adults. It is important to note that children diagnosed with conduct disorder are viewed by adults, other children, and agencies of the state as "trouble," "bad," "delinquent," or even "mentally ill." It is important to inquire as to why some children develop conduct disorder and others do not. There are many possible explanations; some of the most prominent include child abuse, brain damage, genetics, poor school performance, and a traumatic event.

1.2.3 Mental Illness and Crime

The most serious forms of personality disturbance will result in mental disorders. The most serious mental disturbances are referred to as psychoses. Examples of mental health disorders include bipolar disorder and schizophrenia. Bipolar disorder is marked by extreme highs and lows; the person alternates between excited, assertive, and loud behavior and lethargic, listless, and melancholic behavior. A second mental health disturbance is schizophrenia. Schizophrenic individuals often exhibit illogical and incoherent thought processes, and they often lack insight into their behavior and do not understand reality. A person with paranoid schizophrenia also experiences complex behavior delusions that involve wrongdoing or persecution. Individuals with paranoid schizophrenia often believe everyone is out to get them. It is important to note that research shows that female offenders appear to have a higher probability of serious mental health symptoms than male offenders. These include symptoms of schizophrenia, paranoia, and obsessive behaviors. At the same time, studies of males accused of murder have found that three quarters could be classified as having some form of mental illness. Another interesting fact is that individuals who have been diagnosed with a mental illness are more likely to be arrested, and they appear in court at a disproportionate rate. Last, research suggests that delinquent children have a higher rate of clinical mental disorders compared with adolescents in the general population.

1.2.4 Behavioral Theory

The second major psychological theory is behaviorism. This theory maintains that human behavior is developed through learning experiences. The hallmark of behavioral theory is the notion that people alter or change their behavior according to the reactions this behavior elicits in other people. In an ideal situation, behavior is supported by rewards and extinguished by negative reactions or punishments. Behaviorists view crimes as learned responses to life's situations. Social learning theory, which is a branch of behavior theory, is the most relevant to criminology. The most prominent social learning theorist is Albert Bandura (1978). Bandura maintains that individuals are not born with an innate ability to act violently. He suggested that, in contrast, violence and aggression are learned through a process of behavior modeling. In other words, children learn violence through the observation of others. Aggressive acts are modeled after three primary sources: (1) family interaction, (2) environmental experiences, and (3) the mass media. Research on family interaction demonstrates that children who are aggressive are more likely to have been brought up by parents or caretakers who are aggressive.

1.2.5. Cognitive Theory

A third major psychological theory is cognitive theory. In recent years, significant gains have been made in explaining criminal behavior within the cognitive theory framework. Here, psychologists focus on the mental processes of individuals. More important, cognitive theorists attempt to understand how criminal offenders perceive and mentally represent the world around them. Germane to cognitive theory is how individuals solve problems. Two prominent pioneering 19th-century psychologists are Wilhelm Wundt and William James. Two subdisciplines of cognitive theory are worthy of discussion. The first subdiscipline is the moral development branch, the focus of which is understanding how people morally represent and reason about the world. The second subdiscipline is information processing. Here, researchers focus on the way people acquire, retain, and retrieve information. Ultimately, scholars are concerned with the process of those three stages (i.e., acquisition, retention, and retrieval). One theory within the cognitive framework focuses on moral and intellectual development. Jean Piaget (1896–1980) hypothesized that the individual reasoning process is developed in an orderly fashion. Thus, from birth onward an individual will continue to develop.

1.2.6. Intelligence and Crime

Criminologists have suggested for centuries that there exists a link between intelligence and crime. Some common beliefs are that criminals and delinquents possess low intelligence and that this low intelligence causes criminality. As criminological research has advanced, scholars have continued to suggest that the Holy Grail is causality. The ability to predict criminals from non-criminals is the ultimate goal. The ideology or concept of IQ and crime has crystallized into the nature-versus-nurture debate.

The nature-versus-nurture debate is a psychological argument that is related to whether the environment or heredity impacts the psychological development of individuals. Science recognizes that we share our parents' DNA. To illustrate, some people have short

fingers like their mother and brown eyes like their father. However, the question remains: Where do individuals get their love of sports, literature, and humor? The nature-versus-nurture debate addresses this issue. With respect to the nature side, research on the prison population has consistently shown that inmates typically score low on IQ tests. In the early decades of the 20th century, researchers administered IQ tests to delinquent male children. The results indicated that close to 40% had below-average intelligence. On the basis of these data and other studies, some scholars argue that the role of nature is prevalent. However, can researchers assume *a priori* that heredity determines IQ, which in turn influences an individual's criminal behavior? One criticism of this perspective is the failure to account for free will. Many individuals in our society believe in the ability to make choices. Last, there are many individuals who have a low IQ but refrain from committing crime.

1.3 SOCIOLOGICAL THEORIES

Sociological theories of criminology believe that society influences a person to become a criminal. Examples include the social learning theory, which says that people learn criminal behavior from the people around them, and social conflict theory, which says that class warfare is responsible for crime.

Why do people engage in crime according to social learning theory? They learn to engage in crime, primarily through their association with others. They are reinforced for crime, they learn beliefs that are favorable to crime, and they are exposed to criminal models. As a consequence, they come to view crime as something that is desirable or at least justifiable in certain situations. The primary version of social learning theory in criminology is that of Ronald Akers and the description that follows draws heavily on his work. Akers's theory, in turn, represents an elaboration of Edwin Sutherland's differential association theory.

According to social learning theory, juveniles learn to engage in crime in the same way they learn to engage in conforming behavior: through association with or exposure to others. Primary or intimate groups like the family and peer group have an especially large impact on what we learn. In fact, association with delinquent friends is the best predictor of delinquency other than prior delinquency. However, one does not have to be in direct contact with others to learn from them; for example, one may learn to engage in violence from observation of others in the media.

Most of social learning theory involves a description of the three mechanisms by which individuals learn to engage in crime from these others: differential reinforcement, beliefs, and modeling.

Individuals may teach others to engage in crime through the reinforcements and punishments they provide for behavior. Crime is more likely to occur when it

- (a) is frequently reinforced and infrequently punished;
- (b) results in large amounts of reinforcement (e.g., a lot of money, social approval, or pleasure) and little punishment; and
- (c) is more likely to be reinforced than alternative behaviors.

Reinforcements may be positive or negative. In positive reinforcement, the behavior results in something good some positive consequence. This consequence may involve such things as money, the pleasurable feelings associated with drug use, attention from parents, approval from friends, or an increase in social status. In negative reinforcement, the behavior results in the removal of something bad a punisher is removed or avoided. For example, suppose one's friends have been calling her a coward because she refuses to use drugs with them. The individual eventually takes drugs with them, after which time they stop calling her a coward. The individual's drug use has been negatively reinforced.

According to social learning theory, some individuals are in environments where crime is more likely to be reinforced (and less likely to be punished). Sometimes this reinforcement is deliberate. For example, the parents of aggressive children often deliberately encourage and reinforce aggressive behavior outside the home. Or the adolescent's friends may reinforce drug use. At other times, the reinforcement for crime is less deliberate. For example, an embarrassed parent may give her screaming child a candy bar in the checkout line of a supermarket. Without intending to do so, the parent has just reinforced the child's aggressive behavior.

2.0 SOCIAL DISORGANIZATION THEORY

The theory of social disorganization states a person's physical and social environments are primarily responsible for the behavioral choices that a person makes. At the core of social disorganization theory, is that location matters when it comes to predicting illegal activity. Shaw and McKay noted that neighborhoods with the highest crime rates have at least three common problems, physical dilapidation, poverty, and higher level of ethnic and culture mixing. Shaw and McKay claimed that delinquency was not caused at the individual level, but is a normal response by normal individuals to abnormal conditions. Social disorganization theory is widely used as an important predictor of youth violence and crime.

Social Disorganization Theory and Delinquency

"Poverty is the mother of crime." ...Marcus Aurelius

Shaw and McKay discovered that there were four (4) specific assumption as an explanation of delinquency.

1. The first assumption is the collapse of community based-based controls and people living in these disadvantaged neighborhoods are responding naturally to environmental conditions.
2. The second is the rapid growth of immigration in urban disadvantage neighborhoods.
3. The third is business located closely to the disadvantaged neighborhoods that are influenced by the "ecological approach" of competition and dominance.
4. The fourth and last assumption is disadvantaged urban neighborhoods lead to the development of criminal values that replace normal society values.

Social disorganization theory suggest that a person's residential location is more significant than the person's characteristics when predicting criminal activity and the juveniles living in this areas acquire criminality by the cultures approval within the disadvantaged urban

neighborhoods. Therefore, location matters when it comes to criminality according to social disorganization theory.

The Future of the Theory

Social disorganization theory has received a lot of attention within criminology discipline since the theory was first introduced in 1942. Many studies in U.S. large cities have duplicated the findings of Shaw and McKay original study.

Social disorganization theory studies can help government and law enforcement policy-makers make informed decisions from the evidence to form strategies that help prevent criminal activity in disadvantaged communities to make it safer for all.

2.1. STRAIN THEORY

Strain theory is a sociology and criminology theory developed in 1957 by Robert K. Merton. The theory states that society puts pressure on individuals to achieve a socially accepted goals (such as the American dream) though they lack the means, this leads to strain which may lead the individuals to commit crimes.

Strain may either be:

1. Structural: this refers to the processes at the societal level which filter down and affect how the individual perceives his or her needs, i.e. if particular social structures are inherently inadequate or there is inadequate regulation, this may change the individual's perceptions as to means and opportunities; or
2. Individual: this refers to the frictions and pains experienced by an individual as he or she looks for ways to satisfy his or her needs, i.e. if the goals of a society become significant to an individual, actually achieving them may become more important than the means adopted.

In his discussion of deviance Merton proposed a typology of deviant behavior that illustrated the possible discrepancies between culturally defined goals and the institutionalized means available to achieve these goals. A typology is a classification scheme designed to facilitate understanding. In this case, Merton was proposing a typology of deviance based upon two criteria:

- (1) a person's motivations or his adherence to cultural goals;
- (2) a person's belief in how to attain his goals.

According to Merton, there are five types of deviance based upon these criteria:

1. Conformity involves the acceptance of the cultural goals and means of attaining those goals.
2. Innovation involves the acceptance of the goals of a culture but the rejection of the traditional and/or legitimate means of attaining those goals. For example, a member of the Mafia values wealth but employs alternative means of attaining his wealth; in this example, the Mafia member's means would be deviant.
3. Ritualism involves the rejection of cultural goals but the routinized acceptance of the means for achieving the goals.

4. Retreatism involves the rejection of both the cultural goals and the traditional means of achieving those goals.
5. Rebellion is a special case wherein the individual rejects both the cultural goals and traditional means of achieving them but actively attempts to replace both elements of the society with different goals and means.

What makes Merton's typology so fascinating is that people can turn to deviance in the pursuit of widely accepted social values and goals. For instance, individuals in the U.S. who sell illegal drugs have rejected the culturally acceptable means of making money, but still share the widely accepted cultural value in the U.S. of making money. Thus, deviance can be the result of accepting one norm, but breaking another in order to pursue the first. In this sense, according to social strain theory, social values actually produce deviance in two ways. First, an actor can reject social values and therefore become deviant. Additionally, an actor can accept social values but use deviant means to realize them.

Criticism

Strain theory has received several criticisms, such as:

1. Strain theory best applies only to the lower class as they struggle with limited resources to obtain their goals.
2. Strain theory fails to explain white collar crime, the perpetrator of whom have many opportunities to achieve through legal and legitimate means.
3. Strain theory fails to explain crimes based in gender inequality.
4. Merton deals with individual forms of responses instead of group activity which crime involves.
5. Merton's theory is not very critical of the social structure that he says generate the strains.
6. Strain theory neglects the inter- and intra-personal aspect of crime.
7. Strain theory has weak empirical evidence supporting it.

2.2. SOCIAL CONTROL THEORY

Social control theory was developed by Travis Hirschi in 1969. It's also known as the social bond theory. Under the social control theory, individuals break the law due to a breakdown with their societal bond. Moreover, Hirschi refers to four elements which constitute the societal bond.

(119) Social control theory is used to help us understand and reduce levels of criminal activity. It's based upon the idea that an individual's basic belief system, values, morals, commitments and relationships foster a lawful environment. Individuals who have these beliefs and commitments often have a level of self-control over their actions or are, as Janet Jackson would say, 'in control' of their lives - they are accordingly prepped to stay on the right side of the law.

Social control theory describes internal means of social control. It argues that relationships, commitments, values, and beliefs encourage conformity if moral codes are

internalized and individuals are tied into broader communities, individuals will voluntarily limit deviant acts. This interpretation suggests the power of internal means of control, such as one's own conscious, ego, and sensibilities about right and wrong, are powerful in mitigating the likelihood that one will deviate from social norms. This stands in contrast to external means of control, in which individuals conform because an authority figure (such as the state) threatens sanctions should the individual disobey.

Social control theory seeks to understand how to reduce deviance. Ultimately, social control theory is Hobbesian; it presupposes that all choices are constrained by social relations and contracts between parties. Like Hobbes, adherents to social control theory suggest that morality is created within a social order by assigning costs and consequences to certain actions that are marked as evil, wrong, illegal, or deviant.

Hirschi describes the 4 elements of the bond to society as including the following elements:

1. **Attachment**-The internalization of norms, conscience, and super ego is determined by an individual's attachment to others. Hirschi says this is the sociological counterpart to the superego.
2. **Commitment**-People obey rules for fear the consequences of breaking them. This is the counterpart to the ego.
3. **Involvement**-a person's personal involvement in conventional activity. Hirschi states that an individual involved heavily in conventional activity simply does not have time to engage in deviant behavior.
4. **Belief**- a common value system within a culture. Belief plays a role in deviance in 2 ways. The criminal either a) disregards the beliefs he/she has been taught entirely, or b) rationalizes their deviant behavior so that they can engage in criminal activity and still believe that it is wrong. This subset of the social control theory involves the strain theory in that it demonstrates an individual's belief in common goals and morals of society, and it shows a lack of means for achieving those goals which in turn encourages deviant behavior as a means of achieving those goals.

Criticism

1. The theory does not explain all types of crime, such as White Collar Crime.
2. Makes it seem like there are simple solutions.
3. The 4 variables are confusing. Their titles imply a more internalized bond than Hirschi actually meant.

2.3. SOCIAL LEARNING THEORY

The basic assumption in social learning theory is that the same learning process in a context of social structure, interaction, and situation, produces both conforming and deviant behavior. The difference lies in the direction of the balance of influences on behavior.

The Social Learning Theory is just one of many that have marked a lasting impact on society and the field of criminology. The ability for social learning to be diverse and understandable to multiple aspects of criminology is what makes this an appealing theory to be researched.

However, it was not the original theory to be researched based on this outlook into the causes and choices of crime. Akers' ideas stemmed from a past well-known yet sometimes criticized theory called the differential association theory. The first criminologist to research this was Sutherland, who described the differential association theory as, "the process by which persons experience these conflicting definitions about appropriate behavior. Thus, definitions favorable and unfavorable to delinquent or criminal behavior are learned through interaction in intimate personal groups". This is very similar to the well-known social learning theory we all know today just less detailed and less proven experimental research to reinforce the idea. Delinquent and criminal behavior is rooted in the idea of interaction with others and the frequency, duration, and the environment that it is seen in. It states that if individuals encounter crime-beneficial messages in associations with intimate group members, they are likely to learn definitions favorable to crime. Therefore, those who pick up on and learn the patterns and stigmas related to crime will be more likely than those unfavorable to crime to commit such heinous events. This theory starts the basis of what Akers was able to take into a whole new level with new factors and research to explain his criminological ideas of criminal behavior.

Sutherland's theory however, was the basis of much criticism due to lack of relatable explanations and empirical validity. Akers stated that Sutherland never explained how people learn these "patterns" of crime, only the idea that they are "learned." This was a huge factor into the reasoning that Akers came to further explain the social learning theory and the specific facts needed for definitions through differential reinforcement and the ever-important principles of operant conditioning.

Leading further into the social learning theory, the mere capability to be out in public people watching and enjoying a beautiful sunny day can have influence over someone and his or her proneness to committing a criminal act. The social learning theory relays back to modeling and operant conditioning and basic models that behavior stems from each and every person. Consequences, rewards, and punishments all can take part in such a broad but very important theory. "Differential association with others, shapes the individual's definitions of one's own attitudes or meanings that one attaches to given behavior". Who you hang out with and who you associate with fully influences your attitudes, behavior, and thought processes more than one might think. When dealing with society and crime, this is where social learning comes into play to analyze why crime rates are still holding steady and how they vary from place to place.

Arguing the idea that people learn deviant behavior in the same manner and fashion as they would learn non-deviant behavior can lead researchers to question the theory and explore different options. There are quite a few factors that are also required in order to interpret this theory, "the four major concepts of the theory differential association, differential

reinforcement, modeling, and definitions". These four begin to inquire into the thoughts of criminal behavior patterns and criminal stimuli and the balance of rewards and punishment, and the balance that is taught between the consequences or praise that comes after. (Brauer, 2012). Although all of these ideas of modeling, punishment and consequences may sound repetitive, each factor looks into more depth of why people choose to behave this way and the internal and many times unconscious ways criminal behavior can be formed and interpreted. There is a process that the social learning theory follows stating "differential associations are important because groups expose one to definitions, present models to imitate, and provide differential reinforcement for criminal behavior." (Brauer, 2012, p. 160). Definitions of criminal behavior and stimuli, lead to the idea of imitating those with criminal intentions and getting reinforcement for their actions once they see it being approved with rewards and disapproved with consequences. These individuals begin to outweigh the benefits they may receive from the punishments they may face through the onset of preset examples.

Many factors clearly are used to comprise this theory, such as modeling, imitation, and self-concepts and perspectives. Akers does a great job of combining a plethora of ideas and putting them into a well formulated theory. Crime throughout history and into the present is a huge problem our society has had to face, and researchers and criminologists such as Akers have made a lot of progress to try and give some answers to how and why crime continues to persist. With a little background knowledge on the social learning theory, it is easier to delve deeper into experiments and the validity of a theory such as this one.

Before the positive value of this theory is looked upon, there are also a few negative issues that occur with the social learning theory that gives criticism to not only Akers but also other researchers using this theory. In the article it states, "scholars continue to debate the interpretations or exact causal mechanisms underlying these empirical relationships" because of the continual denial and questioning of "peer associations and participation in deviant behavior, or between cognitive attitudes (definitions) and participation in deviant behavior". A theory such as this has many different factors and resources that are encompassed, which causes many problems when it comes to explaining various variables or experimental conclusions. Another issue that has been brought up with this theory is the idea that maybe there are outside and external reasons that differential association is used and not necessarily criminal behavior that caused the effects the social learning theory claims to have. "Some argue that causal interpretations of this correlation, like those outlined in learning theories, are misleading, since the correlation is possibly due to 'faulty measurement and the tendency of people to seek the company of others like themselves'". This idea along with the thought of delinquents wanting to get away from family stress or school problems and isolate themselves into a life of crime and violence is also a hard criticism but one that is completely viable. This criticism can be a good thing however because it even further strengthens the importance of the research when it fails to falsify results and leads to truthful valid research that can be used in articles, papers, and an additional understanding of the research.

There are several ways that have been used to show empirical validity and reliability of this theory in order to prove to others the importance of understanding and being able to

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relate social learning to crime. Reinforcing the idea again Akers claims, "differential reinforcement...is the central causal mechanism in Akers' theory, since differential association, definitions, and imitation/modeling all affect one's probability of committing deviance in relation to a process of differential reinforcement". Differential association allows us to figure out the amount of exposure to others with criminal behavior the person has experienced. Then, definitions are used in order to measure realizations or rationalizations that consider the situation given as criminal or socially desirable or undesirable. Lastly, differential reinforcement is assessed even deeper in regards to anticipated or expected consequences, punishment, or rewards that may result from the behavior that may arise. We therefore must learn ways to be able to test and experiment using all of these factors within this theory and use the various hypotheses that Akers has proposed in this theory through the years.

Many experiments and studies have been done to prove this social learning theory and it was definitely not one formed over night. All of these conclusions and factors have been drawn and discovered due to much research in the field and in the office. Experimenting and researching have all been a part of various articles and books that can be found physically and on the Internet. A very interesting topic that is researched in relation to the social learning theory is aggression. Aggression has always been a questionable topic in relation to nature vs. nurture and whether the environment is the main predictor of this trait. Innate and biological theories have concluded that this is internal and part of your instinct, but social theories have debated otherwise. Numerous criminologists, including Bandura have intently researched this topic and have come to a few conclusions; "people learn aggressive behaviors the same ways they learn other social behaviors by direct experience and by observing others". Experiments on this range from young infants being observed in modeling situations up to adults monitored in various socio-economic environments. "If the model is rewarded for behaving aggressively, aggressive responding is strengthened in observers. If the model is punished for behaving aggressively, aggressive responding is weakened in observers". Various causes of aggression are found through media, chemicals in your body such as testosterone, and culture but the basis of this research looks to experiments. Little kids may fight their toy army men because their dad watches war movies and although maybe not consciously, they see the small satisfaction and rewards he gets from this so it has to be acceptable and able to be repeated. Modeling and dissociative reinforcement are found everywhere and prime examples can be found in day-to-day living.

The social learning theory can be defined, experimented with, and compared to other theories in countless ways. Differing opinions and views will always be a part of this controversy in trying to prove the social learning theory. There will always be examples and experimental research performed on this theory, that will be used to prove the empirical validity and its lasting strength as a valuable and worthy criminological theory. Akers and Sutherland are just a few of the monumental individuals to take part in this progression of a theory that still is used to describe many criminological acts and events. The social learning theory is implemented in schools, businesses, and corporations worldwide and one of the most highly looked upon theories to describe crime. Programs around the country trying to fight and face violent crime

have researched this theory for years and the information explained throughout this paper along with countless other articles and journals prove the valuable information it entails and its relation to outside events.

2.4. LABELING THEORY

Labeling theory was created by Howard Becker in 1963. Labeling theory is the theory of how the self-identity and behavior of individuals may be determined or influenced by the terms used to describe or classify them. It is associated with the concepts of self-fulfilling prophecy and stereotyping. Labeling theories of crime are often referred to as social reaction theories, because they focus primarily on the consequences of responses or reactions to crime. These responses or reactions typically focus on three sets of actors:

- (1) informal social others, such as the friends, parents, or partners of persons committing crimes, and who disapprove of the offender's behavior;
- (2) organizations or institutions such as the criminal justice system, whose function it is to "do something about" crime; and
- (3) those who perceive a threat by some behavior and want to see legislation passed to outlaw it.

All of these very diverse actions have one thing in common: they are all reactions to crime. As such, they are said to be "labels" because they have the quality of attaching a name or a signature to someone or some behavior hence the name "labeling theory." From this, labeling theory can be understood as involving two main hypotheses. First is the status characteristics hypothesis, which states that labels are imposed in part because of the status of those doing the labeling and those being labeled. The second is the secondary deviance hypothesis, which essentially argues that deviant labels create problems that the one being labeled must adjust to and deal with, and that under certain conditions labels can lead to greater involvement in crime and deviance.

Labeling theory helps to explain why a behavior is considered negatively deviant to some people, groups, and cultures but positively deviant to others. For example, think about fictional vigilantes, like Robin Hood and Batman. Batman is labeled in different ways depending on the public's reaction to his escapades. Some people have a negative reaction and label him as a criminal. Others have a positive reaction and label him as a hero. Different reactions are typically based on group or cultural norms and values.

Another example is when a person is responsible for the death of another. When are they labeled as a 'murderer' or a 'killer?' The reaction to death sometimes depends on the circumstances. The person responsible will be viewed differently depending on the reason, whether it's murder, war, self-defense, or an accident.

It's true if there is no society there is no deviancy. Imagine the world where you are left all alone. No matter what would you do, there would be no-one left to judge you or your actions. It's striking how similar are accounts of formally labeled criminals about their perception of formalized label stigma and informally targeted individual accounts. We practice

labeling theory all the time from the moment we are born this is bad and this is good. It's not so much about linguistics it's about emotional meaning of labels.

Modified labeling theory applied to mental patients, which deals with labeling from different perspective how it affects the perception of being labeled and subsequent interaction with the society aka self-stigmatization:

Modified labeling theory indicating that expectations of labeling can have a large negative effect, that these expectations often cause patients to withdraw from society, and that those labeled as having a mental disorder are constantly being rejected from society in seemingly minor ways but that, when taken as a whole, all of these small slights can drastically alter their self concepts. They come to both anticipate and perceive negative societal reactions to them, and this potentially damages their quality of life.

Labeling theory is largely about formal labeling, dealing with real criminals and mental patients, but the stigmatizing invisible social processes that affect these people seem to apply to targeted individuals as well. The only difference is absence of formal label. At least criminal or mental patient is aware of his formal label (they've been arrested, sentenced or served time, institutionalized, etc) and can attribute negativity towards them as natural and spontaneous reaction for that label. Targeted individuals have no such luxury and have to deal with multi-layered social punishment directed at them, absent apparent cause or formal label. So self adoption of "targeted individual" label is interesting as to what purpose it serves. I guess such label helps to make sense of what is going on, but doesn't really explain anything. It's less stigmatizing than potential label of serious mental illness, terrorist, child molester, snitch, criminal, etc.. It also fulfills prediction where shunned person adopts alternative point of view and joins deviant subculture that shares these views as a lot of targeted individuals seek others that are in the same boat – organized stalking forums, blogs and communities of targeted individuals, so on.

Labeling is closely related to concepts of shaming, stigmatization (disintegrative or reintegrative) and discrimination and recently has been used as debasement penalties by judiciary. Debasement penalties are designed to lower the status of the offender in the community through humiliation. This can include the performing of menial and degrading tasks.

Labeling theory posits that a person's sense of self and behavior that stems from self-concept are directly related to the labels and perceptions imposed on the individual in societal and institutional interactions. Such interpretation is closely related to symbolic interactionism theory and looking glass self concept.

Symbolic interaction theory analyzes society by addressing the subjective meanings that people impose on objects, events, and behaviors. Subjective meanings are given primacy because it is believed that people behave based on what they believe and not just on what is objectively true. Thus, society is thought to be socially constructed through human interpretation. People interpret one another's behavior and it is these interpretations that form the social bond. These interpretations are called the "definition of the situation." Another

premise of Symbolic Interaction theory is the Pygmalion effect. In Symbolic Interaction theory, Mead establishes the notion of the "looking-glass" self. This idea is that an individual will behave and act according to the view that society and others have for them. The Pygmalion effect also leads into the idea of the self-fulfilling prophecy. Ethno-methodology, an offshoot of symbolic interactionism, questions how people's interactions can create the illusion of a shared social order despite not understanding each other fully and having differing perspectives.

Another theory that some criminologists use to explain deviancy is affect control theory or ACT. Affect control theory (hereafter ACT) offers a dynamic model of social action that focuses on how people's attitudes toward identities, behaviors, social settings, and emotions (i.e., the key aspects of social interaction) inform the actions that individuals take toward one another. As an interactionist theory, ACT views social situations and the cultural context within which they occur as important determinants of behavior, including its conventional and deviant forms. Specifically, ACT's mathematical model of attitudes gives formal rigor to the basic interactionist principles that people act toward things on the basis of the meanings that these things have for them. ACT can predict how people will react in various situations. It is very thorough (archive.org): they talk about events like "grandfather rapes granddaughter" as an example of a social situation or "I attend a party and think that the Host is ignoring me" is a social situation too.

Targeted individual is at interesting position where he has insider perspective on a stereotyped or stigmatized experiences and beliefs and is active interpreter/creator of such reality while being an involuntary target of negative attitudes, behaviors, and beliefs that shape this reality. They have to make sense of what a hell is going on while breaking up old and adopting new concepts of society, community, humanity and possibly even self-identity. Some insight into power of labeling and encouraged punishment provides infamous Stanford Prison experiment, which had to be cut prematurely. The participants adapted to their roles well beyond expectations, as the guards enforced authoritarian measures and ultimately subjected some of the prisoners to psychological torture. Many of the prisoners passively accepted psychological abuse and, at the request of the guards, readily harassed other prisoners who attempted to prevent it.

Consider the use of the label slut as described by Tannenbaum (1999). Tannenbaum writes that nearly every high school has a "designated slut." This label, according to Tannenbaum, gets applied to some poor girl, based on a widely circulated, frequently false story of sexual activity. These make up the "facts" that qualify her for the label, stating that she has met the rules of application. She is ever after known school-wide by that appellation. Tannenbaum learned that, many times, the slut label and its accompanying story had been deliberately and maliciously circulated by another girl. The acceptance of the label by the community meant that the labeled girl had to endure being treated as a slut (a bad, weak, active person); people felt free to harass, scorn, and abuse her publicly. This is clearly the process of stigmatization. It is remarkable, however, that it is regularly done through hearsay

and innuendo alone (by a person who might be termed a labeling entrepreneur) but is universally and unquestioningly accepted by the community.

Another thing to consider is that just like few decades ago deinstitutionalization was initiated and largely transformed to community mental health programs, there is growing debate of various scholars about alternatives to incarceration including various community punishment alternatives, shaming, stigmatization and so on. There are a lot more theories that criminology, sociology and social psychology uses to explain and make sense of the same topic of "deviancy" and "deviant behavior".

"Being the member of a community, a religion, a nation, a civilization entails joining the cast of a particular national-religious-cultural drama and accepting certain parts of the play as facts, not just props necessary to support the narrative. Thus, we in the West today accept as facts that the earth is spherical, that lead is heavier than water, that malaria, melanoma, and mental illness are diseases. As against this perspective, it is maintained that while there are mental patients, there are no mental illnesses. There is no mental illness or madness either in the bodies of the denominated subjects or in nature. Instead, there is a mental illness role into which a person is cast by his family and society, which he then assumes and plays, or against which he rebels and from which he tries to escape. Occasionally, individuals teach themselves how to be mental patients and assume the role without parental or societal pressure to do so, in order to escape certain unbearably painful situations or the burdens of ordinary life."

All these things mentioned are labels. We accept them as a society because it's what we are taught when we are growing up but who's to say that we are right. By labeling these people mentally ill, gives them a negative on themselves and others have a negative view as well. By doing so, it causes people to be isolated and act as they are labeled.

3.0. ISLAMIC PERSPECTIVE ON DEVIANCE AND CRIME

"Recite what is sent of the Book by inspiration to thee, and establish Regular Prayer: for Prayer restrains from shameful and evil deeds. And remembrance of God is the greatest (thing in life) and God knows the (deeds) that ye do" (Quran 29:45, trans. A. Yusuf Ali).

International crime statistics indicate that in Islamic countries crime rates are lower than in other countries. This feature of Islamic countries is most often explained by two factors: a) the relatively low level of development, which has a positive effect on crime rates, and b) the strictness of Islamic penal law. Providing some evidence, this article maintains that the first factor fails to explain properly the difference in the crime rates of Islamic and non-Islamic countries at a similar level of development. It also argues that the second explanation is a reductionist one. Following a Weberian approach, the article develops the argument that the content and structure of Islamic belief and practice is the dominant shared element among Islamic countries. It has given rise to a particular socio-cultural structure among Muslims, one of the impacts of which has been the low crime rate. Islamic beliefs and practice, therefore, are discussed as the main explanatory factor for the low crime rate in Islamic countries.

The Arabic word Islam is commonly taken to mean submission (of oneself to God), and a Muslim is accordingly one who submits to the will of God. God's will, Muslims believe, is revealed in the Koran, which is the word of God dictated to the prophet Mohammed (PBUH). They likewise believe that Mohammed (PBUH) was the last messenger of God and that his teachings reflect the most complete account of the message of the Almighty to human beings. God's word and God's will are thus the central elements of Islamic belief and the main preoccupations of a person brought up in accordance with the dictates of Islamic culture. Islam or "submission" is summed up under the famous five "pillars" in the well-known "—hadith of Gabriel," with which Muslim opens his authoritative —Sa—hī—h, namely, testifying to the divine unity, ritual prayer, alms, the fast of Ramadan, and the pilgrimage to Mecca.

The ultimate objective of every Islamic legal injunction is to secure the welfare of humanity in this world and the next by establishing a righteous society. This is a society that worships God and flourishes on the Earth, one that wields the forces of nature to build a civilization wherein every human being can live in a climate of peace, justice and security. This is a civilization that allows a person to fulfill his every spiritual, intellectual, and material need and cultivate every aspect of his being. This supreme objective is articulated by the Quran in many places. God says:

"We have sent our Messengers with clear signs and have sent down with them the book and the criterion so that man can establish justice. And we sent down iron of great strength and many benefits for man..." (Quran 57:25)

And He says:

· "...God wants ease for you, not hardship..." (Quran 2:185)

And He says:

"God wants to make things clear for you and to guide you to the ways of those before you and to forgive you. God is the All-knowing, the Wise. God wants to forgive you and wants those who follow their desires to turn wholeheartedly towards (what is right). God wants to lighten your burdens, and He has created man weak." (Quran 4:26-28)

And He says:

"God commands justice, righteousness, and spending on ones relatives, and prohibits licentiousness, wrongdoing, and injustice..." (Quran 16:90)

Since the Islamic legal injunctions are aimed at achieving human welfare, they can all be referred back to universal principles which are necessary for human welfare to be secured. These universal principles are:

1. The preservation of life.
2. The preservation of religion.
3. The preservation of reason.
4. The preservation of lineage.
5. The preservation of property.

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The Islamic penal system is aimed at preserving these five universal necessities. To preserve life, it prescribes the law of retribution. To preserve religion, it prescribes the punishment for apostasy. To preserve reason, it prescribes the punishment for drinking. To preserve lineage, it prescribes the punishment for fornication. To preserve wealth, it prescribes the punishment for theft. To protect all of them, it prescribes the punishment for highway robbery.

Islam on the whole accepts capital punishment.

Take not life, which God has made sacred, except by way of justice and law. Thus does He command you, so that you may learn wisdom.

Qur'an 6:151

But even though the death penalty is allowed, forgiveness is preferable. Forgiveness, together with peace, is a predominant Quranic theme.

Muslims believe that capital punishment is a most severe sentence but one that may be commanded by a court for crimes of suitable severity. While there may be more profound punishment at the hands of God, there is also room for an earthly punishment. Methods of execution in Islamic countries vary and can include beheading, firing squad, hanging and stoning. In some countries public executions are carried out to heighten the element of deterrence. Each case is regarded individually and with extreme care and the court is fully able to impose more lenient sentences as and when they see fit.

Islamic countries that practice a very strict Sharia law are associated with the use of capital punishment as retribution for the largest variety of crimes. At the other end of the spectrum are countries such as Albania and Bosnia, which still retain the death penalty as part of their penal system, but are abolitionist in practice.

In Islamic law, the death penalty is appropriate for two groups of crime:

- **Intentional murder:** In these cases the victim's family is given the option as to whether or not to insist on a punishment of this severity
- **Fasad fil-ardh** ('spreading mischief in the land'): Islam permits the death penalty for anyone who threatens to undermine authority or destabilise the state

What constitutes the crime of 'spreading mischief in the land' is open to interpretation, but the following crimes are usually included:

- Treason/apostasy (when one leaves the faith and turns against it)
- Terrorism
- Piracy of any kind
- Rape
- Adultery
- Homosexual activity

Whilst Islam remains firmly retentionist, there is a small but growing abolitionist Islamic view. Their argument is as follows:

- The Ulamas (those who are learned in Islamic Law, constitution and theology) do not always agree on the interpretation or authenticity of the sacred texts. Neither do they agree on the social context in which these texts should be applied.
- Sharia law is often used by repressive powers that attack women and the poor.
- There are incidences of these states summarily executing those who are accused whilst denying them access to a lawyer. These acts are totally contradictory to the concept of Islamic justice.

Fixed Punishments

The following crimes fall under the jurisdiction of the fixed punishments:

a. Theft

Theft is defined as covertly taking the wealth of another party from its secure location with the intention of taking possession of it.

b. Highway Robbery

Highway robbery is defined as the activity of an individual or a group of individuals who go out in strength into the public thoroughfare with the intention of preventing passage or with the intention of seizing the property of passers-by or otherwise inflicting upon them bodily harm.

c. Fornication and Adultery

This is defined as any case where a man has coitus with a woman who is unlawful to him. Any relationship between a man and a woman that is not inclusive of coitus does not fall under this category and does not mandate the prescribed, fixed punishment.

d. False Accusation

This is defined as accusing the chaste, innocent person of fornication or adultery. It also includes denying the lineage of a person from his father (which implies that his parents committed fornication or adultery). False accusation includes any claim of fornication or adultery that is not backed up by a proof acceptable to Islamic Law.

e. Drinking

One of the most important objectives of Islam is the realization of human welfare and the avoidance of what is harmful. Because of this, it "permits good things and prohibits harmful things." Islam, thus, protects the lives of people as well as their rational faculties, wealth, and reputations. The prohibition of wine and the punishment for drinking it are among the laws that clearly show Islam's concern for these matters, because wine is destructive of all the universal needs, having the potential to destroy life, wealth, intellect, reputation, and religion.

God says:

"O you who believe! Verily wine, gambling, idols, and divination are but the abominations of Satan's handiwork, so abandon these things that perchance you will be successful. Satan only wishes to cause enmity and hatred between you through wine and

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gambling and to prevent you from the remembrance of God and prayer. Will you not then desist?" (Quran 5:90-91)

f. Apostasy

Apostasy is defined as a Muslim making a statement or performing an action that takes him out of the fold of Islam. The punishment prescribed for it in the Sunnah is execution, and it came as a remedy for a problem that existed at the time of the Prophet, may the mercy and blessings of God be upon him. This problem was that a group of people would publicly enter into Islam together then leave Islam together in order to cause doubt and uncertainty in the hearts of the believers. The Quran relates this event to us:

"A group from the People of the Scripture said: 'Believe in what is revealed to those who believe at the beginning of the day, then disbelieve at the end of the day, so perhaps they might return from faith.' (Quran 3:72)

Thus, the prescribed punishment for apostasy was instituted so that apostasy could not be used as a means of causing doubt in Islam.

At the same time, the apostate is given time to repent, so if he has a misconception or is in doubt about something, then his cause of doubt can be removed and the truth clarified to him. He is encouraged to repent for three days.

JUVENILE DELINQUENCY

1.0 MEANINGS AND DEFINITION JUVENILE DELINQUENCY

۱۹۳ / فضیل رواز

A delinquent is an individual who fails to obey the laws. Juvenile delinquency is defined as an individual under the age of 18 who fails to abide by the laws. Juvenile delinquency is the participation by a minor child, usually between the ages of 10 and 18, in illegal behavior or activities. Juvenile delinquency is also used to refer to children who exhibit a persistent behavior of mischievousness or disobedience, so as to be considered out of parental control, becoming subject to legal action by the court system. Juvenile delinquency is also known as "juvenile offending," and each state has a separate legal system in place to deal with juveniles who break the law. To explore this concept, consider the following juvenile delinquency definition.

1. The behavior of a minor child that is marked by criminal activities, persistent antisocial behavior, or disobedience which the child's parents are unable to control.
2. A violation of the law by a minor, which is not punishable by death or life imprisonment.

Juvenile delinquency occurs when a minor violates a criminal statute. When a juvenile commits a crime, the procedures that take place differ from those of an adult offender. In all states, juvenile court systems, and juvenile detention facilities, deal specifically with underage offenders. While it is common for state statutes to consider people under the age of 17 as minors, the justice system can charge minors even younger as adults, if the crime committed is very serious. There are two main types of offenders: repeat offenders and age specific offenders.

1. Repeat Offenders

Repeat offenders are also known as "life-course persistent offenders." These juvenile delinquents begin offending or showing other signs of antisocial behavior during adolescence. Repeat offenders continue to engage in criminal activities or aggressive behaviors even after they enter adulthood.

2. Age-Specific Offenders

This type of juvenile delinquent behavior begins during adolescence. Unlike the repeat offenders however, the behaviors of the age-specific offender ends before the minor becomes an adult. The behaviors that a juvenile shows during adolescence are often a good indicator of the type of offender he will become. While age-specific offenders leave their delinquent behavior behind when they enter adulthood, they often have more mental health problems,

engage in substance abuse, and have greater financial problems than adults who were never delinquent as juveniles.

1.1 JUVENILE DELINQUENT AND STATUS OFFENDER

1.1.1. Juvenile Delinquent

Juvenile delinquents pose a problem for the juvenile justice system because of the varying age of the offender and how to punish them. There is a vast difference between the 10 year old offender and the 16 year old delinquent. Placement must be assessed on the age and degree of criminality of the child. Older delinquents are often waived to the adult courts. Do children deserve punishment proportionate to the gravity of the crime, or should the fact that they are children be taken into account? The apparent solution is based on what model the juvenile justice system is using. This is based on public opinion and the current trends in crime. There is no one standard or policy that leads the juvenile justice system. Different states have different guides. Texas falls under a legislative guide that provides recommendations on the protection and care of juveniles.

Juvenile delinquency can be defined as any actions taken by a minor that are illegal. There are, of course, many sorts of juvenile delinquency. Status offenses are the least serious of all types of juvenile delinquency. These are actions that would not be illegal were it not for the age of the person involved.

1.1.2. Status Offenders

A status offender is someone charged with an offense that would not be a crime if committed by an adult. Common examples are running away from home, being truant from school, and being beyond parental control. Status offenders are virtually never incarcerated for their first offense.

Status offenders are young people charged with offenses that would not be crimes if committed by an adult. For example, being habitually disobedient, breaking tobacco or alcohol consumption laws, not attending school, breaking curfew laws, running away from home, or being beyond the control of parents. Personal, family, and school problems as contributing factors for status offenses. Juvenile court systems handle status offenses, which are treated differently than criminal offenses. Status offenders are virtually never incarcerated for their first offense. But if they later violate a court order governing their behavior, they can be found delinquent. Status offenders are also called Youth in Crisis.

The kind of conduct that might constitute a status offense varies by state. The most common status offenses include:

- Truancy (skipping school)
- Violating a city or county curfew
- Underage possession and consumption of alcohol
- Underage possession and use of tobacco
- Running away, and
- Un-governability (being beyond the control of parents or guardians).

- For the most part, state goals in dealing with status offenses became threefold:
- to preserve families
 - to ensure public safety, and
 - to prevent young people from becoming delinquent or committing crimes in the future.
- Common penalties for status offense violations include:
- suspending the juvenile's driver's license
 - requiring the juvenile to pay a fine or restitution
 - placing the juvenile with someone other than a parent or guardian (such as a relative, foster home, or group home), or
 - ordering the juvenile to attend a counseling or education program.

1.2 OFFICIAL STATISTICS OF JUVENILE DELINQUENCY

The following are the official statistics of juvenile delinquency

In the last 10 years (2004 – 2013), the number of cases handled by juvenile courts has decreased for almost all offenses.

Most serious offense	Number of cases 2013	Percent Change			
		1985- 2013	10 year 2004- 2013	5 year 2009- 2013	1 year 2012- 2013
Total delinquency	1,058,500	-9%	-37%	-29%	-7%
Total Person	278,300	51	-34	-24	-6
Violent Crime Index*	57,200	-5	-27	-26	-2
Criminal homicide	900	-28	-30	-33	-1
Forcible rape	75,00	98	-16	-5	-1
Robbery	22,000	-13	2	-25	4
Aggravated assault	26,900	-10	-42	-32	-7
Simple assault	186,400	77	-37	-25	-6
Other violent sex offenses	9,700	21	-18	-6	-3
Other person offenses	25,000	129	-28	-12	-11
Total property	366,600	-48	-42	-35	-10
Property Crime Index**	265,300	-49	-40	-33	-10
Burglary	65,300	-54	-38	-32	-11
Larceny-theft	183,400	-45	-38	-34	-10
Motor vehicle theft	11,600	-70	-65	-38	0
Arson	5,000	-24	-42	-29	-10
Vandalism	54,200	-37	-46	-40	-13
Trespassing	29,900	-44	-44	-38	-11
Stolen property offenses	10,200	-63	-48	-34	-7
Other property offenses	7,100	-61	-59	-38	-6
Drug law violations	141,700	83	-23	-14	-4
Public order offenses	271,800	40	-38	-30	-7

Criminology

Obstruction of justice	132,000	97	-33	-28	-5
Disorderly conduct	74,500	66	-43	-32	-9
Weapons offenses	21,700	8	-44	-33	-7
Liquor law violations	9,000	-49	-47	-47	-23
Nonviolent sex offenses	10,600	-16	-25	-8	-2
Other public order offenses	24,000	-25	-38	-28	-3

* Includes criminal homicide, forcible rape, robbery, and aggravated assault.

Of the 1,058,500 delinquency cases processed in 2013, 53% involved youth younger than 16, 28% involved females, and 62% involved white youth

Most serious offense	Number of cases	Percentage of total Juvenile court cases, 2013		
		Younger Than 16	Female	White
Total delinquency	1,058,500	53%	28%	62%
Total Person	278,300	61%	31%	55%
Violent Crime Index*	57,200	55%	17%	43%
Criminal homicide	900	34%	13%	47%
Forcible rape	75,00	61%	5%	68%
Robbery	22,000	49%	11%	25%
Aggravated assault	26,900	58%	26%	50%
Simple assault	186,400	62%	37%	57%
Other violent sex offenses	9,700	71%	7%	71%
Other person offenses	25,000	62%	31%	65%
Total property	366,600	54%	28%	61%
Property Crime Index**	265,300	53%	31%	60%
Burglary	65,300	53%	10%	58%
Larceny-theft	183,400	52%	40%	60%
Motor vehicle theft	11,600	50%	22%	58%
Arson	5,000	76%	15%	67%
Vandalism	54,200	61%	16%	73%
Trespassing	29,900	52%	21%	56%
Stolen property offenses	10,200	46%	16%	53%
Other property offenses	7,100	46%	26%	63%
Drug law violations	141,700	42%	20%	76%
Public order offenses	271,800	51%	28%	62%
Obstruction of justice	132,000	42%	28%	62%
Disorderly conduct	74,500	64%	37%	52%
Weapons offenses	21,700	60%	12%	60%
Liquor law violations	9,000	36%	31%	87%
Nonviolent sex offenses	10,600	65%	18%	73%
Other public order offenses	24,000	48%	25%	75%

Note: Detail may not add to totals because of rounding.

1.2.1. Gender

Males were involved in 72% (764,800) of the delinquency cases handled by juvenile courts in 2013.

- Most of the growth in the male and female delinquency caseloads took place between 1985 and 1997. During that time, the growth in the female caseload outpaced the growth in the male caseload (99% vs. 53%).
- Between 1997 and 2013, the male delinquency caseload declined 47%, while the female caseload decreased 34%.
- The average annual growth in the female caseload outpaced that for males for all offense categories between 1985 and 2013.
- The number of property offense cases involving males peaked in 1995, and the female caseload peaked in 1996. Between their respective peaks and 2013, the male caseload declined 63% while the female caseload fell 52%.
- Most of the growth in the male and female drug offense caseloads occurred in the 1990s. During this period, the female drug offense caseload grew at an average rate of 16% per year while the male caseload increased at an average rate of 12% per year.
- The public order offense caseload increased steadily for males and females, reaching a peak in 2005 for both groups. Since the 2005 peak, the public order caseload declined 38% for females and 39% for males.
- For both males and females, the delinquency case rate increased from 1985 through the mid-1990s. For males, the rate increased 39% to its peak in 1996 and then fell 50% by 2013. The female rate grew 78% between 1985 and 1997 then dropped 38% through 2013.

1.2.2. OFFICIAL STATISTICS OF JUVENILE DELINQUENCY IN PAKISTAN

Punjab

As of 2015, Punjab had the largest population of under trial and convicted juvenile prisoners anywhere in Pakistan. The table above reveals that in 2015 the province had a total of 757 juveniles imprisoned or detained in various jails and Borstal Institutes of the province. There has been a slight increase in under trial juvenile detainees and a marked decrease in the number of convicted offenders. The province has two Borstal Institutes for juvenile offenders namely the Bahawalpur Borstal Institute and Juvenile Jail and the Faisalabad Borstal Institute and Juvenile Jail respectively.

Khayber Pakhtunkhaw

By the end of 2015, Khyber Pakhtunkhwa prisons held a total of 301 juveniles. Out of the total, 272 were under trial and 29 were convicted juveniles. All of the under trial juveniles were male while one of the convicted juveniles was a female. Central Jail Peshawar housed the largest number of juvenile offenders in the province. Despite the total authorized capacity of the jail being 1500 prisoners, the jail administration houses some 2,500 to 2,800 prisoners

at a time. The issue of overcrowding has been observed in all prisons of Khyber Pakhtunkhwa. In Khyber Pakhtunkhwa, juvenile offenders are held in separate barracks of prisons as there are no functional Borstal institutions in the province.

As of 2015, the Borstal Institute in Bannu remained non-functional while the separate section for juveniles in the Haripur Central Jail remained in the final stages of its completion. It is imperative that the government take special interest in the speedy completion of both these initiatives to provide relief to a burgeoning number of juveniles in provincial prisons. Furthermore, the Government is yet to formulate the rules of the Khyber Pakhtunkhwa Borstal Institutions Act 2012.

Sindh

In 2015, there was a considerable increase in the number of under trial juvenile prisoners in Sindh. In fact, the year witnessed the highest number of juvenile inmates since 2008, after which a gradual decrease in the prison populations of juveniles was recorded. In Sindh, there are five specialized detention centers for holding juveniles who come in contact or conflict with the law. These include the Remand Home in Karachi along with Youthful Offenders Industrial Schools (YOISs) in Karachi, Hyderabad, Sukkur, and Larkana. The detention centers in Sindh are in deplorable condition, especially the Remand Home in Karachi which requires immediate repair work or transfer to a new location. In fact, a new building of the Remand Home has been established in the Central Jail Karachi located in Jamshed Town; however, as of 2015, the Remand Home was not shifted to the new location and juveniles continued to live in deplorable conditions.

Baluchistan

By the end of 2015, the juvenile barracks of Balochistan's prisons held a total of 107 juvenile inmates. Out of the total, 104 were under trial and 3 were convicted juvenile offenders. All 107 of the juvenile inmates were males.

During 2014, juveniles in Mach Jail were shifted to the new barracks provided by SPARC. The juveniles were relocated to create distance between the juveniles and adult prisoners. The juvenile detainees were also provided with a computer lab, an indoor football facility and TVs in the new barracks. Though there is supposedly a computer lab in Hudda Jail Quetta, there are no functioning computers in the lab or teachers to instruct the inmates on using computers. Similar to the conditions of some juvenile detainees across the country, the juvenile prisoners in the Balochistan jails faced hygiene related issues due to the non-availability of clean water.

2.0. ROLE OF POLICE IN JUVENILE JUSTICE SYSTEM

The police, along with the military, represent the coercive arm of the state. In Australia the police are operationally independent of the government. This means that although the government is responsible for the police budget, the legislation that creates the laws under which police operate and for appointing the Chief Commissioner, the police decide how they will go about their various duties.

The police have various roles. Officially, the core functions of the police include enforcing the law, keeping the peace and protecting life and property. In carrying out these functions the police have a broad *discretion*. How police discretion is used and how the various police roles are prioritized will have an impact on the policing of political protests. Strict adherence to enforcing the law at a protest, for example, might involve mass arrests for minor offences. Such mass arrests will inevitably impact on police resources and might undermine capacity to undertake other police functions. Mass arrests might be perceived as provocative by an otherwise peaceful crowd, escalate conflict and lead to breaches of the peace that might threaten life and property.

The juvenile justice system mirrors the adult system of criminal justice in that it has three basic components: police, courts, and corrections. More likely than not, whether or not a juvenile is processed into this system is dependent upon the outcome of an encounter with the police. It is accurate to say that the police serve as the "gatekeepers" to the juvenile justice system they serve this function in the adult system as well. The police in turn begin the criminal justice process by making initial decisions about how to handle incidents involving juveniles. Indeed, the role of the police in juvenile justice is an important one.

Police officers have many contacts with juveniles that are for the most part unknown. For this reason, the cases that reach the juvenile courts are only a small fraction of the interactions that police have with juvenile suspects and offenders. In deciding how to handle incidents involving youth, the police have a wide range of responses available to them. This latitude is a necessary element to police work as patrol officers are presented with various and often complex situations (Whitaker). However, in light of this discretion, one should be concerned with how police make decisions involving juveniles as it is an important decision, one that may formally classify juveniles (correctly or incorrectly) as delinquents and introduce them to the juvenile justice system.

This entry will focus on the police part of juvenile justice and will provide an overview of policing juveniles. It will briefly review the police role in juvenile justice from a historical perspective and it will review the organizational structures existing in policing today to handle juveniles as well as the legal rights of juveniles who are accused of some wrongdoing. This entry will then review what we know about police-juvenile interactions, including a discussion of how police dispose of their encounters with youth, and what factors shape their decision making.

There are many opportunities and a continued need for police to engage in a multi-dimensional, proactive approach to young people. The multidisciplinary approach has two primary goals:

1. To support law enforcement executives in developing the tools and understanding they need to make preventing and addressing juvenile crime a priority in their agencies while working with youth in effective and developmentally appropriate ways.
2. To enable law enforcement leaders to take a more active role as change agents in their communities, working in collaboration with partners to bring their perspectives to policymakers at the local, state, and national levels.

2.1. Important aspects of Police role for juvenile justice system

1. Court Referrals

Police officers generally bring in or summon young offenders to the police department's juvenile division and question, fingerprint, book and, if necessary, detain them. At the time of an arrest, officers decide whether to refer young offenders to juvenile court or to route these cases out of the justice system. Police account for most referrals to juvenile court. According to the U.S. Justice Department, 83 percent of court referrals came from law enforcement agents in 2009. Parents, schools, crime victims and probation officers made the remaining referrals. In the same year, police departments handled and released 22 percent of all juveniles arrested. By contrast, the police referred 70 percent of all young offenders to juvenile court. Under federal law, officers who detain young offenders must keep them secure while in custody and for a period of no more than six hours. Juvenile arrest procedures differ across police departments. .

2. Status Offenses

Police officers handle noncriminal behavior known as status offenses involving juveniles. Skipping school, running away from home and violating curfews are status offenses. Police also intervene in non-delinquent cases in which youngsters are reported missing or believed to have been abused or neglected. Officers investigate these situations by interviewing the alleged victims, their parents or guardians, school officials and others associated with the victims. Police departments often have crime units dedicated to juvenile matters.

3. Protective Service

Police are charged with protecting the public from crime and general mayhem. For juveniles, police protection might call for removing children from an abusive home or transporting them to a shelter or hospital if they've been abandoned. Officers are usually the first on the scene when a child is left home alone, locked inside a car during extreme hot or cold weather conditions or not strapped into a car seat as required for infants or toddlers. In some districts, police patrol the halls of public schools, especially in high-crime areas, to deter disturbances that put youngsters at risk of becoming either victims or violators.

4. Education

Police officers sometimes partner with education officials and teachers to deter criminal behavior among youngsters. Officers visit classrooms as invited guests to warn students about the consequences of taking and selling drugs, as well as talking to or walking away with strangers who might want to harm them.

5. Arrest Alternatives

Arrest and detention aren't the only choices police offer juvenile offenders. Sometimes police bring young offenders in for questioning, give them a warning and release them to a parent or guardian. In other cases, police place a juvenile under police supervision for a period

of time. Officers occasionally refer juveniles to a Big Brothers/Big Sisters program, a youth services bureau, a mental health facility or a social service agency for runaways. When officers refer young offenders to juvenile court, probation officers take over these cases.

6. Training

Community leaders in some states recognize that police officers need training to work with a growing population of juvenile offenders. The International Association of Chiefs of Police survey, "2011 Juvenile Justice Training Needs Assessment," shows that police chiefs generally want officers to learn the skills needed to work more effectively with young offenders, but often lack the funds and resources for training. The survey cites the top five areas in which police need training as substance abuse; bullying, including cyber-bullying; gang activity; sexual, physical and emotional abuse; and chronic criminal behavior. The survey also cited training in school safety, Internet offenses and handling runaways as a need for police officers.

Recommendations

The recommendations are divided into the following eight topic areas:

- (1) Making Juvenile Justice a Priority within Law Enforcement Agencies
- (2) Building Partnerships among Law Enforcement, Youth & Their Families
- (3) Collaboration & Information Sharing
- (4) Promoting Alternatives to Arrest, Court Referral & Detention
- (5) Expanding Data Collection & Promising Initiatives
- (6) Pathways to School Completion
- (7) Responding to Youth with Behavioral Health Conditions & Trauma Histories
- (8) Amplifying Law Enforcement's Advocacy on Juvenile Justice Reform

2.2. JUVENILE COURTS

A court of law responsible for the trial or legal supervision of children under a specified age (18 in most countries).

Procedure of Juvenile Courts

- (1) Juvenile Court shall, unless provided otherwise in this Ordinance, follow the procedure provided for in the Code.
- (2) A Juvenile Court shall not ordinarily take up any other case on a day when the case of a child accused is fixed for evidence on such day.
- (3) No person shall be present at any sitting of a Juvenile Court except-
 - (a) Members and officers of the Juvenile Court;
 - (b) Parties to the case before the Juvenile Court and such other persons who are directly concerned with the proceedings including the police officers;
 - (c) Such other persons as the Juvenile Court directs to be present; and
 - (d) Guardian of the child.

- (4) At any stage during the course of the trial of a case under this Ordinance, the juvenile Court may, in the interest of such child, decency or morality, direct any person to withdraw from Court for such period as the Court may direct.
- (5) Where at any stage during the course of the trial of a case, the juvenile Court is satisfied that the attendance of the child is not essential for the purposes of the trial, the juvenile Court may dispense with the attendance and proceed with the trial of the case in absence of the child.
- (6) When child who has been brought before a juvenile Court and is found to be suffering from serious illness, whether physical or mental, and requires treatment, the Court shall send such child to a hospital or a medical institution where treatment shall be given to the child at the expense of the State.

1-Pre-trial

- i. The State shall fix a minimum age for criminal liability;
- ii. The accused child shall be presumed innocent till proven guilty;
- iii. The State shall ensure protection against retrospective punishment;
- iv. No child shall be arrested or detained save in accordance with the law and such detention must be as a "measure of last resort and for the shortest appropriate period of time";
- v. The child must be promptly informed, through his parents or guardian, of the charges against him;
- vi. The child must be treated with dignity and honour, and his privacy must be fully respected;
- vii. The State shall enact special laws and procedures for the trial and treatment of the juvenile offenders;
- viii. Such laws must provide for "diversion" and/or other alternatives to formal trial.

2-During Trial

- i. An independent and impartial judicial forum of competent jurisdiction should conduct the trial;
- ii. The child should have the assistance of an interpreter, in case he does not understand the court language;
- iii. The child should have protection against self-incrimination and must not be forced to confess his guilt;
- iv. The State must make available to the child legal aid and other assistance in the preparation/presentation of his defense;
- v. The child should get a fair hearing; must be enabled to produce evidence in his favour and cross-examine witnesses against him;
- vi. The court should conduct the proceedings expeditiously and announce its judgment promptly;

- vii. The court while deciding the case, should consider "the best interest of the child" and must take into account the age and situation of the child;
- viii. The child must have the right to have an adverse
- ix. Judgment reviewed by a higher (equally independent, impartial and competent) court of appeal.

3-Post-trial

- i. No child below 18 years of age should be punished with death sentence or life imprisonment, without any possibility of release;
- ii. No child shall be subjected to torture or other cruel, inhumane or degrading treatment or punishment;
- iii. During detention, the juvenile delinquents must be kept separate from the adult criminals;
- iv. During placement in a juvenile institution, the child must have regular contact with his family.
- v. The State shall establish institutions for the care, education and training of the juvenile delinquents so that they are rehabilitated and reintegrated into the society;
- vi. As an alternative to placing the child in an institution, the State should establish a system of guidance, counselling and probation for his rehabilitation.

Besides the Convention, certain other international human rights instruments also exist which prescribe minimum standards for the treatment of juvenile delinquents and their reformation/rehabilitation in the society. Such instruments include the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules 1985); the United Nations Guidelines for the Prevention of the Juvenile Delinquency (the Riyadh Guidelines 1990) and the United Nations Guidelines for the Protection of Children Deprived of their Liberty (the UN Rules 1990).

2.3. THE ROLE OF PROSECUTOR

The role and responsibilities of the juvenile prosecutor are plentiful and extend well beyond the courtroom. In fact, in cases involving juveniles, much of the work can and should be done outside the courtroom. Working collaboratively with other youth-serving agencies in their communities, prosecutors often play a leadership role in these efforts.

In terms of prevention, prosecutors can play a pivotal role by raising awareness in schools and public forums on the importance of education and the impact of substance abuse, truancy and mental health issues on offending. Through early intervention efforts, prosecutors can work with schools and other agencies to identify the kids who are exhibiting problem behavior or are at risk of offending and intervene as early as possible. Through the use of diversion programs, young people can be held accountable yet not get mired in a system that could have severe long-term consequences on their future.

When young people commit offenses that need to be addressed within the juvenile justice system, we can use policies and programs that focus on holding them accountable,

while increasing positive changes and reducing re-offending. We can make sure that interventions include the family and that support is provided within the community. Through the use of effective interventions, the juvenile justice system can provide the motivational fulcrum necessary for change.

While most low-level offenses can be diverted from the juvenile justice system, young people who are on the pathway to serious offending need our attention. What this means in a practical sense is that we need to figure out how to identify those kids who pose a threat to community safety and not waste our limited time and resources on those who do not.

With regard to serious and violent offenders, the justice system must make sure our communities are protected, and detention may sometimes be necessary. These periods of confinement must be utilized as opportunities to address the issues that drive offending, such as behavioral health issues. There also must be more attention paid to education and training opportunities, so that when a young person leaves a facility, he or she is better equipped to lead a law-abiding life.

THE ROLE OF DEFENCE COUNSEL

The goal of *Role of Juvenile Defence Counsel* is to educate judges, prosecutors, probation officers, and other juvenile justice professionals about the importance of the juvenile defender's responsibility to advocate for the client's expressed interests.

At each stage of the case, juvenile defense counsel acts as the client's voice in the proceedings, advocating for the client's expressed interests, not the client's "best interest" as determined by counsel, the client's parents or guardian, the probation officer, the prosecutor, or the judge. With respect to the duty of loyalty owed to the client, the juvenile delinquency attorney-client relationship mirrors the adult criminal attorney-client relationship. In the juvenile defender's day-to-day activities, the establishment of the attorney-client relationship is animated by allocating the case decision-making, and practicing the special training required to represent clients with diminished capacity.

Establishment of the Attorney-Client Relationship:

Juvenile defense counsel do not assume they know what is best for the client, but instead employ a client centered model of advocacy that actively seeks the client's input, conveys genuine respect for the client's perspective, and works to understand the client in his/her own socioeconomic, familial, and ethnic context.

Allocation of Decision-Making:

Unlike the other courtroom actors, who have no obligation to consider a juvenile's expressed interests in their recommendations and orders, juvenile defense counsel allows clients, to the greatest extent possible, to be the primary decision-makers in their cases.

1. Juvenile defense counsel enables the client, with frank information and advice, to direct the course of the proceedings in at least the following areas:
 - a. whether to cooperate in a consent judgment, diversion, or other early disposition plans;

- b. whether to accept a plea offer;
- c. if the client can choose, whether to be tried as a juvenile or an adult;
- d. if the client can choose, whether to have a jury trial or a bench trial;
- e. whether to testify in his own defense; and
- f. whether to make or agree to a specific dispositional recommendation.

Diminished Capacity:

Minority does not automatically constitute diminished capacity such that a juvenile defense attorney can decline to represent the client's expressed interests. Nor does a juvenile's making what juvenile defense counsel considers to be a rash or ill-considered decision constitute grounds for finding that the client suffers from diminished capacity. In fact, because of the unique vulnerabilities of youth, it is all the more important that juvenile defense attorneys firmly adhere to their ethical obligations to articulate and advocate for the child's expressed interest, and to safeguard the child's due process rights. In other words, in direct contrast to the pervasive informality that characterizes juvenile court practice in so many jurisdictions, minority sharpens defense counsel's ethical responsibilities, instead of relaxing them.

No Exception for Parents or Guardians: There is no exception to attorney-client confidentiality in juvenile cases for parents or guardians. Practically, this fact means that juvenile defense counsel has an affirmative obligation to safeguard a client's information or secrets from parents or guardians; that interviews with the client must take place outside of the presence of the parents or guardians; and that parents or guardians do not have any right to inspect juvenile defense counsel's file, notes, discovery, or any other case-related documents without the client's expressed consent. While it may often be a helpful or even necessary strategy to enlist the parents or guardians as allies in the case, juvenile defense counsel's primary obligation is to keep the client's secrets. Information relating to the representation of the client includes all information relating to the representation, whatever its source.

No Exception for Client's Best Interests: There is no exception to attorney-client confidentiality in juvenile cases allowing disclosure of information in service to what counsel, parents or guardians, or any other stakeholders deem to be the client's best interests. Even if revealing the information might allow the client to receive sorely-needed services, defense counsel is bound to protect the client's confidences, unless the client gives the attorney express permission to reveal the information to get the particular services, or disclosure is impliedly authorized to carry out the client's case objectives.

Private Meeting Space: To observe the attorney's ethical duty to safeguard the client's confidentiality, attorney-client interviews must take place in a private environment. This limitation requires that, at the courthouse, juvenile defense counsel should arrange for access to private interview rooms, instead of discussing case specifics with the client in the hallways; in detention facilities, juvenile defense counsel should have a means to talk with the client out of the earshot of other inmates and guards; and in the courtroom, juvenile defense counsel

should ask for a private space in which to consult with the client, and speak with the client out of range of any microphones or recording devices.

Comprehensive Skill Set: Juvenile defense counsel possesses a comprehensive skill set that meets the client's legal, educational, and social needs.

Investigation: Juvenile defense attorneys promptly investigate cases to find witnesses, examine forensic evidence, locate and inspect tangible objects and other evidence that might tend to exculpate the client, that might lead to the exclusion of inculpatory evidence at adjudication or disposition, or that might buttress the client's potential defenses. This duty exists even when the lawyer believes the client is guilty, and when the client has confessed in interrogation, in interviews with counsel, or to anyone else.

Ensuring Ethical Plea Agreements: Juvenile defense counsel negotiates reasonable plea offers and ensures that clients make well-considered decisions concerning whether to plead or go to trial.

Communication in Court: For in-court proceedings, juvenile defense counsel previews for the client each hearing before it happens, and reviews each hearing after it happens, providing an opinion as to how the specific hearing has affected the course of the overall case, and allowing the client ample opportunity to ask questions and raise concerns.

Communication and Confidentiality: Counsel creates a safe, comfortable, and, to the extent possible, private environment, and allocates adequate time for counseling; engages the youth with age-appropriate language; earns the child's trust over time; and offers balanced and objective advice when appropriate.

2.5. THE ROLE OF JUVENILE JUDGE

We might characterize as "great" judges are those who work on the other side of complexity. They understand the law so completely they are able to make it appear as if its application is so easy, so obvious, so simple that any judge could do it. They are the judges who teach us how to put on our socks and tie our shoes. They are the judges who have high standards for themselves and for those who work with them. They are the judges who encourage other judges, and prod them to understand that the power of the law to mold the public character in socially responsible ways is the strength of our democracy. So let's talk about the role of the juvenile court judge – that judge who more than any other is given the opportunity to mold the public character by influencing society's youngest and most problematic, and most vulnerable, members.

It is not enough for a juvenile court judge to know the law and the rules of procedure. A juvenile court judge also has to understand the rules of evidence, and their applications unique to the juvenile court. A juvenile court judge has to have at least a familiarity with principles of adolescent development, family dynamics, educational theory, traumatic abuse (physical, sexual, and emotional), cultural characteristics, and organizational psychology all wrapped up in a temperament of both empathy and patience.

Over the next few days we are going to be talking about some rather basic material, interspersed, of course, with some considerably more sophisticated material. Some of you new to the juvenile court may find it to be a good refresher. Some of you of long experience in the juvenile court may find it to be maddeningly basic. Let me suggest, however, that we should all think about how important it is to start with, and agree about, the very basics of what we do – with putting on the socks and shoes so we can then use that agreement as the building blocks we need for creating a juvenile justice system built on a firm foundation of best practice.

But viewed from the other side of complexity viewed through the lens of adolescent development, learning theory, motivational interviewing, judicial and prosecutorial resources, victim's rights, and on and on the answer might be the same, but the understanding of the "how" we do it and the "why" we do it can have a dramatic impact on a child's life.

Broadly stated, "best practice" is universal and applies to all judges and to all cases; "good technique" is more elastic, it depends on the nature of the case, the culture and resources of the county, and is personal to the judge since it draws on the individual judge's personality and skills.

1. Provide active leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and families. At-risk children include delinquent, dependent and status offenders.
2. Investigate and determine the availability of specific prevention, intervention and treatment services in the community for at-risk children and their families.
3. Exercise their authority by statute or rule to review, order and enforce the delivery of specific services and treatment for children at risk and their families.
4. Exercise a leadership role in the development and maintenance of permanent programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.
5. Take an active part in the formation of a community-wide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families.
6. Maintain close liaison with school authorities and encourage coordination of policies and programs.
7. Educate the community and its institutions through every available means including the media concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.
8. Evaluate the criteria established by child protection agencies for initial removal and reunification decisions and communicate the court's expectations of what constitutes "reasonable efforts" to prevent removal or hasten return of the child.
9. Encourage the development of community services and resources to assist homeless, truant, runaway and incorrigible children.
10. Be familiar with all detention facilities, placements and institutions used by the court.
11. Act in all instances consistently with the public safety and welfare.

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In shorthand, of course, we refer to those purposes as "balanced and restorative justice." It is the goal to give balanced attention to youth redemption, victim restoration and community protection; to consider always, in other words, the child, the victim and the community. If our "best practices" are in fact to be the best, we have to understand the concepts of balanced and restorative justice so well that our simple statements of their application are the products, the fruits, of standing on the far side of complexity.

First and foremost, a juvenile court judge is, well, a judge. When well-trained, experienced attorneys reasonably differ as to what should happen on a case, it falls upon the judge to make "the call." Should a child be removed from the home of his or her parents, with the knowledge that foster care can be a disorienting and traumatic experience, or can the child be safe and healthy remaining in the home? Can the child be safely reunited with mom or dad because the parent has done enough to address the drug abuse, domestic violence, mental health disorder, or other dysfunction that lead to the child's removal, or will we be returning the child to a life of abuse and neglect?

The robust statutory scheme surrounding child welfare cases, with its legislatively established standards and burdens of proof, provide the bearing point against which the judge must make his or her decision. But these are not simply legal decisions, like deciding who has the title to a piece of property. These are grindingly human decisions. They demand that the judge understand the nature of human dysfunction, like the forces that cause a spouse to repeatedly allow her batterer back into the home, or that the drug abuser coming out of residential rehab will have to confront the many "triggers" that await his return to the home and neighborhood.

The juvenile court judge must, at all times, be a judge: fair, impartial, above the fray, and not embroiled in the case. It is the very foundation for public trust and confidence in our juvenile justice system. If a parent feels that the "system" is stacked against him or her, that the judge is simply a rubber stamp for the social worker who took his or her child and will not provide a fair hearing, what are the chances that the parent will work to address his or her issues and reunite with the child? Remaining dispassionate is tough.

Nobody working outside of the juvenile justice system can appreciate the depth and extent of human dysfunction that comes into our juvenile courts every day. Every day we ask ourselves, "Who could do that to a child?" For good reason, trauma-informed care in child welfare looks as much at the trauma endured by those who work in the system as the children and families themselves. Despite all that, juvenile court judges must provide the process that is due: requiring that all parties are heard, listening carefully, weighing thoughtfully, and deciding fairly. Because if the public does not have trust and confidence in the court fulfilling this responsibility, the juvenile justice system will tear itself apart from the many competing and conflicting interests and concerns that judges must weigh.

2.6. THE ROLE OF JUVENILE PROBATION OFFICER

Juvenile probation is the oldest and most widely used vehicle through which a range of court-ordered services is rendered. Probation may be used at the "front end" of the juvenile

justice system for first-time, low-risk offenders or at the "back end" as an alternative to institutional confinement for more serious offenders. In some cases probation may be voluntary, in which the youth agrees to comply with a period of informal probation in lieu of formal adjudication. More often, once adjudicated and formally ordered to a term of probation, the juvenile must submit to the probation conditions established by the court.

The official duties of juvenile probation professionals vary from State to State and can even differ between jurisdictions within a single State. Nonetheless, a basic set of juvenile probation functions includes: intake screening of cases referred to juvenile and family courts, predisposition or presentence investigation of juveniles, and court-ordered supervision of juvenile offenders. Not all probation departments execute all three of these functions independently. For example, in some jurisdictions the prosecutor shares the intake responsibility with the probation officer, and in other jurisdictions the prosecutor has sole responsibility for the intake process. Similarly, probation responsibilities are not always limited to intake, investigation, and supervision. Some departments also provide aftercare for youth released from institutions; others may administer detention or manage local residential facilities or special programs.

Juvenile probation officers are in charge of supervising youths who have either been put on parole or probation for committing a crime. Juvenile probation officers meet with these adolescents and their families to perform assessments and research their family and social history. Juvenile probation officers are responsible for making regular visits to the youths' homes to make sure that they are in compliance with terms set by the juvenile court. They also work closely with each juvenile's family, as well the court system, to provide counseling for the juvenile and in an attempt to change or eliminate behavioral issues. In the event that a youth does not comply with his or her court order, the juvenile probation officer must then provide recommendations to the judge for alternate sentencing or treatments.

Juvenile probation officers usually work in probation or parole agencies, however, they can sometimes work in juvenile detention centers monitoring the progress of convicted juvenile delinquents. Depending their agency and jurisdiction, a juvenile probation officer's number of clients will vary. In smaller areas, a officer may work with only one or a few clients, while more populated areas might result in caseloads of 20 to over 100 youth.

Typical day-to-day job duties in this profession include investigating cases, interviewing parents, guardians, lawyers or other individuals representing a juvenile. Juvenile officers also recommend probation or parole terms to the judge, attend court hearings and prepare pre-dispositional reports and filing motions for probation violations. Other typical tasks may include ensuring that youths follow through on court appearances, community service or payment of fines; they may also be called upon to schedule drug tests and/or search a youth's property, or conduct counseling sessions covering such issues as anger management, social skills and drug abuse. Finally, they provide crisis intervention and remain on-call during nights and weekends should a crisis arise.

The field of probation is staffed by dedicated individuals who believe that young persons who break the law can change their behavior in favor of law-abiding activities.

Probation departments cannot, however, limit their intake of probationers like private providers or State training schools, which routinely operate.

Balancing juvenile probation officers' safety and the safety of the public with probationers' needs is a major challenge. Many departments have developed creative and successful intensive supervision and school-based programs that target special populations of probationers; however, there is increased pressure to do much more community-based programming. Indeed, in the face of rising caseloads, fixed resources, public demand for more accountability, and serious safety concerns, the mission of probation will need to evolve even further to respond not only to juvenile offenders but also to the community. Over capacity and often have caps on admissions. In that sense, probation is the "catch basin" of the juvenile justice system and is being confronted with increasing and, as indicated below, more dangerous caseloads.

In fact, one of the biggest issues facing the field of juvenile probation is on-the-job safety. There is a growing perception that the work of juvenile probation is increasingly dangerous. Almost one-third of the survey respondents reported that they had been assaulted on the job at some point in their careers. When asked whether, during the course of their duties, they were ever concerned about personal safety.

2.7. JUVENILE CORRECTIONAL INSTITUTIONS AND THEIR ROLE

Once processed in the juvenile court system there are many different pathways for juveniles. Whereas some juveniles are released directly back into the community to undergo community-based rehabilitative programs, some juveniles may pose a greater threat to society and to themselves and therefore are in need of a stay in a supervised juvenile detention center. If a juvenile is sent by the courts to a juvenile detention center there are two types of facilities: secure detention and secure confinement.

Secure detention means that juveniles are held for usually short periods of time in facilities in order to await current trial hearings and further placement decisions. By holding juveniles in secure detention, it ensures appearance in court while also keeping the community safe and risk-free of the juvenile. This type of facility is usually called a "juvenile hall," which is a holding center for juvenile delinquents. On the other hand, secure confinement implies that the juvenile has been committed by the court into the custody of a secure juvenile correctional facility for the duration of a specific program, which can span from a few months to many years.

Juvenile detention is not intended to be punitive. Rather, juveniles held in secure custody usually receive care consistent with the doctrine of *parens patriae*, i.e., the state as parent. The state or local jurisdiction is usually responsible for providing education, recreation, health, assessment, counseling and other intervention services with the intent of maintaining a youth's well-being during his or her stay in custody.

Generally speaking, secure detention is reserved for juveniles considered to be a threat to public safety or the court process, though in many cases, youths are held for violating a

court order. Status offenders, i.e., juveniles charged with running away from home, alcohol possession, and other offenses that are not crimes if committed by adults, may only be held for 24 hours or less. While initial case investigation is completed and other alternatives are arranged.

Within the categories of secure detention and secure confinement for juveniles, the overarching name of these facilities is residential programs and there are five overarching types of residential programs where a juvenile may be placed while in court custody. The Office of Juvenile Justice and Delinquency Prevention found the five types of residential programs for juveniles to be a broad range, which included detention, corrections, camp, community based, and residential treatment. The reason for the wide variety in placement options of juveniles is that there does not currently exist a uniform definition of residential treatment programs. As a result, this creates a lack of uniformity across states and a large variety of names for secure detention and secure confinement centers for juveniles.

Juvenile Corrections is considered to be a high-security residential facility that provides for the long-term and safe custody of juveniles who have been adjudicated (i.e. sentenced) by the court for having committed a felony or multiple misdemeanors. In most cases, a youth's time in a Juvenile Corrections setting is long term (months to years) because they have been adjudicated by the court system as having committed a crime. Juvenile Corrections may be publicly or privately funded and operated. The continuum of services provided to youth in Juvenile Corrections is determined by state statute and, at a minimum, should include services, such as treatment plans, that address immediate and/or acute needs in the educational, mental, physical, emotional and social development of juveniles.

General Principles of the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders

- a. Strengthen the family.
- b. Support core social institutions.
- c. Promote delinquency prevention.
- d. Intervene immediately and effectively when delinquent behavior occurs.
- e. Establish a system of graduated sanctions that holds each juvenile offender accountable.
- f. Identify and control the small group of serious, violent, and chronic juvenile offenders.

The following facilities might be provided by the correctional institutions

1. Conducive atmosphere to the convicted juvenile
2. Proper religious education and Adult education in collaboration with prisoner's authorities
3. Vocational training and technical education to prisoners during their stay in jails to enable them earn for themselves and their families thus, ensuring their participation in healthy economic activities

4. The opportunity of group discussions, speeches, seminars about eradication of drug addiction and other social evils
5. Recreational Activities
6. Medico-legal aid to deserving prisoners in jails
7. Rehabilitative services for prisoners i.e. financial assistance, knowhow and equipment to the destitute and deserving released prisoners through various sources i.e. Zakat fund, Bait-ul-Maal and NGOs etc.
8. Social counseling and guidance to the prisoners' families through case work techniques in order to keep them away from crimes and to enable them to join healthy activities.

NON PUNITIVE ALTERNATIVES

Non Punitive means that there should not be any involvement of the punishment. But here it is important to discuss the alternatives of non-punitive are important to discuss. An alternative sanction for juveniles consists of a community service order (unpaid work), a training order (a training project) or a combination of the two. The Child Protection Board supervises juveniles who have received alternative sanctions. The following are non-punitive alternatives

Youth detention

Juveniles who have been sentenced to youth detention are sent to a young offenders' institution. The maximum sentence for juveniles aged 16 or 17 is two years. For juveniles aged 12 to 15 the maximum is one year. While in youth detention they attend school and are given extra lessons in, for instance, social skills and anger management.

Youth protection and custody order

Some juveniles require intensive treatment and counselling to avoid repeat offending, for instance because they suffer from a behavioral disorder. In such cases the court can impose a 'PIJ order' for placement in a youth protection and custody institution.

A PIJ order is valid for at least three years and may be extended to a maximum of seven years. During the final year, the juvenile is allowed out under certain conditions (conditional lifting of the order). They are then monitored by the youth probation service.

Overnight detention

Overnight detention is a form of provisional detention. The juveniles go to school during the day and are held in a young offenders' institution outside school hours and overnight. This allows them to continue their studies or work

Other penalties and non-punitive orders for juveniles

Other possible penalties and non-punitive orders in juvenile criminal law are:

- confiscation of property (such as scooters) and goods that have been obtained illegally (for instance by theft or receiving stolen goods);
- payment of a fine or damages.

Adolescent criminal law for young offenders aged 16 to 22

As of 1 April 2014, young offenders aged 16 to 22 can be tried either as a juvenile or as an adult, under adolescent criminal law. This allows the court to take the offender's development into account. Some juveniles need a tough approach, while others benefit more from guidance, even though they may be older.

2.8. PUNITIVE AND REFORMATIVE TREATMENT OF CRIMINALS

The human society is a cooperative endeavor secured by coercion. By coercion we mean a state where a recognized authority is compelled to punish individual who contravenes the rules and regulation of the commonwealth. The practice of punishment is necessary for the maintenance of this social cohesion. Law is one of the important pillars of the state. To administer justice, punishment is needed. There are various theories of punishment which are retributive, deterrent, and reformatory, preventive. One of the most controversial aspects of legal philosophy concerns the justification of specific punishments for particular criminal violations. Punishment is a recognized function of all the states. With the passage of time the systems of punishment have met with different types of changes and modifications. To administer justice is an essential function of the state and it is the duty of the state to provide a peaceful environment to its people. Thus, philosophy behind the concept of punishment is not only to provide justice to the aggrieved but besides this to maintain security and safety in the society, to punish a criminal is not only to give torture to him or to humiliate, but there is a higher objective to be achieved and that is to establish a peaceful society. The concept of Punishment under modern jurisprudence is usually associated with the law of crimes.

The literature on punishment is dominated by two main approaches: deterrence theories and retributivist theories. Historically, both have operated under the assumption that punishment is a social necessity whose justification is beyond doubt. Because of this, both types of theory have mostly provided explanations of how and when to punish, rather than asking (or answering) why. As Ted Honderich has put it, both have provided explanations "as one provides theories about the facts of the physical world" as though describing some natural phenomenon. While these two dominant approaches have become in recent times more sophisticated as they try to respond to criticism, and while contemporary writers are more inclined to adopt 'compromise' positions somewhere between the two, the legacy of each is so great that I will begin by treating them separately.

Deterrence theories work on a 'consequentialist' model, explaining and justifying punishment on the basis of its contribution to some other independent good, such as the greatest happiness for the greatest number, or autonomy, welfare or crime prevention. Always the focus has been on what the consequences or end benefits of punishment would be. Thus Jeremy Bentham (1748-1832), in a classical formulation of the deterrence theory, stated that "punishment is an evil" but it can be justified "in as far as it promises to exclude some greater evil", or bring about some final good.

Hard treatment as the deliberate infliction of pain is intrinsically wrong on this view but is nevertheless justified if its benefits outweigh its costs and if no alternative practice could achieve those benefits more economically. Punishment is seen to promote the greater good by: deterring potential offenders through disincentives (experience of incarceration or the fear of it, for example); removing offenders from society (life sentences or capital punishment); or even reforming them so they will not re-offend. Deterrence theory is forward-looking, relying on the benefits of punishment for society as the sole reason for its justification and making almost no reference to guilt or past offenses in its theory. Indeed, the punishment of an individual merely because of their guilt, said Bentham, "would be useless" and would only add "one evil to another." For him, there must be another reason to punish, and this reason is provided by the good effects he thinks it will have on the rest of society.

2.8.1 CORPORAL PUNISHMENT

Corporal punishment, from the Latin *corpus* or body, refers to physical punishments causing pain or disfigurement to the body, as opposed to systems of punishments based on a deprivation of liberty by holding the body. Regimes of imprisonment do cause discomfort to the body and potentially subject it to violence (such as rape), but contrast with corporal punishments like whipping or flogging where the judicial sentence requires acute pain (rather than it resulting from a failure of prison to provide a secure custodial setting). Capital punishment, or death sentences, formerly involved aspects of corporal punishment, although current 8th Amendment jurisprudence requires that executions not involve torture or unnecessary pain and suffering.

Non-western nations are currently more likely to use corporal punishments like whipping or amputation than Western nations, which occasionally see politicians attempting to reintroduce corporal punishment as part of a 'tough on crime' agenda and debate whether public school teachers should be allowed to spank students for disciplinary reasons. Both the U.S. and Europe have extensive experience in earlier times with corporal punishments in the form of whipping, flogging, stocks, pillories, brandings, bridles and gags, and various tortures related to executions. The transition from corporal punishments to imprisonment is central to Foucault's *Discipline and Punish*, in which he argues the transition had less to do with an evolving civilizing spirit of humanitarianism than the system of surveillance and discipline being a more efficient political economy of power.

Corporal punishments predate the use of prison and early uses of imprisonment were limited to holding the criminal until the corporal punishment could be carried out. Specific corporal punishments could vary in terms of the level of humiliation, pain, and disfigurement, for example from throwing garbage at an immobilized offender to branding to cutting out someone's heart. Such punishments tended to be focused on the lower classes, with an "exemption of the aristocracy from bodily punishment" (Earle 1896/1995, 75). Certain corporal punishments like the dunking stool and scold's bridle were reserved for women for gendered crimes like gossiping or being argumentative. Some conservative or religious communities might also not whip women or try to avoid 'unseemly' public spectacles of topless women being flogged and bloodied.

The legality in the 21st century of corporal punishment in various settings differs by jurisdiction. Crucially, the late 20th century and early 21st century saw the application of human rights law to the question of corporal punishment, especially of children, in a number of contexts:

- **Family or domestic corporal punishment**—typically, punishment of children or teenagers by parents or other adult guardians—has been banned in 46 countries as of April 2015.
- **School corporal punishment**—of students by teachers or school administrators—has been banned in many countries, including Canada, Kenya, South Africa, New Zealand and nearly all of Europe. In the past, apprentices to master craftsmen may also have been subjected to physical punishment during their training.
- As part of a criminal sentence ordered by a court of law, has long disappeared from European countries, including former states of the Soviet Union. However, it remains lawful in parts of Africa, Asia and Latin America. Closely related is **prison corporal punishment** or **disciplinary corporal punishment**, ordered by prison authorities or carried out directly by staff. Corporal punishment is also allowed in some military settings in a few jurisdictions.

Corporal punishment was traditionally considered in many cultures an acceptable way of correction of children by adults with direct authority over them, but has met with less approval in recent decades, especially in some Western countries. Campaigns against corporal punishment usually aim to bring about legal reform to ban the use of corporal punishment against minors by adults,

Corporal punishment is lawful in the home. Article 89 of the Penal Code 1860 states: "Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person." The courts have confirmed that this article provides a legal defence for corporal punishment of children.

2.8.2 IMPRISONMENT

Imprisonment is the act of confining someone in a prison or as if in a prison. Imprisonment is carried out generally as a penalty imposed by a court. As such penalty, the individual is confined to an institution. Most obvious modes are confinement in a prison or a private house. Further, a forcible detention in the street, or the touching of a person by an officer by way of arrest, are also imprisonments. Imprisonment restraints of a person contrary to his will. Imprisonment is either lawful or unlawful. Lawful imprisonment is used either for crimes or for the appearance of a party in a civil suit, or on arrest in execution. Whereas, unlawful violation of the personal liberty of another is called false imprisonment.

The terms "prison" and "imprisonment" are used interchangeably in a way that the existence of the first term is a mandatory precondition for the existence of the latter one, or vice-versa. In other words in criminal justice process, the first term "prison" refers to the place

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where in the latter term 'imprisonment' is to be taken place; and imprisonment indicates the limitation of inmates' liberty.

However, different terms are used by different countries and legal systems to explain terms 'prisoner', 'prison' and 'imprisonment'. For example in the US different states use different terminologies like 'inmate' and 'prisoner'; 'correction' and 'imprisonment' interchangeably.

Of course some legal systems use 'detention' instead of 'imprisonment' and 'detainee' instead of 'prisoner'. Hence, these above discussed facts show that there is no uniformity in the use of terms in the criminal justice system of different states. However, after the establishment of the United Nations organization (UN) and the regional organizations states are adopting uniform usage of terms through the ratification of binding and normative treaties and standards.

Function of imprisonment

From the historical point of view imprisonment has had different objectives at different times. As mentioned above, prisons used to serve as a place where detainees awaiting trial or execution stay. In this case its purpose is aimed at keeping the individuals until conviction or execution.

It is widely known that the purpose of imprisonment is firmly related with the objective of criminal punishment. Accordingly, the best way to discuss about the function of imprisonment would be to look in light of the objectives of criminal law. However, looking at the historical point of view on the treatment of prisoners is of worth.

Typically, inmates in ancient times were put to death or used as slave labor force, but, in most of these cases, a period of incarceration or detention was preceded. When they were not otherwise engaged in labor they were held in remote and hostile surroundings, making escape virtually impossible and these drastic sanctions and inhuman treatments continued until the coming of 18th c Enlightenment.

Following the emergence of rehabilitation and reformation programs, modifications of the various prison terminologies became feasible. As mentioned above, in the past, prisons were called penitentiaries or penal intuitions.

Now days, however, the popular name is correctional institutions or correctional facilities. Similarly a modification is made from the term 'guard' to correctional officers and these modifications in nomenclature emerged with the professionalism of the field of corrections during recent decades and the desire to modify the harsh images eluted by the terms 'prison' and 'guard'.

In the past and still now, there has been a lively debate regarding the purposes for establishment of prisons and sending inmates in to these institutions. Some commentators argue that prisons are established only to imprison convicted criminals. That is to say their purpose is to punish convicted law-breakers using imprisonment as a means of retribution. Indeed as Edward Kaufman said, retributive purpose of imprisonment is necessary for the society, however it is considered as "barbaric" now days. He further mentioned that;

Imprisonment for retribution may drive a delinquent further along the road of crime through forcing association with criminal elements and increasing rage toward and alienation from society. Permitting brutal retribution may stimulate brutal responses not only in the individual but in society as a whole, as in riot control and war.

Based on the above stated reasonable pitfalls, it is fair to suggest that retribution as a purpose should be supported by rehabilitation to halt further wrongdoings in the community.

Others insist that their main purpose is to deter offenders from committing further crimes after they are released and to deter those potential law-breakers from committing crime in the future. That is to mean the purpose of these institutions is to prevent convicted offenders from relapsing into crime after their release by taking lessons from their first incarceration and the existence of prisons as penal institutions will make potential law-breakers to be refrained from committing crimes as well. However, there is an idea that sending someone to prison might not deter him/her from committing crime inside the prison compound. The same problem can be deducted from the third objective of imprisonment 'incapacitation' which is aimed at halting possible commission of crime by the individual prisoner by putting him in prison. Therefore, the deterrence and incapacitation objectives of imprisonment lonely cannot realize the aimed purpose of deterring or incapacitating unless it is supported by other mechanisms like rehabilitation.

Still others advocate that inmates are sent to correctional institutions to be reformed or rehabilitated. That is to say during their stay in the institutions they will come to realize and learn the wrongfulness and hazardous effects of committing crime and will further learn skills which will help them to be a law abiding and productive citizens when they are released. In practical terms, the purposes for the establishment of prisons could be interpreted as a combination of the above reasons and, therefore, they are established for more than custody and control.

Generally, the above discussed arguments together with the binding and normative international and regional treaties tell us that rehabilitation is the main purpose of imprisonment in today's criminal justice system. Accordingly, it imposes obligation against states in general and prison centers in particular to use rehabilitation tools for their prisoners. But, this does not mean the other purposes of imprisonment will be totally disregarded they will rather use them side by side.

However, the detention or incarceration of prisoners does not mean that all the rights they have are lost as a result of such detention or incarceration. That is because certain rights like the right to respect inherent human dignity and human ways of treatment, the right to food and health care, shelter and Freedoms like freedom of thought, belief and so on are fundamental to human existence and they are inherent entitlements that come to every person as a result of being human. As a result, inmates under detention or imprisonment have such and the like fundamental human rights and freedoms and retain these rights with the exception of those that have been lost as a result of deprivation of liberty.

2.9. REHABILITATION OF CRIMINALS

The concept of rehabilitation rests on the assumption that criminal behavior is caused by some factor. This perspective does not deny that people make choices to break the law, but it does assert that these choices are not a matter of pure "free will." Instead, the decision to commit a crime is held to be determined, or at least heavily influenced, by a person's social surroundings, psychological development, or biological makeup. People are not all the same and thus free to express their will but rather are different. These "individual differences" shape how people behave, including whether they are likely to break the law. When people are characterized by various "criminogenic risk factors" such as a lack of parental love and supervision, exposure to delinquent peers, the internalization of antisocial values, or an impulsive temperament they are more likely to become involved in crime than people not having these experiences and traits.

The rehabilitation model "makes sense" only if criminal behavior is caused and not merely a freely willed, rational choice. If crime were a matter of free choices, then there would be nothing within particular individuals to be "fixed" or changed. But if involvement in crime is caused by various factors, then logically re-offending can be reduced if correctional interventions are able to alter these factors and how they have influenced offenders. For example, if associations with delinquent peers cause youths to internalize crime-causing beliefs (e.g., "it is okay to steal"), then diverting youths to other peer groups and changing these beliefs can inhibit their return to criminal behavior.

Sometimes rehabilitation is said to embrace a "medical model." When people are physically ill, the causes of their illness are diagnosed and then "treated." Each person's medical problems may be different and the treatment will differ accordingly; that is, the medical intervention is individualized. Thus, people with the same illness may, depending on their personal conditions (e.g., age, prior health), receive different medicines and stay in the hospital different lengths of time. Correctional rehabilitation shares the same logic: Causes are to be uncovered and treatments are to be individualized. This is why rehabilitation is also referred to as "treatment."

Correctional and medical treatment are alike in one other way: they assume that experts, scientifically trained in the relevant knowledge on how to treat their "clients," will guide the individualized treatment that would take place. In medicine, this commitment to training physicians in scientific expertise has been institutionalized, with doctors required to attend medical school. In corrections, however, such professionalization generally is absent or only partially accomplished.

The distinctiveness of rehabilitation can also be seen by contrasting it with three other correctional perspectives that, along with rehabilitation, are generally seen as the major goals of corrections.

The first goal, retribution or just deserts, is distinctive in its own right because it is non-utilitarian; that is, it is not a means to achieving some end in this case, the reduction of crime but rather is seen as an end in and of itself. The purpose of correctional sanctions is thus to

inflict a punishment on the offender so that the harm the offender has caused will be "paid back" and the scales of justice balanced. In this case, punishment inflicting pain on the offender is seen as justified because the individual used his or her free will to choose to break the law.

The second goal, deterrence, is utilitarian and asserts that punishing offenders will cause them not to return to crime because they will have been taught that "crime does not pay." Note that deterrence assumes that offenders are rational, in that increasing the cost of crime usually through more certain and severe penalties will cause offenders to choose to "go straight" out of fear that future criminality will prove too painful. This is called specific deterrence. When other people in society refrain from crime because they witness offenders' punishment and fear suffering a similar fate, this is called general deterrence.

Finally, the third goal, incapacitation, makes no assumption about offenders and why they committed crimes. Instead, it seeks to achieve the utilitarian goal of reducing crime by "caging" or incarcerating offenders. If behind bars and thus "incapacitated," crime will be impossible because the offender is not free in society where innocent citizens can be criminally victimized.

In comparison, rehabilitation differs from retribution, but is similar to deterrence and incapacitation, in that it is a utilitarian goal, with the utility or benefit for society being the reduction of crime. It fundamentally differs from the other three perspectives, however, because these other goals make no attempt to change or otherwise improve offenders. Instead, they inflict pain or punishment on offenders either for a reason (retribution in order to "get even" or deterrence in order to "scare people straight") or as a consequence of the penalty (incapacitation involves placing offenders in an unpleasant living situation, the prison). In contrast, rehabilitation seeks to assist both offenders and society. By treating offenders, they hope to give them the attitudes and skills to avoid crime and live a productive life. At times, this attempt to help offenders exposes rehabilitation to the charge that it "coddles criminals." This view is shortsighted, however, because correctional rehabilitation's focus is not simply on lawbreakers but also on protecting society: by making offenders less criminal, fewer people will be victimized and society will, as a result, be safer.

A successful rehabilitation of a prisoner is also helped if convicted persons:

- are not placed in health-threateningly bad conditions, enjoy access to medical care and are protected from other forms of serious ill-treatment,
- are able to maintain ties to the outside world,
- learn new skills to assist them with working life on the outside
- enjoy clear and detailed statutory regulations clarifying the safeguards applicable and governing the use and disposal of any record of data relating to criminal matters.

Methods of Rehabilitation

1. **Counseling:** Psychological counseling may be an option instead of incarceration. Those who are subjected to this treatment option may have to visit an expert for a designated amount of time.

2. **Drug and alcohol programs:** Individuals, such as drivers who are caught drunk driving, sometimes have to go into a help center in order to have their license reinstated. Drug and alcohol addictions are complicated and some of these individuals may need help, not imprisonment.
3. **Group therapy:** Group therapy is utilized in prisons but may also be put to work outside of these facilities. This type of rehabilitation puts offenders that may have committed the same type of crime together to talk and share the reasoning behind why they committed these acts and how they can avoid doing so in the future.
4. **Halfway houses:** These institutions work by housing criminals in a facility with a curfew but still allowing them some freedom, like working a job. Halfway houses often double as a rehabilitation center of some sort for those who have issues with drugs and alcohol.

The successful rehabilitation of prisoners, in my opinion, has three components. These components, healing, treatment and education, come from my belief that crime is linked to a problem riddled society. That is, there is a circular pattern linking abuse, neglect, and ignorance to criminality.

The first step, which must be voluntary, to rehabilitation is healing. Offenders who were abused, neglected and/or addicted to drugs as children or adults must begin a meaningful healing process (i.e. through spirituality, addiction recovery) to understand the dynamics in their lives which lead them down the wrong path. In addition healing will help offenders gain understanding the damage that their actions have caused to their victims, themselves and the community.

The second step is treatment. Nobody starts life telling themselves that they wish to be a drug addict or a criminal. Once a person reaches the point of deviating from acceptable behavior there should be therapy and intensive training to repair the damage and to change the mindset of the offender.

Finally, education, education, education! Without the tools to communicate, gain employment and flourish in society, men will do whatever they have to do to survive even if it means deviating from their moral compass to commit additional crimes. Education opens doors to healthy, meaningful, clean lives.

CRIMINAL INVESTIGATION

1.0. CRIMINAL INVESTIGATION

Criminal investigation is an applied science that involves the study of facts, used to identify, locate and prove the guilt of an accused criminal. A complete criminal investigation can include searching, interviews, interrogations, evidence collection and preservation and various methods of investigation.

A criminal investigation is an undertaking that seeks, collects, and gathers evidence for a case or specific purpose. A criminal investigator looks for clues and evidence to determine whether a crime has taken place. If a crime has been committed, criminal investigators may look into the background of the accused and may try to uncover who committed the crime. Criminal investigators undertake several investigation techniques in order to find the necessary evidence for a case. Police agencies and law enforcement are committed to criminal investigations of every kind, but a growing number of individuals are choosing to launch their own criminal investigations with the help of professional investigators.

1.1. PRINCIPLES OF INVESTIGATION

There are a number of investigative principles which are widely accepted within the police service. The principles are underpinned by the recognition that policing works best where it has the support and cooperation of the community.

These principles propose that:

- the exercise of legal powers should not be oppressive and should be proportionate to the crime under investigation
- as far as is operationally practical and having regard to an individual's right to confidentiality, investigations should be carried out as transparently as possible – victims, witnesses and suspects should be kept up to date with developments in the case
- investigators should take all reasonable steps to understand the particular needs of individuals, including, but not limited to, any protected characteristics they may have, in order to comply with the provisions of the Equality Act 2010
- investigators should have particular regard for vulnerable people and children
- investigators should respect the professional ethics of others. This is particularly important when working with those whose role it is to support suspects.

These principles, the investigation process, and an investigative mindset provide a structure to support quality investigations.

1. Ethics

The activities and processes of criminal investigation can attract considerable attention, partly due to media coverage of crime and criminal behaviour, but also because of the impact crime has on individuals and communities.

To build and maintain public confidence, the police have a responsibility to ensure that investigations are carried out professionally, ethically, and to an agreed standard.

The success of an investigation relies on the goodwill and cooperation of victims, witnesses and the community. Investigators should be aware that:

- investigations should be conducted with integrity, common sense and sound judgement
- heavy-handed, discriminatory or disproportionate actions risk losing cooperation and any future criminal proceedings
- effective investigators maintain a balance that recognises the concerns of all the parties involved
- understanding the response to crime assists investigators to build this relationship
- a professional approach to investigations benefits the victim, the public and the police.

2. Investigative skills

Investigators need to be skilled in the following areas:

- the planning required to conduct an investigation and the investigative process
- decision making and how it can be improved by applying the investigative mindset
- investigative and evidential evaluation (which can assist the investigator to determine the value of material gathered during the investigation)
- creative thinking
- challenging experts
- victim and witness care.

Where routine investigative actions have failed to gather sufficient material, investigators should explore alternative methods. Creative thinking may be required to determine the most appropriate type of action that is needed to progress an investigation, but this does not mean that the high legal standards and integrity expected of investigators should be compromised.

Investigators need to be open to the ideas and experiences of others. Colleagues and supervisors are a readily available source of investigative information and investigators should consult them when trying to identify the most appropriate action to take in any given case.

Most forces have various specialist investigation units, such as intelligence or covert policing teams, which are a valuable source of information about specific types of investigation techniques.

3. Effective investigations

Actions taken during an investigation must be proportionate to the crime under investigation and take account of local cultural and social sensitivities.

The police service enjoys a high level of support, but this can be undermined in specific instances and among specific communities if they lose confidence in the effectiveness of the police or the way in which police powers are exercised.

4. Benefits

Every investigation provides the individual investigator and the police service with a unique opportunity to recognise and understand the impact of criminality on a community. This knowledge can be used to settle local priorities.

Conducting ethical investigations helps to ensure that individuals and communities have confidence in the effectiveness of the police service and in the fairness of the processes and techniques they use.

Investigators should remember that offenders are members of communities too and can influence others about the police. Offenders may become victims and witnesses themselves. If they believe that they have been treated ethically during an investigation, they are less likely to form, and communicate a negative view of the police to others, and are more likely to cooperate with investigations in the future.

5. Volume crime

Volume crime as: any crime which, through its sheer volume, has a significant impact on the community and the ability of the local police to tackle it. Volume crime often includes priority crimes such as street robbery, burglary and vehicle-related criminality, but can also apply to criminal damage or assaults.

6. Serious crime

Serious crime is defined in:

Conduct which

- (a) involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose or
- (b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more.

7. Modus operandi

Being aware of an offender's modus operandi (MO) helps the investigator to:

- understand how a particular crime has been committed, the type of material that may have been generated in the commission of the offence and how or where this material might be recovered
- identify linked series of crimes committed with the same MO, (pooling material from a linked series of crimes can be a highly effective way of progressing an investigation)
- identify links between crimes and known offenders who use the same MO
- predict future offending patterns, which may enable preventive or protective measures to be taken

- predict future offending patterns, which may enable offenders to be caught red-handed
- identify likely disposal routes and markets for stolen or illicit property, eg, drugs.

Useful knowledge on criminal investigations can be obtained from national and local intelligence briefings and individual intelligence and crime reports.

8. Victims, witnesses, community

In addition to carrying out effective investigations, victims, witnesses and communities expect the police service to provide:

- security
- victim and witness support
- reassurance.

By building a relationship with victims and witnesses, the investigator is able to keep them informed about the various resources available to them, eg, victim support, crime reduction advice and reparation schemes.

9. Evidence

It is the duty of prosecutors to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice. Casework decisions made fairly, impartially and with integrity help to deliver justice for victims, witnesses, defendants and the public.

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

A realistic prospect of conviction is an objective test based solely on the prosecutor's assessment of the evidence and any information received about the defence that the suspect might adduce. It means that an objective, impartial and reasonable jury properly directed or bench of magistrates or judge hearing a case alone, and acting in accordance with the law is more likely than not to convict the defendant of the charge alleged. This is a different test from the one that the criminal courts themselves must apply. A court may convict only if it is sure that the defendant is guilty beyond all reasonable doubt.

10. Circumstantial evidence

This evidence can be defined as evidence of the circumstances surrounding the offence, or an event from which a 'fact in issue' may be inferred. This form of evidence is especially relevant in situations when crimes are committed and there are no witnesses present. Common examples of situations when circumstantial evidence would be relevant are:

- where a person is found in possession of recently stolen goods and offers no explanation or offers one that is deemed to be false, the jury may infer that he or she stole or dishonestly handled the goods, depending on the circumstances
- when fingerprints are found at the scene of a crime, in the absence of an innocent explanation to account for the prints, the jury can infer the identity of the offender

- when inferences from silence are sought in terms

Other Principles of Investigation

- Transparency:** This includes informing staff members implicated by an investigation of the Organization's duties during the investigation and what generally to expect from the investigation.
- Accuracy:** This requires collection and recording of clear and complete information establishing the facts, whether incriminating or exculpatory.
- Confidentiality:** This requires preventing the unauthorized disclosure of information concerning an investigation.

2.0 MANUAL OF PRELIMINARY INVESTIGATION

The preliminary investigation is the police agency's first response to a report that a crime has occurred. As in every investigative effort, the primary objective of the preliminary investigation is to determine who committed the crime and to apprehend the offender. The preliminary investigation collects evidence which supports that a crime has occurred, the identification of the offender, and the arrest and subsequent conviction of the offender. The framework of the preliminary investigation is based on the following major tasks:

- (1) verification that an offense has occurred;
- (2) identification of the victim, the place of the crime, and the time of the crime;
- (3) identification of solvability factors;
- (4) communication of the circumstances of the crime; and
- (5) the identification of those investigative tasks completed and those yet to be done.

Twelve solvability factors are

1. witnesses to the crime,
2. a suspect's name,
3. knowledge of where a suspect can be located
4. description of a suspect,
5. identification of a suspect,
6. property with identifiable characteristics,
7. existence of a significant method of operation,
8. a description of the car used by the suspect,
9. positive results from a crime scene evidence search,
10. belief that the crime may be solved with publicity
11. reasonable additional investigative effort, and
12. Opportunity for but one person to have committed the crime.

3.0 INTELLIGENCE OPERATIONS

An intelligence operation is the process by which governments, military groups, businesses, and other organizations systematically collect and evaluate information for the purpose of discovering the capabilities and intentions of their rivals.

Tradecraft is a term used within the intelligence community to describe the methods, practices, and techniques used in spying and underground investigations. Whether the practitioner is a covert agent for the government or an identity thief and con man, the methods, practices, tactics, and techniques are often the same and sometimes learned from the same sources. It reveals how intelligence officers and investigators conduct their tradecraft, how to plan an operation, how to build an identity and cover story for deep cover operations, and how to detect those who have created false identities for illegal purposes. It is also important for technical aspects of intelligence, counterintelligence, and criminal investigations, and legal considerations for conducting intelligence investigations.

Depending on the type of organization involved, intelligence operations can result in many different types of information. Strategic or national intelligence is information about foreign nations that is collected by governmental intelligence agencies. Strategic intelligence commonly encompasses national security, political, economic, and social trends in the target nation. Military intelligence is produced by specially trained military or civilian analysts and usually includes the strengths, weapons technology, and estimated military capabilities of actual or potential enemies. Industrial intelligence is information gathered by a business firm concerning its rivals in the marketplace.

Political intelligence, as practiced in the United States, is usually concerned with ascertaining the campaign strategy of a political opponent. Political intelligence can also apply to the efforts of a ruler to uncover conspiracies. Counterintelligence embraces the wide variety of activities undertaken to forestall an adversary's intelligence efforts. This is accomplished by physically protecting one's own sensitive information and by penetrating and disrupting hostile intelligence organizations.

Covert operations are often undertaken by intelligence agencies, but these are distinct from intelligence operations whose purpose it is to gather information. Covert operations are activities aimed at the disruption of another nation's political process: they can include the dissemination of propaganda, the encouragement of dissidents, acts of sabotage, and even assassination.

Collection

Collection conducted by a governmental agency or a business firm, intelligence operations follow the same pattern. The first step in generating intelligence is always the collection of information. Overt collection is the acquisition of non-secret "open source" material. To obtain highly sensitive information, however, it is usually necessary to resort to clandestine, or secret, collection.

Intelligence derived from clandestine collection generally falls into three categories: human intelligence, signals intelligence, and photographic intelligence. Human intelligence is simply information gathered by and from human agents. Espionage, or spying, is one time-honored method of obtaining human intelligence. Whereas other forms of clandestine collection often provide a greater volume of information, especially data of a technical nature, human intelligence is essential for uncovering the thinking, as opposed to the activity, of the adversary.

An outstanding example of human intelligence collection is the Soviet Rote Kapelle ("Red Orchestra") spy network that permeated German-occupied Europe in the early days of World War II.

A second form of clandestine collection is known as signals intelligence — the interception of electronic communications and other emissions. Signals are intercepted by a variety of methods, including the tapping of telephone lines and the monitoring of radio transmissions. Messages intercepted in this manner are often in code. Cryptology, the study of making and breaking codes, has become a science in itself over the years.

The "Berlin Tunnel" (1955-56), which was essentially a massive wiretap undertaking, is a dramatic example of signals intelligence collection. Another, relatively new form of clandestine collection is photographic intelligence conducted from aircraft. Reconnaissance aircraft can also utilize thermography and advanced radars to reveal details indiscernible in visible light. Photo intelligence from aircraft is especially valuable for monitoring the movement of military forces on the ground and for spotting the construction of military facilities. The Cuban Missile Crisis of 1962 began when American U-2 reconnaissance aircraft revealed the presence of offensive Soviet missiles in Cuba.

The advent of the reconnaissance satellite has revolutionized clandestine collection. In 1961 the United States first orbited its Satellite and Missile Observation System (SAMOS), a photographic-reconnaissance satellite apparently designed for the express purpose of locating and monitoring Soviet intercontinental ballistic missile (ICBM) sites. Since then, the United States and other nations have launched photoreconnaissance satellites on a regular basis. Other reconnaissance satellites include "ferrets" that eavesdrop on electronic signals undetectable from ground stations and satellites that identify missile launches through infrared sensing.

Evaluation and Utilization

The collection of raw intelligence is not an end in itself. Raw intelligence must be combined with related data, significant information must be identified, and extraneous material ("noise") deleted. Computerized data storage systems aid greatly in bringing together the related pieces of information that make up a complete intelligence picture. Human intuition and creativity play important roles in developing the "informed guesses" that fill gaps in the picture. This process of digesting raw intelligence, known as evaluation, yields a product that is usable by policymakers. It is up to the policymaker to utilize the intelligence that he or she receives in a timely and responsible manner.

One of the greatest intelligence achievements in history, the British "Ultra secret" of World War II, clearly illustrates the relationships that exist among collection, evaluation, and utilization of intelligence.

FUNCTIONS OF PAKISTAN'S INTELLIGENCE AGENCIES

- Collection of information and extraction of intelligence from information, agencies obtains information critical to Pakistan's strategic interests. Both overt and covert means are adopted.
- Classification of intelligence

Data is sifted through, classified as appropriate, and filed with the assistance of the computer network in ISI's headquarters in Islamabad.

c. Aggressive intelligence

The primary mission of Pakistan's agencies includes aggressive intelligence which comprises espionage, psychological warfare, subversion, sabotage.

d. Counterintelligence

Intelligence agencies have a dedicated section which spies against enemy's intelligence collection

4.0 DATABASE INVESTIGATION

A database is a collection of data or information which is represented in the form of files or a collection of files. Retrieving the data from the database can be done with a set of queries. Database forensics can be defined as the application of computer investigation and the analysis techniques to gather the evidences from the database to present them in a court of law. A forensic investigation needs to be done on the databases, because a database has sensitive data where there is a high chance of a security breach by the intruders to get this personal information.

Database investigation normally belongs to computers and databases.

Computer technology is the major integral part of everyday human life, and it is growing rapidly, as are computer crimes such as financial fraud, unauthorized intrusion, identity theft and intellectual theft. To counteract those computer-related crimes, Computer Forensics plays a very important role. "Computer Forensics involves obtaining and analysing digital information for use as evidence in civil, criminal or administrative cases.

Database Investigation generally investigates the data which could be taken from computer hard disks or any other storage devices with adherence to standard policies and procedures to determine if those devices have been compromised by unauthorised access or not. Investigators work as a team to investigate the incident and conduct the forensic analysis by using various methodologies.

Principles of Database Investigation

The following are the main principles for database investigation

Principle 1: Data stored in a computer or storage media must not be altered or changed, as those data may be later presented in the court.

Principle 2: A person must be competent enough in handling the original data held on a computer or storage media if it is necessary, and he/she also shall be able to give the evidence explaining the relevance and course of their actions.

Principle 3: An audit trail or other documentation of all processes applied to computer-based electronic evidence should be created and preserved. An independent third party should be able to examine those processes and achieve the same result.

Principle 4: A person who is responsible for the investigation must have overall responsibility for accounting that the law and principles are adhered to.

Model of database investigation

Database investigation is to identify the evidences, preserve those evidences, extract them, document each and every process, and validate those evidences and to analyse them to find the root cause and by which to provide the recommendations or solutions.

5.0 ELECTRONIC INVESTIGATION

Electronic Investigation refers to the scientific study and inquisition of electronic devices like computers in a way that is accordant with the rules of evidence extraction and with the rules of litigation procedure. To explain a lay man we can say that it can be considered as the application of electronic methodologies to computer based materials. Although it is generally thought of as a part of the traditional forensics arena. But it requires vast knowledge of computer software and hardware details for the purpose of avoiding the destruction of important evidence.

Now the question that comes around is extraction of what kind of evidence? It refers to investigation of culpable evidence which can be extracted from a computer's hard drive and preparation of evidence for presentation in the court. Here, the information is already present on the hard-drive of the system but it is in hidden form. It also refers to the searching of data from unallocated disk space for retrieving copies of files which has been damaged, deleted or encrypted. So basically, the investigators have to carve out data so as to produce it as evidence in the court.

Methodology behind Electronic Investigation

Experts follow a set of standard rules while carrying out the investigation case. They physically isolate the computer which is being suspected to ensure that it is not further contaminated. For this they also make it a point to make a digital copy of the hard drive and all the investigation is carried out on this digital copy.

The experts adopt well-defined procedures and work together as a team for a successful digital investigation. While conducting the process of gathering data, the expert make it a point to document all those valuable information in a well-structured format.

With the rapid growth experienced in technology, the technical skills needs to be also expanded. A normal investigation procedure consists of the following parts.

- Detection of network intrusion
- Evaluation of threats and other vulnerabilities
- Forensic investigation on data

An electronic examination reveals lot of information like when a document first appeared on a computer, the date on which it was last edited, etc. All these information can bring out a great change in investigation procedures. To sum it all, the electronic procedure consists of the following basic steps.

- Identification of evidence
- Preservation of evidence

Criminology

- Extraction of probative evidence
- Interpretation and necessary documentation
- Presentation of evidence in the court by adhering to the rule

6.0 FORENSIC INVESTIGATION

The term forensic investigation refers to the use of science or technology in the investigation and establishment of facts or evidence to be used in criminal justice or other proceedings. Forensic investigation is a rather broad field with many different subdivisions. One of the most important aspects of criminal justice is forensic science, or the practice of scientifically examining physical evidence collected from the scene of a crime or a person of interest in a crime. Many people consider forensic science the application of science to law enforcement.

If there are no known witnesses to a crime, sometimes forensic evidence is all prosecutors have to work with. For instance, if human remains are found dumped in a ravine and have decayed to the point where they cannot be recognized, forensic scientists use DNA from the body, examine dental work and even study the skeletal structure to determine who the person was. They use the evidence they have to narrow down possibilities and determine if the person was a male or a female. Sometimes forensic scientists can determine cause of death and if foul play may have been involved.

Two of the most common crimes that are determined in the forensic science lab are drug-related crimes and sex crimes. It is in the crime lab that the chemical makeup of an unidentified substance recovered from a suspect is determined to be cocaine, marijuana or a controlled substance. This is used as evidence in court to prove that a person was in possession of illegal drugs. Forensic toxicology can determine if a person was drunk or high behind the wheel of a car after a fatal accident, or if someone was poisoned to death. DNA evidence recovered from a victim's body can help determine who was responsible for a physical or sexual assault. This evidence is commonly used in court to put sex offenders and child molesters behind bars, and to set innocent people free.

Weapons testing, or ballistics, is another important part of forensic science. Forensic scientists use their knowledge of ammunition and study the impact of a bullet to determine how many shots were fired, where a shooter was standing when he or she fired, and even if a victim was shot at point blank.

Forensics is also important in identifying the culprits of various cyber crimes. Databases are searched, IP addresses are traced and documents are recovered by computer forensic specialists to determine who was responsible for stealing funds electronically. This evidence is used to prove a suspect's guilt for major white collar crime, such as Ponzi schemes, embezzlement and fraud.

Evidence and Forensic Investigation

At a crime scene, there are often tiny fragments of physical evidence such as hairs, fibers from clothing or carpeting, or pieces of glass that can help tell the story of what

happened. These are referred to as trace evidence, and can be transferred when two objects touch or when small particles are disbursed by an action or movement. For example, paint can be transferred from one car to another in a collision or a hair can be left on a sweater in a physical assault. This evidence can be used to reconstruct an event or indicate that a person or thing was present.

Careful collection of materials from a crime scene can yield a wealth of information about where a sample came from and how it helps to tell the story. Scientists examine the physical, optical and chemical properties of trace evidence and use a variety of tools to find and compare samples, and look for the sources or common origins of each item. Most test methods require magnification and/or chemical analysis.

The importance of trace evidence in the context of crime scene investigation is sometimes understated, taking a back seat to more individualized evidence such as DNA or fingerprints. Much can be learned about what happened at a scene through trace evidence, such as whether an item or body was moved or whether someone was assaulted from behind or the side. Trace evidence can include a wide variety of materials, but the most commonly tested are hair, fibers, paint and glass. Other, less frequently included items are soil, ~~cosmetics~~ and fire debris. Some laboratories will consider fire accelerants as trace and others will include them in chemistry, even though the same tests are conducted in both laboratories. For the purposes of this series, paint, glass, fiber, and hair

Types of Forensic Evidence

The following are the main types of forensic evidence

Biological Evidence:

The two most common types of biological evidence are blood and saliva. Blood evidence comes in the form of wet blood (e.g., a tube of blood from an autopsy) or swabs of bloodstains collected at crime scenes. Buccal swabs are the most common way of collecting saliva evidence, usually from a victim or suspect. Other types of biological evidence include seminal stains, urine, and perspiration. In each case, the aim is to provide sufficient samples of biological evidence to allow DNA profiling.

Weapons Evidence:

Weapons evidence consists of firearms (handguns, rifles, assault weapons, etc.), ammunition (e.g., spent casings, fired projectiles, bullet fragments, and unfired bullets), gunshot residue (GSR) tests, and knives. The purpose of a GSR kit is to determine whether an individual was close to a firearm at time of discharge.

Fingerprint Evidence:

Fingerprint evidence will be divided into complete 10- prints (fingerprints are available for both hands and palms as in the case of fingerprinting a victim or suspect) and latent prints (only partial prints of one or more fingers are available, usually through a powdering technique on physical evidence such as a weapon or vehicle).

Drug Evidence:

Drug evidence includes drugs (e.g., marijuana, cocaine, methamphetamine, and others), and drug paraphernalia (pipes, spoons, etc.) found at a scene.

Impressions Evidence:

Impressions evidence includes shoeprint impressions, tire tracks, and tool marks.

Trace Evidence:

Trace evidence is a generic term for small, sometimes microscopic, material. It covers a wide variety of evidence, including fibers, hair, building materials (asbestos, paint, etc.), cigarettes, tobacco, glass, and others.

- **Natural/Synthetic Materials:** Natural and synthetic materials include clothing, bed and bath material, carpet cuttings, metal objects, plastic, and paper.
- **Generic Objects:** Generic objects include vehicles, bicycles, containers, doors, wood, and concrete.
- **Electronic/Printed Data:** Electronic and printed data include documents and electronics (computers, cell phones, etc.).
- **Other Items:** Other items are a catchall category for evidence that does not fit in any of the above categories. This typology for classifying forensic evidence proved beneficial in IL's study. For the most part, forensic evidence collected at crime scenes was easy to classify into the correct categories.

TECHNIQUES OF INVESTIGATIONS

1.0. GATHERING INFORMATION FROM PERSON

Information gathering Information of investigative value can be collected from a variety of sources including people, places, and things. The information can be collected through interviews, crime scene and location searches, publicly available information, law enforcement databases, and legal process. The interviewing and interrogation of suspects can be particularly important to securing convictions against the guilty and freeing the wrongly accused. There are two general methods of questioning suspects: information-gathering and accusatorial. But we will focus on the information gathering.

Information-gathering methods for investigation is really important technique for the investigation.

1. Relationship with suspect:

- Information-gathering: Trying to establish rapport with the suspect and use positive confrontation to obtain a confession, clearly explain the charge to the suspect
- Accusatorial: Trying to manipulate and control the suspect to obtain a confession, confrontational

2. Questioning approach:

- Information-gathering: Open-ended questions, exploratory; suspects given a chance to tell their side of the story
- Accusatorial: Closed-ended questioning, confirmatory

3. Primary intended outcome:

- Information-gathering: Obtain information, truth seeking
- Accusatorial: Obtain a confession

4. Model of deception detection:

- Information-gathering: Cognitive cues (e.g. can a suspect recount events in a different order which presumably would be more difficult for someone lying to do than someone telling the truth?)
- Accusatorial: Anxiety-based cues (e.g. does the suspect seem nervous and uncomfortable?)

2.0. INTERROGATION TECHNIQUES

2.1. REID TECHNIQUE

The Reid Technique involves three components – factual analysis, interviewing, and interrogation.

An inductive approach where each individual suspect is evaluated with respect to specific observations relating to the crime. Consequently, factual analysis relies not only on crime scene analysis, but also on information learned about each suspect. Applying factual analysis results in establishing an estimate of a particular suspect's probable guilt or innocence based on such things as the suspect's bio-social status (gender, race, occupation, marital status, etc.), opportunity and access to commit the crime, their behavior before and after the crime, their motivations and propensity to commit the crime, and evaluation of physical and circumstantial evidence.

This factual analysis is also intended to "identify characteristics about the suspect and the crime which will be helpful during an interrogation of the suspect believed to be guilty" such as motive or the suspect's personality type.

2.1.1. Behavior Analysis Interview

The Reid describes the Behavior Analysis Interview (BAI) as a non accusatory question and answer session, involving both standard investigative questions and "structured" behavior provoking' questions to elicit behavior symptoms of truth or deception from the person being interviewed."

The investigator first asks background questions, to establish personal information about the suspect and allow the investigator to evaluate the suspect's "normal" verbal and nonverbal behavior. The investigator then asks "behavior-provoking" questions intended "to elicit different verbal and nonverbal responses from truthful and deceptive suspects." The investigator will also ask some investigative questions during this stage. The Reid website states that the BAI: provides objective criteria to render an opinion about the suspect's truthfulness through evaluating responses to the behavior-provoking and investigative questions. In addition, the BAI facilitates the eventual interrogation of guilty suspects by establishing a working rapport with the suspect during the non-accusatory BAI, and developing insight about the suspect and his crime to facilitate the formulation of an interrogation strategy.

There are nine steps to the Reid interrogation technique, briefly described below.

- 1. The positive confrontation.** The investigator tells the suspect that the evidence demonstrates the person's guilt. If the person's guilt seems clear to the investigator, the statement should be unequivocal.
- 2. Theme development.** The investigator then presents a moral justification (theme) for the offense, such as placing the moral blame on someone else or outside circumstances. The investigator presents the theme in a monologue and in sympathetic manner.
- 3. Handling denials.** When the suspect asks for permission to speak at this stage (likely to deny the accusations), the investigator should discourage allowing the suspect to do so. The Reid website asserts that innocent suspects are less likely to ask for permission and more likely to "promptly and unequivocally" deny the accusation. The website states that "it is very rare for an innocent suspect to move past this denial state."
- 4. Overcoming objections.** When attempts at denial do not succeed, a guilty suspect often makes objections to support a claim of innocence (e.g., I would never do that because I love

my job.) The investigator should generally accept these objections as if they were truthful, rather than arguing with the suspect, and use the objections to further develop the theme.

5. Procurement and retention of suspect's attention. The investigator must procure the suspect's attention so that the suspect focuses on the investigator's theme rather than on punishment. One way the investigator can do this is to close the physical distance between himself or herself and the suspect. The investigator should also "channel the theme down to the probable alternative components."

6. Handling the suspect's passive mood. The investigator "should intensify the theme presentation and concentrate on the central reasons he [or she] is offering as psychological justification . [and] continue to display an understanding and sympathetic demeanor in urging the suspect to tell the truth."

7. Presenting an alternative question. The investigator should present two choices, assuming the suspect's guilt and developed as a "logical extension from the theme," with one alternative offering a better justification for the crime (e.g., "Did you plan this thing out or did it just happen on the spur of the moment?"). The investigator may follow the question with a supporting statement "which encourages the suspect to choose the more understandable side of the alternative."

8. Having the suspect orally relate various details of the offense. After the suspect accepts one side of the alternative (thus admitting guilt), the investigator should immediately respond with a statement of reinforcement acknowledging that admission. The investigator then seeks to obtain a brief oral review of the basic events, before asking more detailed questions.

9. Converting an oral confession to a written confession. The investigator must convert the oral confession into a written or recorded confession. The website provides some guidelines, such as repeating *Miranda* warnings, avoiding leading questions, and using the suspect's own language.

3.0. DIFFERENCE BETWEEN INTERROGATION AND INTERVIEWING

Investigators must make a clear distinction between the two processes of interviewing and interrogating subjects. An interview should precede every interrogation. Through the interview, officers learn about the subjects and their needs, fears, concerns, and attitudes. They then use this information to prepare themes or arguments to use during interrogations.

During interviews, subjects answer questions from investigators about the crimes, themselves, and others involved in these incidents. Through this nonthreatening initial inquiry, investigators identify non-verbal and verbal behavior exhibited by the subjects, build rapport and find common ground with them, determine if they should be interrogated (if doubt exists about the subjects' involvement, no interrogation should be conducted), and obtain additional case facts.

Conversely, interrogations bring investigations to a close. Investigators use different skills in interrogations, confronting subjects with statements rather than asking for information. In interrogations, investigators lead, and subjects follow. Investigators do not seek information. They do not take notes. They only want to obtain truthful admissions or confessions.

Investigation is a core duty of policing. Interviewing victims, witnesses and suspects is central to the success of an investigation and the highest standards need to be upheld.

Forces need to develop and maintain the valuable resource of a skilled interviewer. Interviews that are conducted professionally and quality assured realise several benefits. In particular, they can:

- direct an investigation and gather material, which in turn can lead to a prosecution or early release of an innocent person
- support the prosecution case, thereby saving time, money and resources
- increase public confidence in the police service, particularly with witnesses and victims of crimes who come into direct contact with the police.

Without the accounts of those who played a central role in the crime, or those who have witnessed an important aspect of the commission of a crime, other sources of material such as CCTV images, fingerprints and forensic material, although extremely important, may have little value.

3.4. CRIMINAL INVESTIGATIVE ANALYSIS

Criminal Investigative Analysis (CIA), also known as criminal profiling, is an investigative tool used within the law enforcement community to help solve violent crimes. The analysis is based on a review of evidence from the crime scene and from witnesses and victims. The analysis is done from both an investigative and a behavioral perspective. The analysis can provide insight into the unknown offender (characteristics and traits) as well as investigative suggestions and strategies for interviews and trial.

A CIA cannot replace a thorough investigation; and the accuracy and detail of a CIA is limited by the accuracy and detail of the information on which it is based. CIA does not use crystal balls or psychic experiences; it is a logical, systematic approach for analyzing behaviour.

Why CIA is important?

More specifically, thinking in terms of categories helps the profession in several ways:

- It helps police agencies identify areas in need of development in both analysis and response, and to ensure that their analysts are providing a full range of services
- It helps analysts identify areas in which they need to develop skills and to plan daily, weekly, monthly, and annual tasks
- It helps analysts categorize products and plan schedules for product dissemination
- It helps professional associations plan training and literature
- It highlights which techniques and tools work better for which purposes

CIA services can assist in the investigation of interpersonal violence, particularly homicide and sexual assault cases. CIA is suitable for single-incident or serial cases with one or more victims, including:

- homicides;
- kidnapping, including infant kidnapping;
- sexual assault;
- child molestation and abuse;
- hostage taking;
- bombings;
- arson;
- threat cases; and
- extortion.

CIA analysts are experienced investigators with extensive training in behavioural analysis. They have been certified by the International Criminal Investigative Analysis Fellowship to provide analyses of criminal behaviour.

Consulting Services

The consulting services that CIA analysts offer to criminal investigators include the following areas:

Personality Profile: This is a detailed behavioural analysis to derive information about an unknown offender. The analyst examines information about the victim and the offence to determine the characteristics and traits of the offender. Such a personality profile may allow those involved to recognize someone as a possible offender. Based on the analysis, the analyst can usually offer suggestions for further investigations.

Indirect Personality Assessment: This is an assessment of a known individual believed to be responsible for committing a violent crime. The assessment, based on an evaluation of the individual's personality, can help to determine:

- whether or not the suspect's personality fits the crime under investigation;
- suspect's strengths, weaknesses and areas of vulnerability;
- interview techniques appropriate for the suspect;
- strategies for a successful undercover operation;
- strategies for negotiating successfully with a hostage-taker;
- strategies for investigating offenders of sexual homicide or serial rape, particularly to elicit predictable actions on the part of the offender; and
- most appropriate trial and courtroom strategy.

Equivocal Death Analysis: This is an in-depth crime scene reconstruction undertaken to provide an opinion on the manner of death: homicide, suicide, accidental death, death by natural causes, or death by misadventure. This is generally done in conjunction with a psychological autopsy.

Assessment of Threat or Extortion Communications: The analyst examines a threat or extortion communication for content and stylistic characteristics in order to assess the validity of the threat and the level of risk to the victim and suggest ways to minimize the risk to the victim. In some cases it is possible to provide a profile of the unknown author or caller.

Consulting to Provide Expert Analysis:

This service is provided to help investigators focus and fine tune interview techniques, develop investigative strategies including undercover operation strategies, and develop an appropriate trial and courtroom strategy. A CIA analyst can provide services such as:

- crime scene reconstruction;
- expert evidence/reports to coroner's inquest;
- expert opinions for use in search warrant and privacy act applications;
- expert evidence/reports regarding the 'signature' of serial violent offenders;
- analysis of stalking cases;
- research on unusual areas of expert examination; and
- consultation on media strategy and releases.

Legal and Ethical Guidelines for Investigators

In this regard the investigator will be concerned with the ethical aspects of the following basic considerations:

- (1) The legality of his employment;
- (2) The confidential nature of his work;
- (3) His soundness of character; and
- (4) His everyday activities.

1. Legality of Employment:

There is an old maxim that amply illustrates some of the ethical considerations involved in the legality of an investigator's employment. It is, "No man may serve two masters." To the investigator this maxim has the additional meaning that he may not accept investigative assignments from two different individuals who have a direct conflict of interests of some sort, without violating the investigative code of ethics. The investigator is also ethically barred from accepting an investigative assignment that presents a conflict of interest with an investigative assignment he has already accepted; or has reason to believe he will be accepting in the future.

The investigator may not ethically accept any employment or an assignment of an investigative nature when the object of the employment or investigation is, *per se*, illegal, or will contribute to the furthering of an illegal act. Examples of this would be an investigation to remove or to conceal or destroy evidence of a criminal act; or to deprive any individual of any of the rights guaranteed by the Constitution. The investigator is also ethically bound to accept only that investigative assignment, the results of which are to be or may be employed for a just and lawful purpose.

The ethical investigator may not accept employment from any organization of a subversive nature, or any other organization which aims or is attempting to overthrow the government of the Pakistan. He is also ethically bound to refuse investigative employment from any group or organization inimical to the best interests of the United States.

2. Confidential nature of work.

Many investigative assignments are entered into on a rather informal basis, often with nothing more than a verbal agreement concerning fees, for time and services. Regardless of pre-existing agreements, however, the results of any and all investigative effort performed by the investigator for his employer are the exclusive right and property of the employer, are to be held in the strictest confidence by the investigator, and are under no circumstances to be disclosed to anyone other than the employer or his duly authorized representative.

Such disclosures may be made, however, if and when the employer so directs in writing. The investigator is ethically bound to adhere to both the letter and the spirit of these limitations. The investigator is also ethically bound to observe all of the well known aspects concerning the protection of the identity of confidential informants, and the other general investigative procedures and techniques involved in dealing with confidential informants.

3. Soundness of Character.

The investigator is ethically bound to adhere to the highest possible standards of personal character in all of his dealings involving investigative activity; and generally in all other public and private aspects of daily life and activity. Any and all aspects of investigative work, particularly reports, memoranda, and other media through which information is transferred, will be strictly factual, completely honest, and as accurate and complete as the expenditure of time and effort can make it. Any deviation from this standard is strictly unethical, as is expressing an opinion or relating hearsay as fact. Oftentimes investigations are complicated, very extensive, and very time consuming.

Due to these causes some investigations cover lengthy periods of time up to and including several months and more. In normal investigative activity the investigator will be paid for the expenses incurred by himself during the course of the investigation. It also occasionally happens that the investigator will be reimbursed for expenses incurred by someone other than himself during the course of the investigation.

It also occasionally happens that the investigator collects expense money for expenses that he has not incurred which have been added to the final account for the simple purpose of defrauding the employer. Every investigator is aware to some degree of the practice of "padding" expense accounts and knows, furthermore, that this practice is rather common. Regardless of all other considerations, however, the ethical investigator will keep a strictly honest, factual account of all of his legitimate expenses incurred during the course of the investigation, and will not succumb to the practice of padding his expense account.

In a similar manner, the ethical investigator will spend no more of his employer's money than the amount actually necessary to complete the particular investigative phase of the assignment he is currently working on. He will, when he has a choice of several techniques or procedures for gathering information, or carrying out some other aspect of an investigation, select the most economical means consistent with the securing of the best possible results.

An ethical investigator will avoid the use of any and all illegal means in conducting an investigation or any aspect of an investigation. Any and all procedures which violate the rights

of the individual will be strictly abhorred. The ethical investigator will also strictly avoid such practices, as illegal entrapment; and the identification as fact of any statement or fact known to be either false or biased, or emanating from a source known to be either false or biased. Additionally, the ethical investigator will never identify as fact anything known or suspected with good reason to be based on hearsay.

4. Everyday activities.

The ethical investigator will live up to the highest standards of personal conduct at all times, and not only while he is engaged in the performance of investigative duties. He will live in accordance with the requirements of society that he be at all times a decent, honest, reliable, and completely trustworthy individual; and that each and every one of his actions reflect nothing but the very highest credit upon his own actions in particular, and the profession he represents in general. The ethical investigator will maintain at all times a completely objective attitude and impersonal approach towards his investigative duties and responsibilities; he will concentrate all of his skills and energies towards securing the truth of the matter under investigation; and he will never be satisfied with any results he secures unless he can honestly tell himself that they are the very best possible in any particular investigative situation; and until he can assure himself that every positive lead has been run down to its ultimate and logical conclusion.

The ethical investigator will conduct himself at all times as a professional man; and will practice the unemotional performance of duties, which is one of the characteristics of the professional individual. Needless to say, the ethical investigator will be a gentleman at all times and will always conduct himself as such. With these facts foremost in mind, he will constantly weigh and evaluate all of his actions in the light of whether or not his actions reflect to the credit of his profession. The ethical investigator will, at all times, strive to the very best of his ability to increase his knowledge of his profession, and to improve his technical skills and competence in the various procedures and techniques germane to the 'profession.

LEGAL AND ETHICAL GUIDELINES FOR INVESTIGATORS

1.0. STOP

A "stop" is the temporary detention of a person for investigation. A "stop" occurs whenever an officer uses his/her authority to make a person halt, or to keep a person in a certain place, or to compel a person to perform some act. If a person is under a reasonable impression that they are not free to leave or ignore the officer's presence, a "stop" has occurred.

1.1. Basis for a Stop

An officer may stop a person in a public place, after having identified him/herself as a law enforcement officer, if s/he reasonably suspects that a person has committed, is committing, or is about to a criminal offense or ordinance violation. Both pedestrians and persons in vehicles may be stopped.

1.2. Reasonable Suspicion

The term "Reasonable Suspicion" is not capable of precise definition; however, it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for an arrest. Every officer conducting a stop must be prepared to cite the existence of specific facts in support of that officer's determination that a "reasonable suspicion" was present.

1.3. Police Conduct During a Stop

Proper justification for a stop does not permit unreasonable conduct during the stop. Every phase of the detention must be reasonable,

1. Identification

Officers conducting a stop, if not in uniform, shall clearly identify themselves as police officers by announcing identity and displaying MPD badge/ID.

2. Duration of Stop

A person stopped pursuant to these rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should detain a person only for the length of time necessary to obtain or verify the person's identification, or an account of the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

3. Explanation to Detained Person

Officers shall act with courtesy towards the person stopped. At some point during the stop the officer shall, in every case, give the person stopped an explanation of the purpose of the stop.

4. Rights of Detained Person

The officer may direct questions to the detained person for the purpose of obtaining their name, address and an explanation of the conduct. The detained person may not be compelled to answer questions or to produce identification documents for examination by the officer; however, the officer may request the person to produce identification and may demand the production of an operator's license if the person has been operating a vehicle.

5. Effect of Refusal to Cooperate

Refusal to answer questions or to produce identification does not by itself yield probable cause to arrest, but such refusal may be considered along with other facts as an element adding to probable cause.

6. Use of Force

An officer may use only the amount of non-deadly force that is reasonably necessary to stop and detain a person pursuant to these guidelines. MPD's Non-Deadly Force Guidelines shall be followed. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

2.0. RISKS

A frisk is a limited protective search for concealed weapons or dangerous instruments.

A police officer may frisk any person whom that officer has stopped when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument. The frisk may be conducted at any time during the stop if reasonable suspicion develops.

Reasonable Suspicion for Frisk

"Reasonable suspicion" for a valid frisk is more than a vague hunch and less than probable cause. If a reasonably prudent police officer under the circumstances would be warranted in believing anyone in the vicinity was in danger, a frisk is justified. Every officer conducting a frisk must be prepared to cite the existence of such factors in support of the determination that "reasonable suspicion" for a frisk was present.

2.1. General Procedure of Frisk

1. The officer should begin the frisk at the area of the person's clothing most likely to contain a concealed weapon or dangerous instrument. Usually, an officer should begin the frisk with a pat-down of the outside of the person's outer clothing, and the officer should not reach inside the clothing unless an object is felt which the officer reasonably believes to be a weapon or dangerous instrument. If the outer clothing is too bulky to allow the officer to determine if a weapon or dangerous instrument is concealed

underneath, then the outer clothing may be opened to allow a pat-down directly on the inner clothing. If the officer has a reasonable belief, based on reliable information or personal knowledge and observations, that a weapon or dangerous instrument is concealed at a particular location on the person, such as a pocket, waistband, or sleeve, then the officer may reach directly into the suspected area. This is an unusual procedure, and any officer so proceeding must be prepared to cite the precise factors which led the officer to forego the normal pat-down procedure.

2. An officer may also frisk those areas that the person could reach to obtain an object that could be used to harm the officer, if the officer reasonably suspects personal harm should the object not be obtained. This includes vehicles. If an officer possesses reasonable suspicion that a vehicle driver or passenger is armed, the "frisk" may be extended to the vehicle. This "frisk" is a protective search, and is limited to places in the vehicle's passenger compartment that could contain a weapon.
3. If during the course of a frisk, the officer discovers an object which is a container capable of holding a weapon or dangerous instrument and if the officer reasonably believes that it does contain such an item, the officer may look inside the object and briefly examine the contents.
4. An officer may use only the amount of non-deadly force that is reasonably necessary to effect a frisk pursuant to these guidelines. MPD's Non-Deadly Force Guidelines shall be followed. If an officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use that amount of force necessary for defense or to effect a full-custody arrest.

2.2. Discovery of Weapon, Instrument, or other Property

If a frisk or search discloses a weapon or instrument, or any other property, possession of which the officer reasonably believes may constitute the commission of a crime, or which may constitute a threat to personal safety, the officer may take it and keep it until the completion of the questioning, at which time it shall either be returned, if lawfully possessed, or seized by the officer.

2.3. Discovery of Incriminating Evidence

If, while conducting a frisk, an officer feels an object which is reasonably believed not to be a weapon or dangerous instrument, but the officer does believe it to be a seizable item, the officer may not on the basis of the officer's authority to frisk take further steps to examine the object. However, if the nature of the object felt alone or in combination with other factors provides probable cause to arrest, the officer should tell the person they are under arrest. The officer may then conduct a full-custody search incidental to arrest, but must not take any step to examine the object before making the arrest. If a seizable item is not found, the person should be released.

Procedure Following Unproductive Frisk

If the frisk discloses nothing justifying removal or seizure, and nothing providing probable cause for arrest, an officer may continue to detain while concluding the investigation.

2.4. Why is stop-and-frisk abuse a problem?

First, a police stop or search of someone without individualized suspicion of a crime violates the Fourth Amendment guarantee of freedom from unreasonable searches and seizures.

Second, when officers use race or ethnicity as a proxy for suspicion, it violates people's civil rights.

Third, stop-and-frisk abuse undermines public safety by sowing distrust of the police among community members.

3.0. ARREST PROCEDURES

Arrest is not defined in Cr.P.C but we can define it as, "A persona can be said to be arrested when he is actually touched or confined by police officer or other person in accordance with law provided". Procedure of Arrest/How to made arrest Under section 46 of Criminal Procedure Code, "in making the arrest police officer or any other person making the arrest shall actually touch or confine the body of persona to be arrested unless there be submission to the custody by words or action".

3.1. When may an officer arrest someone?

There are only a very limited number of circumstances in which an officer may make an arrest:

- The officer personally observed a crime;
- The officer has probable cause to believe that person arrested committed a crime;
- The officer has an arrest warrant issued by a judge.

An officer cannot arrest someone just because she feels like it or has a vague hunch that someone might be a criminal. Police officers have to be able to justify their arrest usually by showing some tangible evidence that led them to probable cause.

3.2. Essentials of Arrest Procedure

- A police officer or another person authorized by law can arrest
- Actual touch and confine
- Submission to the custody by words or actions
- When there is resistance to arrest The police officer or any other person authorized to arrest may use all means necessary to effect the arrest if;
- Such persona forcibly resists the Endeavour to arrest
- Attempt of evade arrest
- But he cannot cause death of such persona during arrest (except in case when person accused of an offence punishable with death or imprisonment of life).

3.3. Search for arrest

- Search of place entered by person sought to be arrested
- Procedure where ingress not obtainable
- When there are chances that accused will escape, police officer can break open any door or window of house
- Notice to ladies of house in case of ladies in-house is necessary
- Power to break open doors and windows for purpose of liberation
- No unnecessary restraint to prevent this escape
- Search of arrested person
- Mode of searching women
- Power to seize offensive weapons

4.0. SEARCH AND SEIZURE

Search and seizure is a procedure used in many civil law and common law legal systems by which police or other authorities and their agents, who suspect that a crime has been committed, do a search of a person's property and confiscate any relevant evidence to the crime. Search and seizure, practices engaged in by law enforcement officers in order to gain sufficient evidence to ensure the arrest and conviction of an offender. The latitude allowed police and other law enforcement agents in carrying out searches and seizures varies considerably from country to country. There is considerable variance in the amount of protection given to the individual rights of the accused person.

Most countries require some type of court-authorized warrant for search and seizure to be lawfully carried out, but there is great variance. In South Africa, for example, police may ignore the need for a warrant if delay would defeat what they were trying to accomplish. In France the police have extensive powers of search and seizure in the case of flagrant offense and when a crime is being committed or has just been committed, but in other instances court authorization is required.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Since that time, judicial attention has frequently focussed on what actually constitutes an unreasonable search and seizure. The unauthorized confiscation of physical evidence (such as guns, drugs, documents, and stolen property), the interception of oral communications by electronic eavesdropping, and matters observed through an unauthorized invasion of privacy are now embraced by the concept of an illegal search and seizure. If a search is made with the consent of the person searched, even though the consent may have been effected by police deception, the search is deemed reasonable. Any search pursuant to a regularly issued search warrant issued by the judiciary is also considered reasonable. Searches that are incidental to a valid arrest and that are deemed reasonable in scope are permitted without a search warrant; a valid arrest is

defined either as one pursuant to a properly issued arrest warrant or as one under circumstances in which the arresting officer actually witnesses the commission of the crime or has probable cause to believe that the person being arrested committed the crime. "Stop and frisk" cases similarly represent an exception to ordinary guarantees. A police officer has the right to detain a person temporarily and conduct a search for weapons on condition that the officer has reasonable grounds to believe that the person is armed and dangerous.

A hunt by law enforcement officials for property or communications believed to be evidence of crime and the act of taking possession of this property. Search and seizure is necessary exercise in the ongoing pursuit of criminals. Searches and seizure used to produce evidence for the prosecution of alleged criminals. The police have the power to search and seize but individuals are protected against arbitrary, unreasonable police intrusions. Freedom from unrestricted search warrants was critical.

A search occurs when a government employee or agent violates a reasonable expectation of privacy. A seizure is the interference with an individual's possessory interest in property. The property's owner must have had a reasonable expectation of privacy in the items seized. A person is seized when law enforcement personnel use physical force to restrain the person if a reasonable person in a similar situation would not feel free to leave.

The prohibition on unreasonable searches and seizures restricts the actions law enforcement personnel may take when performing a criminal investigation; however, the ban also disallows unreasonable searches and seizures in the civil litigation context. Law enforcement may conduct a search only if individualized suspicion motivates the search.

In the case of administrative warrants, the probable cause requirement is not as strict as that required in criminal investigations because privacy interests at stake are not high. Probable cause in administrative searches refers to reasonable cause to search the individual. When public interest justifies search by administrative agency there is probable cause to issue a search warrant.

In certain situations a warrant is not required for search and seizure by administrative agencies. In these situations, obtaining a warrant may not be reasonable. Such situations include:

1. emergencies
2. pervasively regulated activities
3. consent searches
4. searches of open fields

INTERNATIONAL POLICING AND CRIMINAL JUSTICE MONITORING ORGANIZATIONS

1.0. INTERPOL

INTRODUCTION

INTERPOL is the world's largest international police organization, with 187 member countries. It facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat crime. The General Secretariat is located in Lyon, France. INTERPOL operates seven regional offices – in Argentina, Cameroon, Côte d'Ivoire, El Salvador, Kenya, Thailand and Zimbabwe – and a representative office at the United Nations in New York. Each member country maintains a National Central Bureau (NCB) staffed by highly trained law enforcement officers. The NCB is the designated contact point for the General Secretariat, regional offices and other member countries requiring assistance with overseas investigations and the location and apprehension of fugitives.

INTERPOL is the International Criminal Police Organization. INTERPOL is a national network of police agencies, founded in 1923. The idea behind INTERPOL was first discussed during a 1914 international police conference in Monaco. There were 24 countries present. Today, there are 190 different nations linked together through INTERPOL.

The idea of INTERPOL was born in 1914 at the first International Criminal Police Congress, held in Monaco. Officially created in 1923 as the International Criminal Police Commission, the Organization became known as INTERPOL in 1956.

Each of those 190 nations houses a National Central Bureau, which serves as the nation's INTERPOL office and houses a police force. The bureaus are connected to one another through technology and other forms of communication, so that the police forces can work together. In the United States, our National Central Bureau is located in Washington D.C. and is known as INTERPOL Washington. INTERPOL Washington is supervised by the U.S. Department of Justice.

INTERPOL Washington works closely with the other 189 bureaus to solve international crimes. Sometimes crimes cross borders. An accused burglary suspect might flee from Canada to Mexico. An offender might ship stolen goods from Germany to the United States. Or an offender in Russia might be running an international credit fraud operation from his home computer. INTERPOL's purpose is to help countries work together to investigate international crimes and bring offenders to prosecution.